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MICRC

20220929-1000 Meeting

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[Please stand by for captioning]

>> CHAIR ROTHORN: We're a little bit early you all.
I'm going to wait until 10:00 o'clock and it's nice to see you all.
I think we have -- on the phone too and my screen isn't big enough to see it all and I'm hoping that I do not have to switch to off video because of my internet connection.

>> COMMISSIONER LETT: We can only hope you disappear.

>> CHAIR ROTHORN: [MWAH sound]
I don't see Erin yet.

>> COMMISSIONER LETT: Erin might be on phone.

>> CHAIR ROTHORN: Oh, right, which means I won't see her in the attendees, right.
Thank you; that's helpful.

>> MS. SARAH REINHARDT: Erin, can you hear us?

>> COMMISSIONER WAGNER: Yes, I'm here.

>> CHAIR ROTHORN: Oh, fantastic.
All right.
It's 10:00 o'clock.
I'm going to get this party started.
As Chair of the Commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:00 a.m.
This Zoom webinar is live streamed on YouTube on the Michigan Independent Citizens Redistricting Commission YouTube channel.
For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI.
Our live stream today includes closed captioning.

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Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting.

E-mail us at Redistricting@michigan.gov for additional details or accessing language translation services for this meeting.

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

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

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

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC.

This portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

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

For the public watching and the public record, I will turn to the Department of State Staff to take not of the Commissioners present.

>> MS. SARAH REINHARDT: Thank you, Mr. Chair.

Commissioners, please say present when I call your name.

As we are all attending remotely, please also disclose where you are attending from by saying the City, County, Township and State you are attending from.

I will call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK: Present and I'm attending today's meeting from Huntington Beach, California.

>> MS. REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present and attending from remotely from Detroit, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present remotely, attending from Detroit, Michigan.

>> MS. SARAH REINHARDT: Brittni Kellom.

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Rhonda Lange.

Steve Lett.

You're muted, Steve.

>> CHAIR ROTHORN: I don't think we heard you Steve; can you repeat it?

>> COMMISSIONER LETT: Can you hear me now?

>> MS. SARAH REINHARDT: Yes.

>> COMMISSIONER LETT: Present.

Attending from Grand Traverse County.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: Attending from Battle Creek, Michigan.

>> MS. SARAH REINHARDT: MC Rothorn.

>> CHAIR ROTHORN: Present.

Attending from East Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> COMMISSIONER SZETELA: Sorry.

Present.

Attending from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present, attending from Highland Township, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: Present.

Attending from Eaton Township, Eaton County, Michigan.

>> MS. SARAH REINHARDT: Richard Weiss.

>> COMMISSIONER WEISS: Present.

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Attending from -- remotely from Saginaw Township, Saginaw Michigan.

>> MS. SARAH REINHARDT: Dustin Witjes.
And just one moment, actually.
I think we might have Rhonda on the phone.
Commissioner Lange?

>> COMMISSIONER LANGE: Present and attending remotely from Lake County, Michigan.

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

>> CHAIR ROTHORN: Thank you, Ms. Reinhardt.
And welcome back, Commissioners.
As a reminder to the public watching, you can view the agenda at Michigan.gov/MICRC.
I would now entertain a motion to approve the meeting agenda.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER CURRY: Second.

>> CHAIR ROTHORN: Moved by Commissioner Lett and second by Commissioner Curry.
Is there any discussion or debate on the motion? Seeing and hearing none, all in favor, raise your hand and say "Aye."
Aye. I heard one, maybe from Commissioner Lange.
Commissioner Wagner?

>> COMMISSIONER CURRY: Aye.

>> CHAIR ROTHORN: I hear you, Commissioner Curry.
Thank you very much.
I just want to make sure the people that are attending by phone, that I get to hear.
And I think we'll just call it good.
All opposed, raise your hand and say "Nay."
The ayes have it.
Without objection -- so, thank you.
Without objection we will now begin Public Comment pertaining to the agenda topics portion of our meeting.

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Hearing no objection, we will now proceed with Public Comment.

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

I will call 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 microphone and speak.

If you on the phone, a voice will say that you are allowed to speak.

I will call on you by your name.

Also please note that if you experience technical or audio issues or we do not hear from you for 3-5 seconds, we will move on to the next person in line and then return to you after they are done speaking.

If your audio still does not work, you can e-mail at redistricting@michigan.gov and we will help you troubleshoot so you can participate during the next public comment period at a later meeting.

You will have two minutes to address the Commission.

Please conclude your remarks after two minutes.

First in line to provide public comment is Anthony Skinnel.

Mr. Skinnel?

>> MS. SARAH REINHARDT: He's present.

It just is taking a second to load.

>> CHAIR ROTHORN: Thank you.

>> ANTHONY SKINNEL: Thank you very much.

Sorry for the delay there.

Can you hear me?

>> CHAIR ROTHORN: Yes, we can.

Yes, we can.

>> ANTHONY SKINNEL; Thank you so much, MICRC.

I just – I've had the, uh, pleasure of reading your, uh, reports and your, uh, dissenting reports and wow; it really says it all.

I mean, people thought Gallant and I were the crazy ones the whole time and everything we said was validated in your own words as Commissioners.

So, you know, I know you guys are getting a lot of praise in the media and that's good.

But I don't know.

I don't think this process really worked out well for our state.

I hope you can remember that for ten years from now to try and improve the process.

And, um, I obviously don't think you gave us very good maps but that's beside the – that's water under the bridge at this point.

So, uh -- oh yeah, one more thing.

I really don't -- I really don't think you guys are doing enough to justify your salary.

I, I'd love it if you guys would let the public know what kind of work you're doing that entails – you know, that really justifies your salary at this point.

You're meeting, what? Once every other month.

So that's all I got, thanks.

>> CHAIR ROTHORN: Thank you for your comments.

We will move onto number two, Mr. James Gallant.

>> JAMES GALLANT: Hello.

This is James Gallant.

Marquette County Suicide Prevention Coalition and these are my opinions.

And for the, uh, MICRC here, please consider approving a formal Resolution today requesting that the Auditor General Doug Ringler to finish and publish the second half of the audit that he was requested to perform by this Commission on April 14th, 2022.

Mr. Woods stated on the record during the deliberations that day that the audit would be, quote, having them go back and document Rules of Procedure and how we followed our practices as it relate to expenditures, unquote.

Now that's not what they did.

Now I've spoken to the Auditor General several times on this and there seems to be a misunderstanding of the, the way that it was interpreted by them and it was presented to them but you said you were going to document the Rules of Procedure right from the beginning.

