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MICRC

20220609-1000 Meeting

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Rhonda, can you hear us?

- >> COMMISSIONER LANGE: Yes, I can.
- >> MS. SARAH REINHARDT: MC I will let you know when Doug has joined
- >> CHAIR ROTHORN: Thank you.
- >> COMMISSIONER CURRY: Can you all hear me?
- >> CHAIR ROTHORN: Yes, we can, thank you.
- >> COMMISSIONER CURRY: Good morning, everybody.

Hi Steve.

- >> COMMISSIONER SZETELA: Good morning, guys. Sorry I'm a minute late.
- >> CHAIR ROTHORN: Good morning, Rebecca.

We are close to quorum and it keeps jumping around in participants.

Has anybody been able to confirm whether we do have quorum?

- >> MS. SARAH REINHARDT: Doug has just joined. Doug, can you hear us?
- >> COMMISSIONER WEISS: Anthony is on now too it looks like
- >> CHAIR ROTHORN: I'm going to risk it and call us to order.

Good morning.

As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:02 a.m.

This Zoom webinar is being live streamed on YouTube at Michigan Independent Citizens Redistricting Commission YouTube channel.

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI. Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting. Please E-mail us at Redistricting@michigan.gov or for additional details for accessing language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at Michigan.gov.

This meeting is also being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date.

This meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC website along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting

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Michigan.gov/MICRC, this portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, our Executive Director and at WoodsE3@Michigan.gov or 517-331-6309.

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

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

And let us know where you are attending the meeting remotely, please disclose you are attending remotely and as well as your physical location you are attending from.

City County or Township. I will call on Commissioners in alphabetical order starting with Doug Clark.

>> MS. SARAH REINHARDT: Juanita Curry.

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

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Good morning present and remotely attending today from Oakland County Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending remotely from Osceola County.

>> MS. SARAH REINHARDT: Steve Lett?

I think you are muted, Steve.

>> CHAIR ROTHORN: Steve, we couldn't hear you.

>> COMMISSIONER LETT: Present; attending from Grand Traverse, county.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

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

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Present. Attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present, attending remotely from Ludington, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner?

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

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>> MS. SARAH REINHARDT: Richard Weiss?

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

>> MS. SARAH REINHARDT: Dustin Witjes?

>> MS. SARAH REINHARDT: Ten Commissioners are present and there is a quorum.

>> CHAIR ROTHORN: You can view the agenda at www.Michigan.gov/MICRC. And I will now entertain a motion to approve the meeting agenda.

>> COMMISSIONER LETT: So moved.

>> CHAIR ROTHORN: And Commissioner Orton.

Is there any discussion or debate on the motion? Hearing none it's moved and seconded that the agenda be adopted all in favor raise your hand and say aye. Aye.

Opposed raise your hand and say nay.

The ayes have it and the motion is adopted.

Thank you everyone.

Without objection we will begin the public comment pertaining to agenda topics portion of our meeting. Hearing no objection, we will now proceed with the public comment.

Ms. Reinhardt, do we have any public comment today.

>> MS. SARAH REINHARDT: We have one participant who signed up for public comment and that is Mr. James Galant.

>> CHAIR ROTHORN: Thank you.

Individuals who have signed up and indicated that they would like to provide live remote public commentary to the Commission will now be allowed to do so.

I will call on your name and the staff will unmute you. If you are on a computer, you will be prompted by the zoom app to unmute your mic and speak.

If we do not hear from you, we will move on to the next speaker you will have two minutes and please conclude your remarks after two minutes. Mr. James Galant please proceed.

>> This is James Galant, Marquette. These are my opinions and you have not posted any transcripts this year at all.

So please do that.

And also it appears that MICRC has filed false statement with the Michigan Supreme Court. And it looks a lot like elections misinformation by claiming the 2018 constitutional amendment created the MICRC, contradicting case law in the Voters Not Politicians cross complaint determining this is merely a Commission albeit enacted, already contained in the Constitution of 1963, dated in August of 2018.

I spoke with Chief Justice McCormick about our controversies here on the rules on the record, and she looks forward to further review in her Court.

In a nutshell, MICRC did not follow the rules of procedure legitimately approved by the inactive commission on legislative apportionment in 1982 to change your rules in February of 2021. Instead you hired an attorney to provide draft rules of procedure based on Chairman Lett's unilaterally established current practices and their wish list of rules so to speak.

Four months after secretary convened...Secretary Benson convened this mess on September 17, 2020.

The second order of business under Roberts Rules of Order is to positively identify the legitimately rules of procedure. You have done an absolute disservice to the people of the State of Michigan and the people of the country of the United States of America what you are doing here. You are trying to change the rules and reboot the system. Problem is you have to follow the rules to change the rules. That is the controversy here and...

>> CHAIR ROTHORN: Thank you for addressing the Commission, Mr. Gallant.

>> Hello, good luck with that and two minutes, cool.

>> CHAIR ROTHORN: I apologize. Please continue.

>> Thank you for the extra time, Mr. Chair. Now, what I'd like to say is that the justices were not happy at the administrative hearing the other day that I testified at. And they, you know, didn't have any questions. But, you know, I only get three minutes there and less here. So it's kind of unreasonable to actually get the opinions of people and actually be able to ascertain what they are talking about and how it works.

>> CHAIR ROTHORN: Thank you for those comments.

That concludes our public comment. However, I would like to mention that all e-mailed and mailed public comments are provided to the Commission before each meeting. Commissioners are also regularly review the public comment portal on our www.Michigan.gov/MICRC website. We appreciate everyone who offers public comment in whatever way you choose and invite you to keep sharing your thoughts especially if you would like to share ways the MICRC process or procedures have been good or could be more effective.

Next, we will move to item five unfinished business.

The dormancy discussion I will ask David Fink our local counsel to present this item. Hearing no objection Mr. Fink I see you and please proceed.

>> Mr. Fink: Thank you, appreciate the opportunity to speak to the Commission on a subject of significant concern and of importance to the Commission going forward. As an attorney, sometimes our job is to provide information and to interpret laws that we may not 100% agree with.

And this is one of those unusual situations where the policy implications of the law as we are about to describe it and discuss it may not completely comfort with the views of all the Commissions and quite frankly may not completely comport with my personal views of how it would be best for the Commission to go forward.

But the Constitution is actually quite clear on certain things.

And that's what we have to present today to the Commission.

So the first issue is for the overriding issue is what happens when the terms of the Commissioners expire before a new group of Commissioners moves forward with essentially the next Commission after the next census.

The Constitution is clear that the terms of Commissioners shall expire once the Commission has completed its obligation for a census cycle but not before any judicial review of the redistricting plan is complete

So as you all know, pardon me as you all know while you have completed a redistricting plan, the judicial review of that plan is not yet complete.

There are pending lawsuits.

And until all litigation that is pending is complete, you continue to serve as Commissioners.

However, Constitution is clear from our review that once that litigation is completed all Commissioners, current Commissioners' terms will expire.

In the law there is one word that we come to appreciate differently than we do in the ordinary conversation of the day.

It's not unusual for someone to say shall we do this or shall we do that, suggesting that it's an option.