That would be back to 1963; okay?

So the audit document only represents is the general accounting practices and not the specific practices approved by the majority vote of this Commission that you said you were going to do and how you executed those financial transactions, including Robert's Rules of Order.

Page 366, Line 8.

There shall be no debate before there is a motion that is properly seconded.

Now you've done that the whole time; you've negotiated the motions along the way.

And interesting of enough, on the transcripts of that day, it says that Ms. Hammersmith was here since Day 1?

You mean since before you put out applications to even fill that position, she was here from Day 1?

I knew that because she had no governmental experience.

All nonprofit experience in the administration.

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And she ran this like a nonprofit corporation, not like a governmental entity like it should have been.

And Mr. Ringler is responsible now to do that audit, that performance audit.

There's two sides.

You go to the website; there's a financial audit and there's a performance audit.

He didn't do the performance audit because apparently the second- and third-hand information when he said you gave permission to the CEO to request that audit.

So how did he request it? We need to get emails and the documents that he – that, that --

>> CHAIR ROTHORN: Thank you for your comments.

At this time that concludes our Public Comment.

Please feel free to email Public Comments to the Commission at redistricting@Michigan.gov.

We appreciate everyone who offers public comment in whatever way you choose and we invite you to keep sharing your thoughts, especially if you would like to share ways that the MIC's processes could be good or more effective.

Next on our agenda is Unfinished Business.

Agenda item 5a.

I believe we're going to do the Lessons Learned Report.

Is that accurate, Executive Director?

>> EDWARD WOODS III: That is accurate.

We're just doing the Lessons Learned Report for today.

>> CHAIR ROTHORN: Without objection, I will ask you to proceed.

Without objection, please do so, Mr. Woods.

>> EDWARD WOODS III: Thank you.

I'm going to share my screen.

Give me a moment.

I've got a couple of screens up and I need to move this one.

There we go.

All right.

For lessons learned report we provided a draft to each individual Member to review and offer edits and requested a legal analysis from our Attorneys.

I then brought everything together for a report and the draft report that is before the Commission is being recommended for approval.

So just wanted to share the process and this is the first time the Commission as a whole is deliberating with regards to the process.

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We collected individual comments, individual edits, made those, gave those to the contractor and then brought this back for discussion amongst the Commission. At this time, Commissioner Rothhorn, I'm able to take questions that anyone may have with regard to the report or if there's a debate or discussion as a Commission that would like to take place, please do so. And if there are changes that need to be made that the Commission wants as a whole, I can do that as well.

>> CHAIR ROTHORN: I see a hand from Commissioner Eid and I would appreciate -- we have two Commissioners on the phone. It's hard for me to see you so folks if you can help me watch for the phone. We'll start with Commissioner Eid.

>> COMMISSIONER EID: I just wanted to say that I thought that the report was well done. I've read it a few times now. I appreciate having a few weeks in advance of this meeting to give us time to go over it and I didn't see any changes that I thought should be made.

>> CHAIR ROTHORN: Thank you, Commissioner Eid. Any other comments? I see Commissioner Szetela and then Commissioner Clark.

>> COMMISSIONER SZETELA: Um, yeah. So I looked over the original report and then I looked over -- let me take my hand down so I don't forget it take it down -- the updated report. And frankly, I'm kind of questioning the utility of having the report at this point. I feel like it's been so sanitized to remove any criticism of the Commission and the point of the report is supposed to be lessons learned and guidance for future commissions so that they can take our experience and not only evaluate what we think we did right, but also evaluate what we needed to improve. And those comments could be individual Commissioner comments. They don't necessarily represent the body of the Commission. But I think it was the intention behind the report and I feel like it's just been so stripped down and sanitized that it doesn't even serve that purpose at this point. I understand the lawyers, as usual, have concerns. But if there are concerns, then I'm questioning why we're doing this right now rather than just waiting until we're no longer in a litigation posture and perhaps do the report then when we can have more meaningful insights for future commissions rather than stripping out comments that are critical.

Because that's really what happened between the two drafts is we had anything that was remotely critical of the Commission was removed.

Even comments by the Commissioners themselves and comments by the public and I think if we're going to do that the report loses its meaningfulness.

And I notice in particular Rhonda Lange's voice was completely silenced and she had many comments that were in there that I think are legitimate concerns and should be provided to future Commissions.

They can choose to feel the complaints are valid or choose to disregard them.

But I feel we lose the value of the report when we take those out.

I'm questioning why we're doing this now if we're going to have a sanitized tooting our own horn patting ourselves on the back report instead of a report that mentions concerned that Commissioners or individuals or groups of Commissioners had with this latest report.

>> CHAIR ROTHORN: Thank you, Commissioner Szetela.
Commissioner Clark and then Commissioner Curry.

>> COMMISSIONER CLARK: I agree with Anthony.
I think it was well done and I understand what Rebecca is talking about.
The -- some of the comments that were eliminated are documented in the descending reports.
So they are documented in a particular place for the public and for other individuals.
So I don't really see an issue with what Rebecca is talking about from that respect.
So that's my comments.
Thanks.

>> CHAIR ROTHORN: Thanks, Commissioner Clark.
Commissioner Curry and then back to Commissioner Szetela.

>> COMMISSIONER CURRY: Yes.
I also think that the report was well done and that I like it the way it is and that everything is done correctly that I can see.
I like the report.
I think it's well done.

>> CHAIR ROTHORN: Thank you, Commissioner Curry.
Commissioner Szetela.

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>> COMMISSIONER SZETELA: Yeah, I was just going to say that if we're taking the position that the dissenting reports are out there, they should be mentioned in the reports but they were deleted.

If you picked up the report you wouldn't know the dissenting reports existed.

That's what I'm talking about.

Any sign of dissent in that entire report has been stripped out whether it's coming from the public or Commissioners or outside parties and it has been completely sanitized and so what is the purpose of it at this point? I honestly if we were to go to the Commission ten years from now I would give them the original draft report because I believe it has valuable information over this and this doesn't serve the purpose.

I'm not criticizing anything that marketing did.

I think they did a wonderful job of assembling the data and putting it together but I think it's been sanitized and cleaned out.

>> CHAIR ROTHORN: Thank you, Commissioner Szetela.

I see Commissioner Lett.

>> COMMISSIONER LETT: I move acceptance of the report.

Would we have a motion to accept.

>> CHAIR ROTHORN: We have a second by Commissioner Clark.

Commissioner Lett is the first.

Commissioner Clark is the second.

Any further discussion on the motion? And -- okay.

Just making sure that we don't have any hands in the phones.

Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I mean if we're going to try to approve this report I did actually want to make one change to it.

I want to take out the comment about the VRA that was included on the last make of a quote, attributed to me.

I would like it edited out.

>> CHAIR ROTHORN: Is that something we can do while we're on the table? I need help.

I'm seeing a nodding head.

>> EDWARD WOODS III: Excuse me.

I want to make sure I have the right comment and what page Commissioner Szetela references?

>> COMMISSIONER SZETELA: Let me pull it up.

>> MS. SARAH REINHARDT: Noting that Commissioner Kellom has joined.

>> COMMISSIONER KELLOM: Good morning.
Attending from Wayne County Michigan.

>> MS. SARAH REINHARDT: Thank you.

>> COMMISSIONER SZETELA: Last page -- while Szetela said while she approves the maps --

>> EDWARD WOODS III: Page 43, the last page?

>> CHAIR ROTHORN: I think it's 41.

>> COMMISSIONER SZETELA: I'm looking at a red line copy.

>> CHAIR ROTHORN: I've got it printed here, Director Woods -- Szetela says while she approves the maps in agreement with the Voting Right act -- that one?

>> COMMISSIONER SZETELA: And the next direct quote.
I move that that be removed.

>> EDWARD WOODS III: That's not in there.
In the copy.
I see.
It's fine.
It will be removed.

>> COMMISSIONER SZETELA: I was going to say.
It is in the copy that I have thank you.

>> CHAIR ROTHORN: With that change we have a motion on the table.
Any further discussion.
All in favor of approving the lessons learned and recommendations draft report with that change, please raise your hand and say aye.
All opposed, raise your hand and say nay.
So we've got 3 nays.

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Motion passes.

All right.

Mr. Woods, I believe we are moving onto New Business.

Is that accurate.

>> EDWARD WOODS III: That is correct.

I just need to pull up the information.

Hold on, please.

>> CHAIR ROTHORN: Next on our agenda is New Business agenda item 6a₁ we are increasing contract values on four of our contractors and the first one is 6a₁ Baker Hostetler.

Without objection, I will ask Mr. Woods to present these items.

Hearing no objection, please proceed Mr. Woods.

>> EDWARD WOODS III: Thank you.

If you able to see my screen, if you can nod your head.

This is the contract value for the Baker Hostetler, Second Amendment to the contract to extend the contract until the next Commission is seated on or before October 15, 2030 and increase the contract amount by an additional \$2 million and all other terms and conditions of the contract remain the same.

>> CHAIR ROTHORN: Commissioner Clark?

>> COMMISSIONER CLARK: I believe we also changed the date to October 15th, 2030, did we not?

>> EDWARD WOODS III: It's in here, do you see it here?

>> COMMISSIONER CLARK: I see it now.

>> CHAIR ROTHORN: Any other consequents or comments? I see Commissioner Eid.

>> COMMISSIONER EID: So I guess my question is, what brought forth needing to extend them for such a long period? I think Baker Hostetler has done an amazing job for us thus far and would like to continue working with them but extending them until 2030, essentially this would keep them on retainer until 2030 for \$2 million and is there something that brought this up specifically or Pending Litigation scenario?

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>> CHAIR ROTHORN: As a Legal Liaison would you like to take that? The discussion was just in case, Anthony, we don't want to go out and have to go through a -- assume in the event that we were to get sued after we went into dormancy, without this in place then we would have to go out and hire another law firm and go through the whole contracting process, vetting process, et cetera.

Certainly they are not on retainer for \$2 million.

The contract just goes up to that.

They have to bill just like their doing now and carries it through October 15th, 2030 which is the next Commission incarceration date.

That's probably not how we should refer to ourselves but so, you're correct.

It's just in case.

>> CHAIR ROTHORN: Thank you Mr. Let.

Anything to add, Director Woods.

>> EDWARD WOODS III: We're a little bit short Commissioner Eid with regard to the money that we have available for them and so we have to increase the contract value because the original contract was for a million dollars and we have to make sure that we can actually pay what we owe and that's also something that we need to -- that's another reason that we're increasing the contract value.

>> CHAIR ROTHORN: And is that accurate Director Woods that's we're doing that for each of these next four?

>> EDWARD WOODS III: We want to make sure we have additional money but the most critical one is Baker Hostetler.

>> CHAIR ROTHORN: Commissioner Eid.

>> COMMISSIONER EID: Would I be right to assume if this money is not billed and if we don't get future lawsuits in the future, that \$2 million won't be incurred?

>> COMMISSIONER LETT: That would be correct.

They are not -- we don't have them on a flat rate.

They are on an hourly rate.

So unless they are doing work and billing us, they are not getting paid and this \$2 million contract amount, we would have to go back to the legislature at some point in time if we get sued down the line and get an appropriation in order to pay them anyway.

>> CHAIR ROTHORN: All right.

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Thank you.

Any other questions? I think we do need a motion.

This is actionable.

Commissioner Clark?

>> COMMISSIONER CLARK: I would like to put forth a motion that we approve this extension and as written and discussed.

Thanks.

>> COMMISSIONER LETT: Second.

>> CHAIR ROTHORN: Motioned by Commissioner Clark and seconded by Commissioner Lett.

All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

>> CHAIR ROTHORN: Commissioner Wagner and Commissioner Lange.

The ayes have it.

We are moving onto item 6k₂, increasing the contract value for that as well for Fink Bressack.

Director Woods, take it away.

>> EDWARD WOODS III: Let me share my screen.

Are you able to see it? RESOLVED that the Michigan interest citizens Redistricting Commission here by approves the third amendment for the Fink Bressack contract to extend the contract until the next Commission is seated either on or before October 15,2030 and increase the contract amount by \$500,000 and all other contract terms and conditions remain the same.

>> CHAIR ROTHORN: Commissioner Eid?

>> COMMISSIONER EID: I just want to make sure there are things in the contract to protect us in case we decide to go with different representation? Are there things in the contract to guarantee that?

>> EDWARD WOODS III: Yes.

>> CHAIR ROTHORN: Commissioner Szetela, I see your hand.

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>> COMMISSIONER SZETELA: I was just going to say we can always terminate contracts in the future.

This is just locking in who we currently have in place.

It doesn't mean we can't change it in the future.

It's a contract at that can be changed at any time.

>> CHAIR ROTHORN: Thank you Commissioner Szetela.