But the word shall when it is in a constitutional provision or a statutory provision is universally interpreted by courts as absolutely mandatory.

And so the language in the amendment as adopted and so it's in the Constitution provides that the terms of Commissioners shall expire after the work is completed but not before judicial review is complete.

So when judicial review is complete, your terms are over.

So that's what creates what's often referred to the dormancy question because the Commission also has the responsibility, the duty to defend any future litigation.

So how does the Commission defend that future litigation, if there is future litigation? If there are future lawsuits, how does the Commission defend those lawsuits after the Commissioners are no longer serving? The Commission does not expire.

The terms of the Commissioners expire

So we have in the memo that we provided suggested an approach and some alternatives.

I know you have all had an opportunity briefly to review that memo.

And I'm available to answer questions about it.

I will point out a couple of highlights.

One is that the secretary of the Commission the Secretary of State can be directed by the Commission to undertake tasks.

That's explicitly addressed in the Constitution.

And that the Commission can, while you are all still Commissioners, the Commission can direct the Secretary of State to undertake steps including the defense of future litigation.

Similarly, the Commission, while you are Commissioners can retain professionals, both experts and attorneys, to provide the defense of any future litigation.

Now, there is we don't know there will be future litigation.

Historically, however, there had been circumstances in which challenges to redistricting plans don't occur until well in the future, until after elections, not necessarily the first election that comes after the plans.

It can be two or three election cycles later.

So as we've explained in our memo, there are a couple of options.

And things frankly the Commissioners I think would want to do.

And that is to preserve the ability for your plan to be defended going forward by authorizing the Secretary of State to undertake certain steps and by retaining in any manner that you want to do that professionals to provide continuity of representation and to defend the plan

Now in our conclusion which I hope you have all seen and Mr. Chairman I will finish one thought and I will be happy to take any question at all, comment.

I just wanted to say quickly in our conclusion we point out because I think it's only fair to be candid about this, we point out there are serious policy concerns with the recommendations that we are making.

A new set of Commissioners may not have the same motivation that this group of Commissioners has.

Certainly doesn't have the same historical knowledge.

Certainly doesn't have, can't possibly appreciate every step that you have taken and have the institutional knowledge that you've all created over the course of the very hard work and diligent work you have done.

The problem that we have as your lawyers is we have to take the Constitution as its written so we are telling you what the Constitution says and I'm being very candid.

We have been candid about significant policy concerns with taking the actions that we think you should take.

And, yes, and I apologize for not immediately taking the question from the Chair.

>> CHAIR ROTHORN: That is okay and thank you and I do see that Rebecca or Chairman Szetela has her hand up and want to acknowledge chairman Kellom but Commissioner Kellom joined us I believe at 10:17 if I wrote it down correctly so I wanted to acknowledge that and I can take questions that Mr. Fink asked for.

>> MS. SARAH REINHARDT: I would ask Commissioner Kellom where you are joining remotely from

>> COMMISSIONER KELLOM: Hello everybody attending remotely from Detroit, Michigan, excuse being off camera I'm having some connectivity laptop issues this morning.

>> CHAIR ROTHORN: Thank you for joining us.

>> COMMISSIONER KELLOM: Of course.

>> CHAIR ROTHORN: Thank you Ms. Reinhardt I forgot about the place and Commissioner Szetela you had a hand then Commissioner Eid.

>> COMMISSIONER SZETELA: It seems like the entire crux of your memo is based on this interpretation with respect to the phrase any judicial review.

And you're interpreting that to mean pending judicial review so where in the Constitution does it say any judicial review actually means pending judicial review? Because I don't see it .

>> Mr. Fink: I appreciate the question and it's something that we did consider. The sentence that the Commissioners' terms expire, shall expire, not before any judicial review is complete clearly implies that there has to be some time when it can be complete.

So this would be completely superfluous text if, in fact, we accept and I understand the perspective that a lawsuit could be filed next week.

A lawsuit could be filed two years from now.

A lawsuit could be filed in 2029.

So judicial review is not complete.

We've talk about that.

And thought about that.

But if that were the case, this text would have no meaning because there would be no way that judicial review could ever be complete.

So we infer from the language when it says but not before any judicial review of the judicial plan is complete.

We infer from that language that there is a time it can be complete.

And in that context the only time we see that it can be complete is when pending cases are dismissed.

I understand I completely understand that it creates some messy circumstances but that is the answer to your question.

>> COMMISSIONER SZETELA: So the answer to my question it does not there is no temporal in the language but you indicate in other places the drafters could have indicated temporal actions on the terms which you consider to be evidence one way but yet in this context you're interpreting it a different way.

I think what is important for us Commissioners to understand is that the language is any judicial review and no temporal limitation and they could have put one in but the entire structure of the memo is based only your interpretation that any actually means pending and therefore everything it derives from that initial point that you've concluded which

again is as you mentioned in the memo it's subject to reasonable interpretation we can take a different interpretation and say any means any litigation.

And that term will end when the census or take your interpretation any actually means pending.

>> Mr. Fink: I want to make sure the other Commissioners understand when you say temporal limitations.

The Constitution is interpreted when you are dealing with matters that are voted on by the people at large.

The Supreme Court has always interpreted that to be based upon with a common understanding what the voter would have had at the time.

Along with other issues such as that there would be no superfluous language.

The voters at the time in reviewing this theoretically would have the ability to be aware of the redistricting provisions followed in other state constitutions and in other state referendum in other states.

Other states who looked at this question have put as Commissioner indicates clear temporal limitations.

That is they have said that the Commissioners' term expires when a new Commissioner, when a new set of Commissioners are put in place.

And so in those circumstances generally you're talking about a ten-year term essentially because you have a term between now and when the next census leads to the next redistricting.

But what we are saying here is the language standing alone would make no sense to say but not before any judicial review of the redistricting plan is complete unless there is a time that that judicial review of the redistricting plan could be complete.

So we can't think of any logical interpretation other than that it is complete when any pending case is concluded.

>> COMMISSIONER SZETELA: To be clear that is not language in the Constitution that is your interpretation of the language in the Constitution.

I just want to make that distinction clear that it's your interpretation of what you think that meaning is from the language that was drafted.

It does not state in there pending litigation, pending judicial review.

>> Mr. Fink: Yes, that is our interpretation of constitutional construction that we understand and believe to be the case but you are absolutely right.

It doesn't say in precise words, it does not say that before any judicial review is complete even if a new lawsuit could be filed at another time.

You know it does not have that additional language.

It could have made it.

I will say unequivocally it could have been written more clearly.

>> COMMISSIONER SZETELA: I will agree with you on that.

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>> CHAIR ROTHORN: Thank you Commissioner Szetela do you have another question?

>> COMMISSIONER SZETELA: I do have another question.
I do have another question.

So there is language in the Constitution relating to vacation of the office.

So when a Commissioner's office is vacated and it lists very specific conditions when that can occur.

So it's death or mental incapacity.

It's resignation disqualification for election appointment under Article 11, Section 8 ceases to be qualified under Section one or fellow Commissioners find there has been some substantial neglect of duty gross misconduct or inability and defines very specific circumstances where an office is vacated and where the secretary has the ability to replace Commissioners.

However, I feel like the memo sort of conflates the concept of vacated office versus a term that is expired.

And it seems like you're reading into the Constitution this concept that vacation Section could be read to replace Commissioners terms to expire but I don't see anywhere in the Constitution itself where there is a mechanism for if Commissioners terms expire to replace the Commissioner with a new slate of Commissioners and defending the plan is one of our constitutional obligations and we have to do it.

So where are we getting this concept from that Section relating to vacation of office is also going to expressly apply to expiration of terms when the terms themselves are very specifically delineated as what it means to vacate an office.

I feel there is a bit of conflating and reading in language that just isn't there.

That we are adding language to the Constitution.

If we are going to take this interpretation that vacation of office means the same thing as expiration of term and that the Secretary of State can put in a new slate of Commissioners.

>> Mr. Fink: You raise a very good point.
And certainly one that we looked at.

There is for explicit language in the Constitution that says that upon the expiration of the term that the Secretary of State is authorized to appoint someone and it would be at a later time and at a later time when it's necessary to convene a Commission how is that Commission convened.

Now, when you look at all the different possibilities under sub section three that you refer to, it does include the Commissioners ceases to be qualified to serve as a Commissioner under part one of the Section.

It isn't 100% clear because it doesn't say retirement.

Or expiration of term.

But it would appear if one had to determine how someone is going to be, how a new Commission is going to be selected that the Commissioners are no longer qualified to serve and as such it seems to make sense that this is the authority.

Now stated another way there's no place in the Constitution that explains away to select a Commissioner other than the process of the Secretary of State selecting the Commissioner.

So we did not feel and don't feel that it's by the way is my screen flashing or is that only for me? Okay, I have no idea what is causing that.

>> CHAIR ROTHORN: We can hear your audio.

>> COMMISSIONER SZETELA: We can hear you fine it's just flashing but it's audible.

>> COMMISSIONER LETT: It's your wonderful personality.

>> Mr. Fink: I mean this sincerely if anybody watching has migraines, I hope they will turn my flashing off because I can see that being a trigger.

It's very strange for me to watch it.

I do have a trigger by flashing so I'm trying not to watch myself.

In any event to go back to the question and I apologize.

We don't see another mechanism for reconvening a Commission.

This is the closest we come to one.

But Commissioner Szetela, I cannot disagree that there is a certain draft there because it does not say and upon expiration of a term, that is another way, another basis for the secretary of place replacing somebody.

So the only way I can accept it and did because I really struggled with this issue.

We talked it through.

Is subsection D that the Commissioner ceases to be qualified to serve as a Commissioner under part one of the Section and certainly Commissioners if I'm reading the Constitution correctly do cease to be qualified to serve as Commissioners.

>> COMMISSIONER SZETELA: And then I would just add that I know we all got this late last night it was seven:30 in the evening so I barely had time to review it.

So those are just my thoughts on a quick review but I certainly am probably going to review it again and I probably will have more thoughts but those were kind of the big sort of glaring things that jumped out to me.

That's all I have.

Thank you very much.

>> Mr. Fink: If I may let me just comment on the appropriate last comment that the Commissioner made and that is this isn't something that has to be resolved today.

This is an ongoing discussion which we expect to go for a while.

We felt it was appropriate to come to the Commission and explain our perspective and to start this dialog.

I do hope that the Commissioners will all take a longer opportunity after now to read the memo.

It's -- and to share your other thoughts because this is an issue of significant concern going forward.

We want to make sure you are comfortable you are doing the right thing.

>> CHAIR ROTHORN: Thank you Mr. Fink, Commissioner Eid?

>> COMMISSIONER EID: Hello everybody good morning Mr. Fink and there Fink it's a pleasure to have you guys here and I always learn something and like to say good morning to our translator and sign language interpreters.

I'm looking at you Bethany and really making you work today so thank you for that

So you have here on Page two of the memo in the middle that alternatively an argument can be made that any judicial review includes lawsuits not yet filed but may be filed in the future.

Similarly to what was done in the last cycle.

Now I'm not a lawyer.

So when I you know review memos like this, I look at it as somebody who voted for proposal two back in 2018 and I try to think about you know what would the majority of people in Michigan think is the most reasonable way to move forward.

And you know as you said the policy challenges that your conclusion comes up with there is a ton of them and I would not consider them reasonable.

I mean to have our terms expire and then have a new slate of Commissioners come in not to draw maps but just to defend the maps that we drew and you have here there is no way to know if they would do that, there is no way to know if they want to do that.

They could come in and fire you guys at you know and decide not to do anything.

If they wanted to.

And I do not think that is reasonable or what the people of Michigan wanted when they voted for this amendment.

I guess what I'm saying I understand this is your legal conclusion and I understand you are telling us this but in your legal opinion as lawyers.

But if this Commission decides to go another route and take that alternative suggestion you have on Page two that any judicial review includes future lawsuits would that be something that you guys are able to defend?

>> Mr. Fink: I missed the last word able to?

>> COMMISSIONER EID: Is that something you guys would be able to defend in Court if that is the decision of this Commission comes up with?

>> CHAIR ROTHORN: Go ahead, Mr. Fink.

>> Mr. Fink: I'm struggling with the question because it is certainly something we would defend.

But would be able to defend implies that we understandably is asking would we win. And I think a Court is going to interpret it.

I am my advice to you which is public right now because of the unusual circumstance that we are in, my advice to you is I think a Court would say what we said here. But the Supreme Court of the State of Michigan is empowered with a tremendous authority, direct authority explicitly in the Constitution with respect to this Commission. And if the Supreme Court made a determination based on the policy implications and suggested for example well this may be how it reads but we could see another interpretation I'm not saying we could not prevail we could prevail.

This is a tough question I want to ask permission to do something if I could if I could have 30 seconds I have a solution to this horrible flashing, when I say horrible flashing I did not mean that in inappropriate way but if I think what I want to do is I've got a laptop I can load and if I can have 30 seconds I can load that laptop and then we can stop watching my face coming on-and-off.

>> COMMISSIONER SZETELA: Can you just turn your camera off and have it that way?

>> Mr. Fink: I get that request all the time.

>> CHAIR ROTHORN: That is an immediate solution and I hate to take a break and this is the largest thing on the agenda and if you are able, I think we've Commissioner Eid did you get the response you were looking for your question from Mr. Fink?

>> COMMISSIONER EID: I'm not assuming we win and none of us can tell the future here but just wondering if it's sorry did someone come in.

>> CHAIR ROTHORN: Ms. Reinhardt.

>> MS. SARAH REINHARDT: I apologize for the interruption Commissioner Wagner stepped away and will be back in about a minute so I wanted to let you know that in case that coincides with any break or any break that Mr. Fink takes.

>> CHAIR ROTHORN: Mr. Eid you can continue.

>> COMMISSIONER EID: Wonder if it's defensible given the language in the Constitution and we have seen a bunch of things by now maybe it could have been written a little differently or more specifically on certain topics but I think we will is to keep in mind it was a citizens initiative from the beginning and you know we are the first Commission and improvements are you know to be made in the future. And maybe this is an improvement we could add going forward report. Or maybe, you know, taking this issue to Court and figuring out what the Supreme Court says for the future might be the best way to do this.