Any other questions or comments? All right.

This is also actionable.

Commissioner Clark?

>> COMMISSIONER CLARK: Yeah I'll put forward a motion that we approve this contract as written Lett second.

>> CHAIR ROTHORN: Commissioner Lett with a second.

All in favor of -- excuse me.

Is there any further discussion on this motion? Hearing none -- oh, yep, go ahead Commissioner Wagner or Lange?

>> COMMISSIONER LANGE: I just coughed.

>> CHAIR ROTHORN: Oh, sorry.

Sorry.

All right.

All in favor of this motion to approve the Fink Bressack contract limits as presented please raise your hand and say aye.

All opposed raise your hand and say nay.

We have two nays.

The motion is approved.

Thank you.

We are moving onto 6a₃, Election Data Services to increase the contract value for them. Mr. Woods?

>> EDWARD WOODS III: Okay. I'll share my screen.

Are you able to see it? Per inspect.

RESOLVED that the Michigan interest pendent citizens Redistricting Commission here by approved a contract change notice for the Election Data Services can recall the to extend the contract until the next Commission is seated either on or before October 15th, 2030 and increase the contract amount by an additional \$500,000.

All other contract terms and conditions remain the same.

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>> CHAIR ROTHORN: Any other discussion? Commissioner Clark?

>> COMMISSIONER CLARK: I'll put forward a motion that we approve this as written.

>> COMMISSIONER LETT: Second.

>> CHAIR ROTHORN: Commissioner Lett with a second.

Thank you.

All in favor, please raise your hand and say aye.

All opposed raise your hand and say nay.

Two nays recorded.

The ayes prevail and the motion is adopted.

The fourth and final increase is for the VRA Legal Counsel.

Mr. Woods, without objection, please present this item.

Hearing no objection, take it away.

>> EDWARD WOODS III: Are you able to see my screen in perfect.

RESOLVED that the MICRR approves a contract change notice to extend the contract until the next Commission is seated either on or before October 15, 2030 and increase the contract amount by an additional \$150,000.

All other contract terms and conditions remain the same.

>> CHAIR ROTHORN: Thank you Mr. Woods.
Commissioner Clark?

>> COMMISSIONER CLARK: I'll put forward a motion.

>> COMMISSIONER LETT: Second.

>> CHAIR ROTHORN: Seconded by Commissioner Lett.

All in favor the approving this increase the contract value, raise your hand and say aye.

All opposed raise your hand and say nay.

Two nays recorded.

The ayes prevail and the motion is adopted.

We are moving onto New Business 16b, we have an August Financial Report.

Without objection I will ask Mr. Roads to present this item.

Hearing no objection, please take it away Mr. Woods.

And thank you for doing all of our work for us, Edward, you do a great job.

>> EDWARD WOODS III: All right.

Hold on just a minute.

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Just trying to get this set up so I can share it with you.

All right.

Are you able to see it?

>> CHAIR ROTHORN: Yes.

>> EDWARD WOODS III: Good.

This is for the month of August.

The Commission expended a total of \$181,193.45.

\$84,972.80 was salaries.

\$122.50 for travel cost.

\$1,588.48 represents cell phone bills for two months.

\$208 is for gumware [sic].

\$94,225.87 for consultant.

Out of that, \$86,445.35 for litigation.

\$936.43 for local .

Promotional was \$6805.00

And office supplies \$75.89.

Total of \$181,193.45.

>> CHAIR ROTHORN: Thank you.

I see Mr. Clark.

>> COMMISSIONER CLARK: Edward could you explain what the promotional dollars spent were for?

>> EDWARD WOODS III: That was the contract with Good marketing that does our Commission report and lessons learned.

>> COMMISSIONER CLARK: Is that contract complete now?

>> EDWARD WOODS III: It will be complete at the end of this month.

\$6,000 left to bill and that contract would be over.

>> COMMISSIONER CLARK: Okay.

Thank you.

>> CHAIR ROTHORN: Thank you both.

Any other questions? All right.

We do want to accept this report as Director Woods suggested.

Let, I move the motion.

>> CHAIR ROTHORN: Commissioner Lett moved.
Commissioner Clark?

>> COMMISSIONER CLARK: I second.

>> CHAIR ROTHORN: I heard Commissioner Curry.
We have Commissioner Lett with the first and Commissioner Curry with the second.
All in favor say aye.
All opposed raise your hand and say nay.
We are unanimous.
Thank you, everyone.
Next on our agenda is our fiscal year 2022 Budget item 6c.
Without objection I will ask Mr. Woods to present this item.
Hearing no objection, please take it away, Mr. Woods.

>> EDWARD WOODS III: Is everybody able to see the report?

>> CHAIR ROTHORN: Yes.

>> EDWARD WOODS III: We are trying to resolve an outstanding issue.

>> CHAIR ROTHORN: Director Woods, I'm sorry.
I saw Commissioner Curry raising her hand.
Are you not able to see it? Okay.
I think we're okay.
I apologize Director Woods.

>> EDWARD WOODS III: Commissioner Szetela, is your hand up? I'm sorry.
>> COMMISSIONER SZETELA: Are we on 2022 or 2023? I just want to make sure.

>> EDWARD WOODS III: 2022.
Just wanted you to know that we're still in the process of resolving this vendor issue with the AV.
I did speak to the Michigan Department of Treasury last week and they are coming back to get back with me this week.
But our goal is to have that resolved.
As a result we need to increase our meetings budget to \$200,000 and then we lowered the local council budget because we won't be spending out of that for this fiscal year for that difference.
And so those with the changes as it relates to the 2022 Budget.

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So with regard to actually covering the meeting costs, the meeting costs will also cover the two months that we're paying virtually to host our meetings with the ASL and closed caption as well which was an additional thousand dollars and resolving hopefully the issue with the contractor with treasury at the end of this fiscal year as well.

That's why you see the increase in the meetings to \$200,000 and the decrease from local council budget because we will not be spending that \$535,440.60 by the end of this fiscal year.

>> CHAIR ROTHORN: Just to be clear, that is at the end of this month.

>> EDWARD WOODS III: That is right.
The fiscal year ends tomorrow.

>> CHAIR ROTHORN: Commissioner Szetela, do you have your hand raised still?
All right.

Any other comments or questions? Thank you, Director Woods.

Any other comments or questions?

>> COMMISSIONER LETT: I move we adopt the revised budget.

>> CHAIR ROTHORN: First from Commissioner Lett.
Commissioner Clark, do you have the second?