I'm not sure.

But I certainly appreciate the memo.

>> Mr. Fink: To answer more directly we have a duty to defend the Commission. And the Commission is entitled to a defense as even when you don't agree with us. And if clients often do exactly what their lawyer recommends but the lawyer still defends what they do.

And I'm not at all uncomfortable.

This is not something in which I believe that a disagreement here is -- rises to a level at which ethically we could not defend you because you're doing something so outside the scope of your authority or the Constitution.

This is a tough question.

It's a very tough question.

And reasonable minds can differ.

We would defend.

>> CHAIR ROTHORN: Thank you Mr. Fink and before we go to Commissioner Lett, I want to acknowledge I believe we do have Commissioner Doug I can't remember Clark.

[Laughter]

Who has joined us Doug are you able to tell us where you are joining us from?

>> COMMISSIONER CLARK:

>> MS. SARAH REINHARDT: Commissioner Clark if you can hear us, you are unmuted.

You can go ahead and let us know where you are attending remotely from.

Seems like we may be having some technical difficulties I will check in with Doug and we can return to him at a later time.

>> CHAIR ROTHORN: Thank you Ms. Reinhardt Commissioner Lett?

>> COMMISSIONER LETT: Thank you, MC.

Just so we know, as my position as liaison with the attorneys, Nate and David and I as well as Edward have talked at length regarding this question.

And I certainly agree with Rebecca, we need to have an opportunity to digest this memo and come back and speak to it further.

So in reality we are simply receiving this today as information to be able to discuss it further.

Also, two of the cases that are in Federal Court, one of which we referred to as AG and the other one is Nate help me out with the other one.

>> Nate Fink: Banarian.

>> COMMISSIONER LETT: Is probably not going to be decided any time soon.

And by soon it could be, you know, a couple of years so this question is not the most pressing question that we have to consider.

Welcome back, David.

The -- one of the things also to consider when you're reading through this and certainly in my very brief scanning of it, I have not had a time to read through it Page by Page, but keep in mind that, you know, this question comes before a Court or any question comes before say the Supreme Court of Michigan or the Supreme Court of the United States you will see a lot of law that says this is the law of the land that was and it was decided on a five to four vote or four to three vote.

So don't get all excited about well this is what it's got to be.

I think David has made it very clear that there is more than one option here. And whichever way we decide to go as a Commission David has already said that he would be able certainly to represent us based upon his review already of what's there. Just as kind of expedient I've expressed at least what I believe a number of Commissioners do not necessarily agree that we just disappear and go out of business. Doug, is Doug on the line, Sarah?

>> MS. SARAH REINHARDT: It appears that his phone is dialed in. But I'm unsure if he is currently able to or if he is at his phone. Doug, if you can hear us are you able to speak to us? Yeah, it seems like he may have stepped away from his phone.

>> COMMISSIONER LETT: Doug and I have talked, just the two of us so we did not have a quorum on this and we prepared, he has prepared and I've reviewed and I've provided it to our attorneys. And I'm going to circulate it after the meeting, I will send it to Edward for him to circulate to everybody and post it on the website what Doug and I at least, what Doug has come up with and what I agree with and I think what we have discussed previously as the way we kind of see it going in.

That will give us an opportunity to compare and contrast where we are at. And I will say just in my brief review of David and Nate's memo that there are some things that are in both of them. There are questions that are addressed in both of them. And it's going to come down I think to a position that we are going to take of here is what we think we should do.

And but we don't have to do that today. In my opinion unless MC chooses to bring it up. But you know we are receiving a report. We take a look at it over the next really the next several months. And eventually we will have to decide what to do. Thank you.

I appreciate your consideration of my lengthy winded statement.

>> CHAIR ROTHORN: Review is appreciated, liaison Lett. Back to Commissioner Eid.

>> COMMISSIONER EID: Did I hear you or did you say years for the current lawsuit? You really think it's going to take that long for the current litigation that's already filed? Not future ones just the ones already.

>> COMMISSIONER LETT: Right David, Nate and I discussed some of that. And certainly Rebecca would know too you get in Federal Court, Federal courts are going to take whatever time Federal courts want to take and two years certainly is not unheard of.

You are looking at I'll give you an example you're looking at the Mississippi abortion case that was filed in 2018.

Four years ago.

To get to the Supreme Court.

So I mean they don't get in a hurry.

And they have already turned down the request for an injunction.

I think if there was one asked for, David, I don't know that all of those two cases asked for injunctions.

>> Mr. Fink: Recent case did not request an injunction and let me be clear about something it's possible the case gets dismissed sooner and certainly we haven't filed yet in the more recent case.

We have not even filed a response.

And so I don't want to say too much because everything we say is public.

It is realistic to believe litigation can last a couple of years and possible it's done in six months but either way it's not going to be done in six weeks there is nothing that can make it get done in six weeks, nothing.

So and I also want to say one other thing.

I did not comment on this before and I think I should have.

Commissioner Lett serving as liaison has been extremely helpful and valuable from our perspective.

We didn't know how that would work when that began.

But serving now in part now in our role as limited General Counsel but also Michigan counsel, having the opportunity to speak both with Edward and with Commissioner Lett has been extremely valuable.

And I think has improved our ability to provide meaningful legal advice to the Commission.

And I'm not just if you knew me better, I don't waste time with pointless compliments. He really has been, it's been very helpful for us.

>> CHAIR ROTHORN: Thank you Mr. Fink and I will acknowledge Commissioner Eid your hand is down so I assume you are done with your comment.

It's a discussion and has been summarized already right where yeah, I think we all so we appreciate getting our feet wet and a lot of great questions raised.

Are there any other questions before we move to unfinished agenda? We don't need a motion.

We don't need to take action.

As has been said time, you know, we have hard decision to make.

But it does not have to be today and it doesn't have to be next month.

Any other questions? All right seeing none, next on our agenda is unfinished business item 5B House appropriations on general Government without objection I will ask Mr. Woods to present this item.

Hearing no objection please proceed Mr. Woods.

>> Mr. Woods: Are you able to see my screen and if you can nod your head that would be helpful thank you so much.

We submitted a budget 2.2 million and the state budget 2.2 million submitted June one to the appropriations Chair and provided a note an updated note to the House appropriation and have had no feedback since May 23 and we really need the funds released by the end of the month in order to meet our obligations.

We are currently holding up one bill which is close to a half a million dollars for our litigation counsel and what I'm trying to do for forecasting purposes is I'm inquiring regarding the total spend on legal fees for 2010 redistricting cycle for budgetary purposes.

Some was appropriated as general attorney fees and some given to the Secretary of State to defend the maps from the 2010 election cycle which would be approximately ten years.

But however given the actual amount that was actually spent has been like playing hide and go seek and very elusive in terms of how much money so hopefully we can get that number and moving forward we would know how to budget and we did not have and most of that was the only one covering the maps and voting rights counsel and our mapping consultant so just trying to get that information to see that with regard to what we are spending on legal fees and being fiscally responsible so knowing that our funds are low and that we need to have the funds released we followed the process as outlined in the Constitution to request the funds.