>> COMMISSIONER CLARK: I have a second.

>> CHAIR ROTHORN: Thank you very much.

All in favor of approving our fiscal year 2022 revised budget, please raise your hand and say aye.

All opposed raise your hand and say nay.

We are unanimous.

Thank you, everyone.

So we're moving on to 6d which is our fiscal year 23 Budget which starts the day after tomorrow which is actually a Saturday so I guess it's -- yeah.

Without objection, I will ask Director Woods to proceed.

Hearing no objection, please do so, Director Woods.

>> EDWARD WOODS III: Okay.

We have a couple of things happening here.

We have 25% of the budget goes to -- from the Michigan Department of State general fund, general purpose is how we get our revenue for \$3,169,825.00.

Salaries \$749,000.

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Travel cost is \$9,000.

Technology \$33,000.

Meetings \$12,000.

Consultants is \$2,363,000. -- I'm sorry.

\$2,363,000 for the consultant.

You can see the breakout there.

There's no money for promotional.

So we're clear, 0-dollars for promotional cost.

Postage \$3,825.

Total is \$3,169,825.

>> CHAIR ROTHORN: Thank you Director Woods.

I see we have lawyers on the line but I want to acknowledge this is the budget submitted to our legislative body in August, correct?

>> EDWARD WOODS III: Yes, the same numbers were submitted August.

>> CHAIR ROTHORN: This is what we approved in August.

Is that also accurate?

>> EDWARD WOODS III: That is correct.

>> CHAIR ROTHORN: Okay.

Do we need to do anything first meaning, it's already approved.

Is this advisory or is this something we need -- yeah.

Is this advisory at this point or do we just need to make sure that we're good to go with the current budget as presented?

>> EDWARD WOODS III: It's advisory but it also -- we also have something that's the Attorneys need to discuss with regards to the budget with regards to encumbrances and with regards to the Commission not being included in the budget supplemental.

I do need to state that I have been in contact with the state budget office and they are willing to meet with us next week with regards to that.

But there's a dispute as to whether or not the Commission can have encumbrances regarding the money not spent this year.

>> CHAIR ROTHORN: I'll treat this item as a discussion item and who needs the floor? What do we do next?

>> EDWARD WOODS III: I think we need to hear from our Attorneys first and then the Commission, we'll need to have a discussion on how we move forward. If it's okay with you, can we turn it over to our legal counsel Mr. David and Mr. Nate Fink?

>> CHAIR ROTHORN: Yes, please. Mr. Fink?

>> DAVID FINK: Thank you.

I'm not sure what you need from us today but I will frame what I understand the problem to be right now because in some respects it's fairly clear.

Apparently, there has been some belief, perhaps by folks at management and budget, that unused funds from fiscal year 2022 can somehow be encumbered and therefore carry over to work done in fiscal year 2023.

I don't see it that way and I want to be a little bit more specific.

The Constitutional provision I think you're all familiar with but I want to read it because the language is very clear.

It says.

Within six months after the conclusion of each fiscal year, the Commission shall -- the word shall in any constitutional or statutory provision is interpreted by Michigan court as mandatory.

Within six months after the conclusion of each fiscal year the Commission shall return to the state treasury all monies unexpended for the fiscal year.

Now, I believe the open issue is whether someone can say that because something is encumbered it is expended.

I don't believe that's the case and I haven't seen a case that suggested it.

The management and budget act defines expenditure as charges incurred for work performed, supplies and materials delivered.

Again, past tense.

Delivered -- services renders and grants and debts served as due, whether or not payment has been made.

So if you -- if work is done for the Commission this week, if services are provided, if goods are delivered this week, that's still in this fiscal year.

And even if it takes you almost six months to pay it, you've got six months to finish up the funds, to use the funds that you have.

But if services are renders next week -- in other words, in the next fiscal year -- I don't see that as an expenditure and I don't believe that services rendered next week can be treated as something expended during this fiscal year.

>> CHAIR ROTHORN: That's helpful.

Thank you, Mr. Fink.

That's very helpful.

I do wonder -- because Director Woods said something along the line that we may not have money to spend next year in fiscal 2023, I don't know if you can advise on that. How do we continue operation inside we have an Executive Director to be paid to continue doing our work and if we don't have a budget that's been approved, what's our legal? Do we need to start suing tomorrow because it's the last time we have money to engage in a lawsuit? How does that work?

>> DAVID FINK: Contrary to our reputation as Attorneys, I don't think we should rush to court.

I think -- and the advice that I gave Mr. Woods last night is that I really think we should out to the management budget and talk to them, talk to the budget Director about how they proceed with this.

We should have been in the supplemental or in the original budget.

I'm very surprised that a -- that we are not.

Frankly.

I think everybody was surprised this week when the supplemental went through and it didn't include anything.

So I think we need to reach out to the state and ask them how they want to handle it. How they intend to handle it.

The Constitution doesn't make it voluntary.

The legislature has to provide you resources to defend the plans.

How are you going to defend the plans if you can't operate as a Commission?

>> CHAIR ROTHORN: Thank you Commissioner Fink, or Director, -- Mr. Fink.

>> DAVID FINK: I'll take any of those titles.

>> CHAIR ROTHORN: I appreciate you.

Thank you.

I see Commissioner Szetela's hand.

>> COMMISSIONER SZETELA: Just spit balling here.

I agree with Mr. Fink that the Constitution is very clear that the Legislature has to fund us.

It's not optional and that was very intentionally written that way to prevent us from being retaliated against by cutting off funds and preventing us from doing our work and the interesting thing is the legislature has repeatedly acknowledged that.

Going with the concept of assuming positive intent, I think we should assume this was an oversight and not some intentional plan to choke off funds to the Commission and follow through with the budget plan that Mr. Fink just mentioned.

Going back and asking them how they are going to handle it because the reality is we are required to have our funds covered and we are still in the litigation posture which means the Commission is still active under the Constitution so we still need to have the funds so people get paid, particularly our Executive Director.

The other alternative – something that I thought about based on what Mr. Fink just said, but I don't think this would be ideal from an optics perspective is that we have an additional \$1 million sitting around that not technically been spent yet and we have the discretion to set our own salaries and set the salary for Commissioner – or not Commissioner Woods.

I just promoted you, Edward.

Um, Executive Director Woods.

Is there any way into accuracy salaries for one day to maybe cover the next month or even through the election so that week that we treat one day's work as equivalent to a month and that, that we will then end up having those expenses incurred in September, in the current budget, and therefore allow us to get that float period up to the election day which is when my understanding of when the legislature comes back.