There is a legal standing with regard to the funds so what I'm requesting or recommending is authorizing the me myself to take the necessary action to secure the funds by the end of the month or if there is a better way of wording that I will defer to our Commissioner Lett or Commissioner Szetela our legal with regards to that.

But just want to make sure everyone is aware of what is going on.

You have seen the information that it went to this subcommittee, House appropriations subcommittee on general Government like I said once again we have about a half a million bill that we are holding from Baker or I will say our general I should say our litigation counsel and we just need these funds released as soon as possible.

The administration has already sent a supplemental request over a week ago and needs action to be taken and the reason why there is a concern they are usually going on holiday break for the 4th of July knowing this is an election year I'm not sure when they will return and we just need to move forward.

>> CHAIR ROTHORN: Thank you Mr. Woods.

Commissioner Szetela?

>> COMMISSIONER SZETELA: I would like to make a motion to empower our Executive Director to take whatever steps are needed to attempt to release the funds by the end of this month.

>> COMMISSIONER LETT: Second.

>> CHAIR ROTHORN: Excellent I heard Commissioner Lett and saw Mr. Weiss but that was Commissioner Szetela made the motion to empower our Executive Director to make whatever actions are necessary to secure those funds.

There was a second.

Is there any discussion on the motion? I don't see any and I don't see any hands in the chat so I'm going to call all in favor of the motion to empower our Executive Director to take whatever action is required to secure the funds for this to get the supplemental raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

>> MS. SARAH REINHARDT: Commissioner Wagner could you clarify your vote?

>> COMMISSIONER WAGNER: I said aye.

>> MS. SARAH REINHARDT: Thank you and Commissioner Lange could you clarify your vote audibly, please?

>> COMMISSIONER LANGE: Aye.

>> MS. SARAH REINHARDT: And Commissioner Clark if you joined us could you also clarify your vote?

>> COMMISSIONER CLARK: Yes.

>> MS. SARAH REINHARDT: Thank you Commissioner Clark could you also share where you are joining remotely from?

>> COMMISSIONER CLARK: I'm joining remotely from new port beach, California.

>> MS. SARAH REINHARDT: Thank you.

>> CHAIR ROTHORN: Nice to have you here Commissioner Clark.

>> COMMISSIONER CLARK: Thank you.

>> CHAIR ROTHORN: And thank you for everyone so we do have the motion passes and thank you everybody.

Excuse me Mr. Woods, thank you for that and, yeah, we will move on to the new business next on our agenda is new business item 6A the fiscal year budget update.

Without objection please present that to us Mr. Woods.

Seeing no objection and hear none please proceed.

>> Mr. Woods: You can see my screen just nod your head and say yes perfect as I mentioned earlier, we owe the litigation counsel approximately 500,000 want to be clear in terms of what we owe.

We are waiting for a contractor to resolve their issue with treasury.

We've had a contractor that had some tax issues.

They need to kind of get it resolved with treasury before we do any additional payments to them because the money was intercepted by treasury and did not go directly to the contractor.

So waiting to receive that.

And we are expecting to see May's financials this week so we don't have any new financial information to present but just kind of give you an idea of where we are right now with regards to the budget update are there any questions that I can take any questions at this time.

>> CHAIR ROTHORN: Just confirming we have basically the end of April what you are presenting the end of April.

>> Mr. Woods: I presented at the last meeting and waiting for May.

The books close earlier this week so it's a timing issue for them to close the books and provide the report to us and I should have it later this week.

The books closed I believe Tuesday.

>> CHAIR ROTHORN: Very good.

>> Mr. Woods: For May.

>> CHAIR ROTHORN: Any questions for Mr. Woods? All right seeing and hearing none do we need a -- we don't need to make any action?

>> Mr. Woods: Information item.

>> CHAIR ROTHORN: Very good, all right then we are moving on to new business item 6B, the attendance report.

I believe you were just looking for feedback.

Hello.

>> Mr. Woods: Can you hear me?

>> CHAIR ROTHORN: We can.

We should wait.

>> Mr. Woods: To me or someone else.

>> CHAIR ROTHORN: Looks like there is an interpreter or another participant who is on my screen.

I can't see the rest, I see your screen Director Woods but I don't see the other participants.

One minute.

>> MS. SARAH REINHARDT: You may need to switch.

>> CHAIR ROTHORN: I'm back it just switched for me very good.

So we are 6B Commissioner attendance report please proceed Director Woods.

>> Mr. Woods: We have a Commissioner attendance report and I do want to share and this is very good about being open and transparent with regard to its business and the Commission had 93% attendance rate as a group which I think is significant.

The Commission has met actually for more than 35,000 minutes when we add in the minutes from the May 12th meeting and that does include breaks.

So I want you to know more than 35,000 minutes, you know, in terms of work.

But what it does not include is travel and preparation time for meetings.

As you know when we had travel, that was time for meetings and preparation in terms of reviewing meeting materials, drawing maps to present you know, there was a lot of

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different things that took place that we are not able to document and furthermore does not include promoting or presenting at events or the travel time for those events so I just really want to give a shout out to the Commission with regards to an excellent rate as a group.

We did have one Commissioner who is asking for us to do a review and we are doing a review to ensure accuracy with regards to the attendance.

But just wanted to share these results because we have been working on this.

And just applaud the Commission for an outstanding attendance rate.

The dedication but also letting people know what is not included as relates to the time that has been invested by this Commission to ensure fair maps with citizen input.

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

>> CHAIR ROTHORN: Thank you Director Woods it sounds like we have a further review happening so we will expect to see this agenda item in a future meeting.

>> MR. EDWARD WOODS: Correct.

>> CHAIR ROTHORN: I do not see any hands or anyone who is visibly present in the chat so I believe we are okay on this item.

Thank you, Director Woods.

So without objection, we will move on to the next item on our agenda which is 6C the Juneteenth holiday Mr. Woods will you please present? I do not see any objection so please go ahead.

>> MR. EDWARD WOODS: Thank you let me share my screen again.

All right are you able to see my screen? Great celebrate the date when slavery ended in America Galveston on June 19, 1965, became a Federal holiday in 2021 it was added to the state holiday schedule for this fiscal year.

As many of you know the June the state holiday schedule was adopted in the Commission in August particular it says holiday the employee should have the state observed holiday society forth and legal holiday public act 1865, MCL 435.101 off with pay and does not modify the rate of pay as set forth in the contract and all state observed holiday can paid time off should be set forth in state law.

When we did the information last year, the Juneteenth holiday although it follows the public act of 1241865 it was not listed as an approved holiday in our contract or I should say schedule and so just wanted to make note of that just for clarity purposes.

With regards to this discrepancy.

And the recommendation would be to authorize the Juneteenth holiday and the schedule in terms of when it's set by the state as Monday, June 20th.

That's it.

>> CHAIR ROTHORN: All right.

>> MR. EDWARD WOODS: We need a motion for that.

>> COMMISSIONER LETT: So moved.

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>> CHAIR ROTHORN: Motion and a second, motion by Commissioner Lett and seconded by Commissioner Szetela to move that the holiday Juneteenth be observed on our end and added to the I guess it's the policy that you just showed us, Director Woods.

That was the motion, correct? Commissioner Lett?

>> COMMISSIONER LETT: Well I think from Director Woods' comments it would go into his contract quite frankly I don't know that it needs to be there since it's state law. But we can put it in the contract, put it in the policy either way I guess the policy would cover everybody that comes in so we will make a motion to include it in our policy.

>> CHAIR ROTHORN: And Commissioner Szetela that is what you are seconding very good so we are putting it into the policy.

Any discussion on the motion? Seeing a nodding head and thank you Commissioner Orton, all in favor of approving this and change to the policies raise your hand and say aye.

Aye.

All opposed and we are going to get verbals but all opposed say nay.

So I saw hands but I don't think we have Commissioner Clark or Commissioner.

>> MS. SARAH REINHARDT: Lange.

>> CHAIR ROTHORN: Can we have verbals from Commissioner Clark and Commissioner Lange, please.

>> COMMISSIONER CLARK: This is Commissioner Clark, yes.

>> COMMISSIONER LANGE: Aye.

>> CHAIR ROTHORN: Unanimous the motion passes and thank you.

Unanimous approval I should say.

All right, we are through with our new business thank you we are moving on to item seven the approval of minutes from the May 12th meeting.

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

Are there any edits to these minutes? Seeing none, may I have a motion to approve the meeting minutes of May 12? I heard Commissioner Lett I believe and I saw Commissioner Weiss with a second.

Very good.

All in favor raise your hand and say aye.

Aye.

All opposed? Thank you for that verbal comment, Commissioner Lange.

All opposed raise your hand and say nay.

Commissioner Clark can we get your verbal acknowledgment, please?

>> COMMISSIONER CLARK: Yes.

>> CHAIR ROTHORN: Thank you.

The ayes prevail and the minutes are approved.

There is a staff report today.

So we are moving on to item eight without objection I will ask Executive Director Woods to provide his report.

Seeing no objection please proceed, Director Woods.

>> MR. EDWARD WOODS: Thank you I'm assuming you can see my screen.

>> CHAIR ROTHORN: Affirmative.

>> MR. EDWARD WOODS: Thank you.

Just want to do some highlights lessons learned report and videos wrapping up they have a draft of the report and a segment of the video but it's still being worked on.

We will be releasing today the mapping public portal comments.

Public comment portal from the mapping document that the Commission considered when it was drawing maps.

So everyone will be able to see the comments that were provided.

I know Commissioner Vallette is going to talk about later but just want you to know the audit engagement letter as well as the governance came out right before our meeting started about a half an hour from the meeting from the OAG and if you have not seen it, please take a look in your e-mail.

The audit engagement and governance letter were two separate e-mails that came out about 30 minutes before our meeting started this morning.

Then we had the campaign legal center Casey Atkins did a report that is out came out about a week and a half ago with regards to the campaign legal center and information with regards to the Commission and it did a comparison between the Michigan independent citizens Redistricting Commission as to how redistricting is done in Wisconsin.

So I would encourage you to take a look at that.

We will put it on our social media and reference that later today.

I want to thank Commissioner MC Rothorn.

He did a presentation to the Grand Ledge public schools distance learning project.

And then what I really want to talk about is the meeting schedule in terms of what we are having.

Meeting schedule as we've gone through the course of the audit and Commissioner Vallette can attest and we shared it with you, we noticed our costs as relates to the Commission but MDOS Michigan Department of State also has a cost when it comes to meetings.

And we want to be sensitive to that cost.

And the cost just from January to March 31 of this year the first quarter just foretell communications and broadband services and other purchased services such as audio recording closed captioning interpreter translation and video services is well over \$50,000, well over \$50,000 so we really want to be judicious with our time.

But also responsible with our time as relates to efficiencies.

And so last month as you know we put in the cancellation policy with regards to cancelling meetings if we do not need them.

To be respectful of that.

As well because taxpayers' money whether it's MICRC or MDOS is still the taxpayers' money with regards to that.

So if there is not anything pending you know I think we should look at possibly cancelling our meeting on June 23 and that can be something discussed later but from my vantage point I don't see anything that necessitates a meeting and there is no we can talk about the dormancy discussion with regards to July.

This fits well within our rules and procedures and that our rules and procedures only requires us to meet at least once a month and so that is something that could take place as well.

>> CHAIR ROTHORN: Thank you, Director Woods. I do see Sarah Reinhardt.

>> MS. SARAH REINHARDT: Yes, thank you, Mr. Chair.

And thank you, Executive Director Woods.

I just wanted to note that if the Commission does decide to take action and meeting cancellations for the remainder of June our office has an event that we are going to be hosting on July 14th, which is I believe that would be the second Thursday in July and there would be a meeting planned for that.

I just wanted to bring to the attention to the Commission our office will not be able to facilitate a meeting on that day because of the event that is planned and I want you to be aware of that as you are discussing scheduling future meetings thank you.

>> CHAIR ROTHORN: Thank you.

>> MR. EDWARD WOODS: In light of that Commissioner Rothorn Ms. Reinhardt is July 21st a possibility?

>> MS. SARAH REINHARDT: Yes.

>> MR. EDWARD WOODS: Okay I don't want to throw something out there and that might just be our full meeting for the month of July as a whole.

But that just kind of gives us some time just in case something pops up.

>> CHAIR ROTHORN: Thank you Director Woods are there any questions?

Ms. Reinhardt is your hand still raised because you have something else.

>> MS. SARAH REINHARDT: No, sorry.

>> COMMISSIONER LANGE: Commissioner Rothorn?

>> CHAIR ROTHORN: Yes please.

>> COMMISSIONER LANGE: I have a question if we can make some decisions at this meeting so I can schedule my schedule accordingly and not last-minute.

>> CHAIR ROTHORN: Regarding our schedule.

>> COMMISSIONER LANGE: Yes, please.

>> CHAIR ROTHORN: Very good, yes, we absolutely Commissioner Lange. Commissioner Lett?

>> COMMISSIONER LETT: I take it I guess it's my question if something should come up or a pressing nature, emergency nature we could reschedule or could schedule let's put it that way a meeting if necessary.

>> CHAIR ROTHORN: I believe that is true.

>> MR. EDWARD WOODS: We have a provision in rules of procedures for a special meeting.

>> CHAIR ROTHORN: Okay and to respect Commissioner Lange's request, Mr. Woods, are we finished with your report and are there I would like to move to the scheduling part of your report unless there are other questions or questions on other parts of your report.

>> MR. EDWARD WOODS: I'm just saying in light of the response from Ms. Reinhardt, I would like to make a suggestion or recommendation that we look to moving our meeting in July to July 21 and that would be the only meeting that would take place in July would be Thursday, July 21.

A virtual meeting starting at 10:00 a.m. and that would mean the meeting for the 14th as well as the meeting for the 28th would both be cancelled.

>> CHAIR ROTHORN: Commissioner Szetela?