Would that be something we would consider doing to make that sure we don't have people who are working for us having their funds interrupted in a way that's very disruptive for their families.

49:59

>> CHAIR ROTHORN: Yeah.

Thank you, Commissioner Szetela.

That as exactly that I am hoping we can, as a Commissioner today, wrestle with; right?

Because I am concerned that Director Woods --

we are Director Woods' employer and we don't have money to pay starting Saturday, legally, or legislatively, governmentally.

We don't have money and I don't think what Commissioner Szetela just suggested is actually a legal question.

It does have to do with how we may want to proceed to help Director Woods have assurance that there is money going forward and I'll try to just summarize.

We have discussed the idea that there is a good faith effort that it may have been an oversight and that we are potentially going to be funded.

Director Woods?

>> EDWARD WOODS III: We do have a meeting scheduled with the state budget office for next week.

We did get an email this morning that they are willing to sit down with us.

So I just want that to be clear, on the record.

I do know that we do have legal counsel with regards to what they shared.

But legislative services bureau is under the impression that we can get encumbrances and I know if we go for it, we need to file it as soon as possible with regards to the encumbrances.

I want that option on the table because if the Commission is to go that way we need to do that before the end of the fiscal year.

A lot of unknowns because we won't be able to meet with the state budget office until the new fiscal year begins.

>> CHAIR ROTHORN: Thank you Director Woods.

I saw Commissioner Eid's hand.

Did you have a comment?

>> COMMISSIONER EID: Yes.

I have two comments and one is kind of on a different topic regarding budgets and I would like to discuss that after we're done discussing the issues of being perhaps over encumbered until the next fiscal year.

But my question regarding this current topic that we're on, I think -- safe to assume that it is an oversight.

But just for the sake of argument, what if it's not? I guess my question is, what if it's not and where do we go from there if it's not and if they refuse to fund in the future? What would be our next steps? At that point would we file suit and how would that process work, exactly.

>> CHAIR ROTHORN: Sounds like that's a question for our lawyers.

I'll just say Mr. Fink, and let one of you take it.

>> DAVID FINK: I'll take it and the elderly Fink will speak.

Obviously, it becomes a strategic question.

But the Constitution requires some level of support.

You couldn't have a constitutional amendment that requires a Redistricting Commission that describes the legislature that funds that Commission but say the legislature can choose not to fund it.

There's a reason this power was taken away from the legislature.

And if the legislature could then extort particular results from redistricting by threatening to or by refusing to fund, that's clearly in direct contravention of the Constitution.

The Constitution clearly requires some level of funding.

Would it be a battle? Of course it would be a battle; everything is.

If there is no funding, I do believe litigation is the next option.

But the first option and the most logical option is exactly what Executive Director is doing now which is meeting with the budget folks. Again, what's happened is they have an internal opinion.

I don't know how formal the opinion is but they have expressed the opinion that funds could be encumbered but the Management Budget act defined encumbrance -- unfunded.

Expenditure is charged for supplies and materials that had been delivered and services performed and has been rendered.

So I don't think you have the option.

Frankly, while I respect the creativity of what Commissioner Szetela suggested -- I think she called it spit balancing -- but the creativity of that, while I respect it, to the extent that someone is being compensated for services provided in next fiscal year, I don't think that can be based on funds for this fiscal year.

So to say for one day we're going to pay you for a whole month, as I read this, as I read the Constitution, that payment can't buy services for next month.

It can only buy services that have been provided already.

>> CHAIR ROTHORN: Thank you.

No, no, I appreciate that.

I am trying to facilitate this and so I appreciate you guys going back and forth and it looks like Commissioner Szetela also wants to respond and so I'll let you respond after that.

>> COMMISSIONER SZETELA: I was just going to say.

I'm not proposing that we suggest that we pay on October 30 or create an obligation on October 30 for services for the next month.

I'm saying we change the compensation rate equivalent to eight weeks of pay and say for your work on September 30 you will be paid eight weeks of pay so that the liability accrues on September 30th and then that gives us something to credit from an accounting perspective against the funds that are currently there so that we can be paid through -- specifically, Edward -- can be paid through Thanksgiving and that gives us time to sort it out and correct the it in the future.

Specifically, create a liability for one day of work that occurs in this fiscal year that is a certain amount on that day that we know is actually equal to eight weeks of work and we can set the salary and we can change it for the one day and say your salary is -- for the Commissioner I think that would be \$2,400.

For Edward, whatever the equivalent is for him, for that one day and then we can fix it later and that allows people to continue operating and that allows -- still has all the obligations that you have as a family, pay for your house, mortgage, car.

It's putting Edward in particular in a very uncountable position.

That's my thought process.

Not that we pay now for what's due in October.

We're saying September 30th is what you're being paid for.

>> CHAIR ROTHORN: And I'll offer before you respond, Mr. Fink -- what I'm looking for in terms of facilitating this today in this moment, what I'm trying to do is help Edward -- we are 13 employers for Edward and it seems like we are the only ones that can trial address this concern in this fiscal year which means today and try to give some assurance that we have confidence, right? Even though that we don't have a budget for next year but we have confidence that we need this work done and it seems actionable and so I appreciate Commissioner Szetela's suggestion and I guess I'm hoping that you can help us in even the background, come up with that salary.

I'm not even sure how we would come up with it but it seems important to take action and not just -- this is not something we can kick down the road.

Again, because we only have someone like Edward and it's -- we have to take care of him.

No one else is going to.

Mr. Fink? And then Commissioner Clark.

And then Commissioner Eid.

>> DAVID FINK: I'm going to digress for a moment.

There's a question that's posed philosophically.

It's what happens when an unstoppable force encounters an immovable object? And the answer is that the question is faulty because there cannot be a universe in which there is both an unstoppable force and an immovable object.

And what we have now, legally, is a Constitution that is an immovable object.

And it says you cannot expend -- you must return unexpended funds and then the definition -- we believe the definition expended is that the services have to have been provided.

So we can spend all day trying -- and we might -- trying to figure out a way to fund work done next week with this week's money.

But the Constitution says we can't do it.

And we are the ultimate creep of Constitution.

There is no other body in Michigan that has its very own constitutional amendment and provision that dictates the rules.

We live and die by that Constitution.

So I don't see how we can say the Constitution doesn't really apply here.

And what I'm saying here is if we -- anything we do that's intended to compensate Edward or anyone else for work done next week out of funds in last year's budget, I think flies in the face of the Constitution.

On the other hand, I think if Edward performs that work, he has a right to demand compensation for it.

And the Commission ultimately has the right to demand that the reasonable level of expenditures in 2023 be funded by the Commission.

I don't think there's a short cut that lets us get past that time now, the folks at budget might quickly say here's a solution.

We do this.

They talk about encumbrances because that's been done in the past in other departments I believe but I don't see how that works here.

>> CHAIR ROTHORN: Thank you Mr. Fink.
Commissioner Clark and then Commissioner Eid.

>> COMMISSIONER CLARK: As admirable as the suggestion is from Commissioner Szetela, I agree with David.

I don't think we should deviate from the Constitution and I think we should follow it from the letter of the law and move forward in that direction thank you.

>> CHAIR ROTHORN: Thank you Commissioner Clark.
Commissioner Eid?

>> COMMISSIONER EID: I was actually just going to ask Mr. Woods about how he would feel about that situation and discuss it.
If no one has asked him, how would you feel about that?

>> CHAIR ROTHORN: I want to acknowledge, that's a tricky question to ask, Anthony.
Because I'm not sure he has the power to address it.
Let me acknowledge that first.
I don't want to deny Mr. Woods the opportunity to respond but I see Commissioner Szetela.

Commissioner Woods do you want to respond? I say Commissioner, I apologize.

>> EDWARD WOODS III: I appreciate the sentiment but at the end of the day, the Commission has the final voice.

>> CHAIR ROTHORN: Commissioner Szetela? Oh.

>> COMMISSIONER SZETELA: Just trying to take my mute off, sorry.
So here is what I'm proposing and I'm going to bring a motion at this point.
If you guys want to vote it down, at least I tried.

I am going to move that we are going to pay effective today, September 29th a fiscal year 2022 bonus to all Commissioners and Staff an equivalent of eight week's pay. That is my motion.

>> CHAIR ROTHORN: Is there a second.

I see Commissioner Kellom? Is that a hand? Do we have a second? Thank you.

So we have a motion on the table to provide eight weeks' bonus -- compensation to all Commissioners and Staff.

Is that accurate, Commissioner Szetela?

>> COMMISSIONER SZETELA: Yes.

Equivalent to eight weeks' weekly pay as a fiscal year 2022 bonus to Commissioners and Staff to be payable today September 29th, 2022.

Accrued today.

And to make it clear this is a bonus to work performed 2022 and it has nothing to do with work performed for next fiscal year.

>> CHAIR ROTHORN: Thank you Commissioner Szetela.

Is that Commissioner Lange?

>> COMMISSIONER LANGE: It is.

>> CHAIR ROTHORN: Commissioner Lett and Mr. Fink and Commissioner Lange.

>> COMMISSIONER LETT: I am not in favor of this as I like to get bonussed and get everybody paid.

I would like to rank this up there with the Closed Session that we did that looks so bad. This is not going to go down well.

There's really no justification for it, as much as we would like to see Edward get paid.

There is certainly some precedent in the government shut downs with people who are in fact not working getting paid once the government funds the budget and goes back and pays retroactively and that certainly is what we would anticipate would happen in this instance if something is not worked out next week.

So I would be against this motion.

>> CHAIR ROTHORN: Thank you.

Mr. Fink and then Commissioner Lange and then Commissioner Clark.

>> DAVID FINK: An actual bonus for services rendered, negotiated in advance and contractually obligated in advance is not contrary to the state Constitution but -- I don't see this as that.

I think this is going to be seen for exactly what it's intended to be which is a gratuitous gift in anticipation of future services.

And I just don't think that that's anything but a work around to sidestep the Constitution. And I respect Commissioner Szetela's suggestion and intent.

But I think it's that very intent that makes this a very dangerous place to go and we don't have to start the litigation.

Somebody else will start the litigation to say that you can't use state funds for private purposes.

They don't feel like private purposes right now.

I know that nobody hear is thinking they are doing this for private purposes.

But the result is a private benefit.

It's not a public benefit to provide uncontracted compensation in anticipation of future services.

I think it's -- I've got to be careful how strongly I say this, but I think it's a bad idea.

A very bad idea and I do think it appears to be the use of public resources for private purposes.

>> CHAIR ROTHORN: Thank you Mr. Fink.
Commissioner Lange and then Commissioner Clark.

>> COMMISSIONER LANGE: I think everybody knows how I would vote on this.
I'm going to agree with Commissioner Lett and obviously, Mr. Fink.
I think they hit the nail on the head.
That's all I got.

>> CHAIR ROTHORN: Thank you Commissioner Lange.
Commissioner Clark?

>> COMMISSIONER CLARK: I agree 100% with what Steve said and David and Rhonda.
I do think it's a mistake if we approve this motion and I think it's going to raise a lot of eyebrows in legislature and in the state government.

>> CHAIR ROTHORN: Okay.
And I think for my point -- so I appreciate this and this discussion has been very, very helpful and I appreciate everyone and all the efforts and where I'm leaning personally not as your facilitator but personally.

We have a legal answer and a governmental answer.

Mr. Fink has said that encumbrances do not seem legitimate legally.

We have a state government body that has said well it's happened before so let's try it. And so where I'm at right now is -- and I understand that that for me feels less risky, I'll say.

Than approving this motion.

But I really appreciate and I don't think I would have come to this moment had we not had this discussion and had this motion on the table which is still on the table and so I'm putting my facilitator hat back on.

Thank you.

Mr. Fink, I see you still have your hand up.

I just wanted to acknowledge.

Commissioner Szetela?

>> COMMISSIONER SZETELA: I'm going to withdraw my motion.

>> CHAIR ROTHORN: Thank you.

I really, really appreciate it.

Trying to make that something to support our one Staff and I think we all recognize it's important to know we are doing our due diligence.

Mr. Woods?

>> EDWARD WOODS III: I'm still your Executive Director and I'm going to let you all say Commissioner.

I do agree with the withdrawal of the motion.

I know there is a concern about encumbrances.

Is there a problem -- that's my concern.

I know what the legal counsel is saying but if the feedback I'm getting from legislative services bureau who heard from the Department of technology management budget is that we are eligible for, encumbrances -- if we do need to file it --

>> CHAIR ROTHORN: Commissioner Lett and then Mr. Fink.

>> COMMISSIONER LETT: I think I agree with Edward that we should go ahead and file it.