>> COMMISSIONER SZETELA: Are we also going to cancel now the meeting on June 23?

>> MR. EDWARD WOODS: Yes

>> COMMISSIONER SZETELA: Okay so then I would make a motion to cancel our meeting on June 23.

On July, oh, Lord, July 14 and July 28 and then schedule a meeting virtual 10:00 normal time on July 21 at 10:00 a.m.

>> Second.

>> CHAIR ROTHORN: I see multiple seconds and I will take that from Commissioner or ton the first was by Commissioner Szetela so we are cancelling the meetings as stated and adding the one as stated and it has been seconded by Commissioner Orton.

Commissioner Lange you requested this.

Does that work for you? Is this what you needed?

>> COMMISSIONER LANGE: Yes, that will work perfectly, thank you.

>> CHAIR ROTHORN: Oh, great so thank you any discussion on the motion? Commissioner Eid?

>> COMMISSIONER EID: Just that can you guys hear me.

>> CHAIR ROTHORN: Not very well there was feedback.

>> COMMISSIONER EID: One second, I was just going to say we have a primary election in Michigan on July second so if we have a meeting.

>> August second

>> COMMISSIONER SZETELA: August second.

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>> COMMISSIONER EID: So have a meeting on July 28 will that cause a problem for us.

>> No.

>> CHAIR ROTHORN: Did you hear the response Commissioner Eid?

>> COMMISSIONER EID: No.

>> CHAIR ROTHORN: It was a no.

The response was no, okay.

Any other discussion on this motion? Seeing none, we are voting on whether to cancel the June meeting and the July meeting and make one meeting on July 21st, 10:00 a.m., virtual, all in favor raise your hand and say aye.

Aye.

I heard both audible from Commissioner Lange and Commissioner Clark ayes and saw all virtual so all in favor excuse me all opposed raise your hands and say nay.

The ayes have it and the motion passes.

Thank you everyone.

And thank you Director Woods for that report and helping us get our meetings in line.

I believe we are moving on to the legal liaison report, without objection I will ask Commissioner Steven Lett to provide his report.

Seeing no objections please proceed.

>> COMMISSIONER LETT: Thank you, MC.

I really gave my report earlier today when we were discussing the dormancy issue.

I have nothing more to add unless there are some questions.

>> CHAIR ROTHORN: Any questions for Commissioner Lett? All right thanks, Steve.

And let's move on to the audit liaison report next item on our agenda is number ten audit liaison without objection Commissioner Vallette, Janice are you able to speak? It looks pretty windy where you are.

And we can't hear you because you are muted.

>> COMMISSIONER VALLETTE: Is that better?

>> CHAIR ROTHORN: It is.

>> COMMISSIONER VALLETTE: Okay we met on May 18th and we talked about what we were going to audit.

They also sent a questionnaire that Edward did a fantastic job at answering the questions.

I don't know if you have received that.

But I'm sure we can send that questionnaire out.

But 99% of those questions could be answered with the same answer.

They wanted to know how we would do with discipline and all the answers were we follow the Constitution, our code of conduct.

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We make sure that we are transparent, all of our meetings are transparent so anything that is discussed in public.

There is nothing that we don't discuss in public.

That we are following the Constitution at the forefront.

So basically that's it.

We did talk also about our accounting system.

We did a cash accounting.

And they wanted us to do an accrual.

Edward reached out to someone at one of the California I believe Commissions and they did a modified Commission.

He spoke with the auditors and they said they would accept that.

The last meeting we had was Tuesday.

We talked about as far as I could tell how the spreadsheets were working into Quickbooks.

We really have not gone into anything about you know like what have they found any problems, because I don't think they have really researched anything right now.

They did say that we needed to is all our invoices booked instead of you know so that we could continue with this modified accrued accounting.

And that is all I had.

Edward, do you have anything to report that I missed?

>> MR. EDWARD WOODS: Commissioner Vallette does a great job with modified accrual with regards of what she is saying in terms of that just so we have clarity.

We will definitely have some recommendations in terms of how we do our books.

I think we really need to look at booking you know, fully utilizing Quickbooks and not just using it to produce reports.

So that the Commission is aware of our finances and we can better forecast actually where we are.

It has been a lesson learned that Commissioner Vallette and I have gone with regards to this process.

Having said that you should have a copy of the engagement letter once again and the governance letter that just came out 30 minutes ago that lays out what will take place in the audit.

As soon as I got it, I forwarded that e-mail this morning.

>> CHAIR ROTHORN: Thank you Commissioner Vallette and Director Woods. Commissioner Lett?

>> COMMISSIONER LETT: I want to know what Lake Janice is on and boat and the fishing?

>> COMMISSIONER VALLETTE: I'm on Lake Michigan in Ludington. It's beautiful.

>> CHAIR ROTHORN: It is and you provided a beautiful report.

Thank you for reflecting that in your report that beauty.

>> COMMISSIONER VALLETTE: Thank you.

>> CHAIR ROTHORN: All right so we are moving on to item number 11, unless there are questions, further questions for Commissioner Vallette.

All right we are moving on to item 11 without objection I will ask Mike Brady or Sarah Reinhardt from the Michigan Department of State if they have an update.

>> Mike Brady: From the Michigan Department of State we do not have an update this morning.

Unless there are questions of course.

>> CHAIR ROTHORN: Thank you Mr. Brady and thank you for that too.

Commissioner Lett?

>> COMMISSIONER LETT: I have a question for Sarah or Mike.

With the primaries coming up, is that going to cause us any concern? In other words is there something we need to be aware of from your end so that we are not stepping on your toes?

>> MS. SARAH REINHARDT: Not to my knowledge.

I don't see any scheduling conflicts or conflicts with our office supporting the Commission.

But if we become aware of something at a future date for either the primary or the November election, we will certainly bring it to your attention before the Commission.

>> CHAIR ROTHORN: Thank you for the question, Commissioner Lett and thank you for that response.

Yes, that is really important. We want to make sure we are working well with you.

You support us very well and we need you.

Any other questions for Mike Brady or Sarah Reinhardt?

>> Mike Brady: Commissioner Rothorn, I would like to speak to that.

I agree with Ms. Reinhardt completely on all matters.

It's a good policy.

But I will say certainly with respect to the August primary and looking ahead to November and I realize that it feels far away but will be here shortly. I note on the bottom of the agenda for the Commission meeting the second and fourth Thursday, the standing rule through September 30th and after that it shifts to the first and third Thursday. The first Thursday in November would be Thursday November 3, which is days before the November 8th election day.

I don't believe we need any action at this point especially given the you know what seems to be a stable trend towards down shifting Commission meetings from twice to once a month.

But I just wanted to flag that in advance in light of Commissioner Lett question a meeting on November third would probably be a challenge for our office just given the scale of November election it's statewide in particular.

Thank you.

>> CHAIR ROTHORN: Absolutely.

Thank you for that.

Director Woods?

>> MR. EDWARD WOODS: And I'm not sure, but Mr. Brady or Ms. Reinhardt can speak to this, but I do believe on November 10 is the day before Veterans Day and so just want to be sensitive to that.

In terms of holiday scheduling and vacation.

With regards to that.

So with regards to the Commission if I'm incorrect Mr. Brady or Ms. Reinhardt please correct me.

>> Mike Brady: That is correct, November 10th is also two days after the general election so that is also not a good Thursday.

So I think that's probably why the you know the shift was from the second and fourth to first and third and so again in looking at November the third and tenth for reasons related to the election are not great.

The 17th I think could work, the 24th is Thanksgiving and those are the four Thursdays in November.

>> MR. EDWARD WOODS: Why don't we go ahead, if it's okay with you, Mr. Chair, make a motion for November that the meeting will take place on the 17th and that the meeting on the third is cancelled.

And that way everyone can plan in advance.

>> CHAIR ROTHORN: That sounds like it would also help Commissioner Lange with her planning so is that a motion?

>> COMMISSIONER LETT: I make that motion.

>> COMMISSIONER LANGE: With all due respect I would not be available on the 17th just to let you know but that is okay.

>> CHAIR ROTHORN: Thank you Commissioner Lange.

Appreciate that.

And it was moved by Commissioner Lett is there a second? I see Commissioner Curry with the second.

For cancelling November 3rd and 10th excuse me it would be November third and moving the third Thursday actually to November 17th that is the motion in front of us in November.

So all in favor of moving.

>> Mike Brady: The third Thursday.

>> CHAIR ROTHORN: I'm sorry, say again.

November 17th is the third Thursday I apologize.

>> MR. EDWARD WOODS: Right.

>> CHAIR ROTHORN: We are just cancelling the first and moving it to the third Thursday one meeting in November all in favor please raise your hand and say aye. Aye.

I got the audibles from Commissioner Lange and Commissioner Clark on that with an aye, all opposed raise your hand and say nay.

Okay the ayes prevail and we do have that November date secured and thank you.

With that and thank you for the update from MDOS.

Mr. Brady and Ms. Reinhardt thank you.

We are moving on to item 12 correspondence.

The correspondence received in advance of our meeting today was provided along with the written public comments to the Commissioners in our meeting materials.

Are there any agenda items that Commissioners would like to have added to future agendas? Commissioner Wagner?

>> COMMISSIONER WAGNER: Forgive me I would like to see what's going on with our 17 reports and why those are not available on the website.

>> CHAIR ROTHORN: We will add that to the agenda for July.

Is that possible Director Woods?

>> MR. EDWARD WOODS: Yes.

>> CHAIR ROTHORN: Okay so we will add the dissenting reports and their availability on the website as a report in July.

Any other.

>> MR. EDWARD WOODS: We will have a Commission report we will provide in July just so we are clear for the meeting Commissioner Wagner.

We are still waiting just so everyone is clear from our attorneys.

>> CHAIR ROTHORN: Thank you.

Commissioner Wagner do you still have your hand up for future agenda item? Okay Commissioner Szetela?

>> COMMISSIONER SZETELA: So are we going to be able to have a chance to review any changes that are being made? I know Good Marketing prepared a report and we've never seen that.

And my understanding is there might be some changes that the attorneys are making but I want to make sure the Commission has a chance to review the changes to make sure they are factually accurate.

I want this to be an accurate report and the Commissioners themselves are the ones that have the best factual knowledge of what happened and why.

>> CHAIR ROTHORN: To be clear you are referring to the dissenting reports; is that right?

>> COMMISSIONER SZETELA: The primary report we have never seen a copy of that.

>> MR. EDWARD WOODS: Right it will be issued as one report so once we have, I think we are waiting for a couple of changes that has been requested then we will issue the report and there will be a discussion item for the July meeting.

>> CHAIR ROTHORN: We will clear up those things on the future agenda in July is that okay?

>> COMMISSIONER LANGE: Mr. Chair?

>> CHAIR ROTHORN: Yes.

>> COMMISSIONER LANGE: I believe Commissioner Szetela was saying she would like to see a copy of the report before the changes are made.

>> CHAIR ROTHORN: Thank you.

>> COMMISSIONER LANGE: Am I understanding that correct?

>> COMMISSIONER SZETELA: You are Commissioner Lange and thank you.

I don't care if question see it before the changes are made or not but I want to see what is being changed so we have a chance to review that to make sure we agree with those changes because we are the ones who are the arbitrators of the factual background and have the institutional knowledge and I want to make sure that things are not being changed that we don't agree with.

So it's fine to receive them at the same time.

I don't really care about that.

I want to make sure the Commission is aware of what was changed so we have awareness of that and make sure we agree with the change.

>> CHAIR ROTHORN: And because we are on future agenda items, we will add that to a future agenda item report and duly noted before we make a decision on the future agenda, we will have adequate time to review it and, yes, we will make sure that happens Commissioner Orton or before we go to Commissioner Orton Commissioner Szetela does that address your future agenda item?

>> COMMISSIONER SZETELA: Yes absolutely.

>> CHAIR ROTHORN: Commissioner Orton?

>> COMMISSIONER ORTON: I think you addressed it but so I also think what Commissioner Szetela was saying and what I was thinking is we want to see it before it's published to make sure we agree with it.

Is that clear?

>> MR. EDWARD WOODS: It's very clear.

It's going to be a draft.

This is not the published report.

The Commission will receive a draft.

The Commission has to approve its own report so when you get it it's a complete draft.

The only thing the Commission cannot change is the dissenting report so just so we are clear you are getting a draft Commission report.

Not a published Commission report that will have to be approved by the Commission.

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Once the Commission approves it then it will become the published Commission report.

>> CHAIR ROTHORN: Thank you so we will have a report on a future agenda item and I see another hand Commissioner Szetela?

>> COMMISSIONER SZETELA: And my understanding is that the intention is to release all the reports at the same time.

So dissenting reports and the Commission report.

Which is why the dissenting reports haven't been published even though they have been turned in several months ago.

>> MR. EDWARD WOODS: There is a little bit more to that, Commissioner Szetela, with regards to the dissenting reports because some have requested to make changes and we have honored that.

So let's make sure we are clear about that as well.

>> COMMISSIONER SZETELA: Well no I just wanted to say like to Erin's question the reason they have not been published is the main report is not done even if the dissenting reports were done with, we did not plan on putting them out in advance of the final report is that accurate?

>> MR. EDWARD WOODS: The draft Commission report is done.

As soon as we get the last requested change from the dissenting report, we be ready to present it.

>> COMMISSIONER SZETELA: Okay.

>> CHAIR ROTHORN: We will get a final and complete update in July.

Thank you.

Are there any other future agenda items? Seeing none, we are on to announcements.

Are there any announcements? All right, then I believe we are at that time where we do a happy dance.

>> COMMISSIONER LETT: I move to adjourn.

>> CHAIR ROTHORN: There is a second from Commissioner Weiss.

>> COMMISSIONER LETT: Is that happy enough MC?

>> CHAIR ROTHORN: It sure is Commissioner Lett all in favor of adjournment please raise your hand and say aye.

Aye.

I got verbals from Commissioner Lange and Commissioner Clark with an aye.

All opposed raise your hand and say nay.

The ayes have it we are adjourned at 11:31.

Thank you all and have a great day.