I also think that based upon his representation that the information he's receiving is that we can do it, we certainly can draft a motion to do so subject to final approval with legislative services and management budget if it's determined at a later date that it's something that we could not have done, then we can reverse that action, I believe.

I guess that's a question for you, David.

Can we reverse it down the road if it's not approved by management and budget.

>> DAVID FINK: Should I be speaking now?

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

>> DAVID FINK: I think that my perspective is very similar to the perspective of each of the last few speakers.

While I don't think encumbrances are allowable, I am in agreement that essentially a conditional encumbrance is a good idea.

In the event that a determination is ultimately made that the responsible appropriate way to access these funds is by encumbering them, you have to do it this fiscal year, so go ahead and encumber them.

With the understanding and maybe it's a separate resolution that we want to reach out to the State to ask them to fully fund the budget for 2023 and allowing you to then reverse the encumbrance and return all of the funds from 2022.

It's a tricky line.

Just as I'm saying it, because it's not intended to be a threat that you won't release those funds.

It's instead a commitment that if a determination is made that the funds can be encumbered, then you have encumbered them.

At least it leaves you that sort of odd option.

>> CHAIR ROTHORN: Thank you for thinking on the fly with us about this, Mr. Fink. I appreciate it.

I see Mr. Let's hand and it looks like Mr. Woods wants to speak.

>> COMMISSIONER LETT: David, you were thinking along the same lines as I said here.

The motion would be to encumber the funds now since we're here and this is at the end of the fiscal year, with the proviso that it is determined that if the encumbrance could not be had we would reverse it with a further proviso that if the 2023 funds would be approved those funds in effect would be reversed to 22 and the accounting would be for the 2023.

I think that's what you were thinking, David?

>> DAVID FINK: I'm not sure the funds would be returned -- let me say -- the funds should not be spent even if they are encumbered until a legal agreement or Resolution of whether you can have that encumbrance but today in light of the fact that there is little uncertainty leaving open the possibility that somebody at budget is going to explain to

us how they can be encumbered and treated as annex pended which her you're at least putting down a marker.

The distinction I'm trying to make is I'm not suggesting that after this encumbrance then next week before you meet with budget that you can use that for salary or pay lawyers or anything you can do, frankly.

My current opinion is that the encumbrance does not allow you to carry the money forward.

But if you don't encumber it, you can't encumber retroactively.

>> CHAIR ROTHORN: This may be an accounting question rather than a motion we need to approve at this point in our meeting.

Meaning, I don't know that we need to actually have a motion, right? At this point in our meeting right now to move to encumber these funds.

Is that accurate? This is an accounting question that we can ask -- nope? I see shaking heads and I see two hands.

I'm not sure Commissioner Lett if you had your hand up from last time?

>> COMMISSIONER LETT: I have my hand up but go ahead and go to Rebecca. I'll keep my hand up, though.

>> CHAIR ROTHORN: Sounds good.

>> COMMISSIONER SZETELA: I thought the point was if we don't take steps to encumber it now, fiscal ends tomorrow and if we find out next week the legislature says yes we can encumber then we didn't go back.

At least offer a motion today and make the encumbrance and put the letter out there and subject to confirmation that it can be done that way and if we don't do it today then we're giving up the right to do it at all.

>> CHAIR ROTHORN: Thank you for the clarification.

That makes sense to me.

Steve?

>> COMMISSIONER SZETELA: I'm going to say second Rebecca's motion.

>> CHAIR ROTHORN: I'll come back to you Mr. Eid.

We have a motion on the table to understand what we need to do to encumber funds for this fiscal year 2022 -- do we need to be more specific? To encumber funds, period?

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>> COMMISSIONER SZETELA: I would say we are authorizing him to encumber funds and continue to investigate the validity of that encumbrance is how I would classify it for fiscal year 2022.

Authorize him to continue to follow up with the Department of State with respect to the validity of that encumbrance.

>> CHAIR ROTHORN: I'm going to acknowledge that our secretary -- do you have enough information Sarah Reinhardt and would you read it back to me?

>> MS. SARAH REINHARDT: Any understanding is the motion is to authorize or empower your Executive Director to encumber the remaining funds for fiscal year 2022 and to investigate, to continue working with the -- to investigate the validity of encumbering the funds.

Is that accurate Commissioner Szetela?

>> CHAIR ROTHORN: Thank you for that.

>> COMMISSIONER LANGE: Point of clarification -- does the motion when you're saying to encumber the funds, is it the same as what Mr. Fink said that we would not be spending something the funds and set them aside funding approval? I want to be clear on the motion.

>> CHAIR ROTHORN: To encumber is not to spend.

It is only to understand that there is a governmental obligation that if needed they can be spent and as you said, Commissioner Lange, they will not be spent.

It is just the authorization to encumber this year's 2022 funds and expend them if needed in 2023.

It may not be needed and therefore the encumbrance --

>> COMMISSIONER LANGE: [indiscernible]

>> COMMISSIONER SZETELA: That was the intention of my motion is put the encumbrance in place and femoral it's valid or needed.

>> COMMISSIONER LANGE: Okay.

Thank you.

>> CHAIR ROTHORN: Thank you Commissioner Lange and thank you for being patient Commissioner Eid.

We have a motion on the table and we have a second.

Commissioner Eid it's to you.

>> COMMISSIONER EID: I'll give a third.

We need to make it clear to the legislature this is not acceptable.

I understand we're working with the budget office and we've worked well with them in the past but this is a pretty large oversight to make.

They had no problem yesterday passing over \$850 million in special interest in Taxpayer funds but they can't remember to fund the legislative body that created and adopted fair maps for the first time in a decade? That's not acceptable.

I think we need to make it clear while doing this motion that hey, this can't happen again.

This is a big headache that's just a waste of time and isn't necessary if everyone is doing the job that the Constitution says they have to do.

>> CHAIR ROTHORN: Noted.

Thank you Commissioner Eid.

>> COMMISSIONER LETT: It probably wasn't an oversight, Anthony?

>> CHAIR ROTHORN: Any other discussion or comments on the motion? Do we need -- give me a verbal indication -- excuse me, do we need a Roll Call vote? I don't feel like we do.

All in favor of this motion, raise your hand and say aye.

All opposed, raise your hand and say nay.

One nay.

Thank you, everyone.

And thank you Mr. Woods for hanging in there while we figure this out.

Commissioner, really good thinking on the fly and I appreciate the discussion.

Commissioner Eid you still have your hand up, do you have something? All right.

>> COMMISSIONER EID: Actually, I do.

>> CHAIR ROTHORN: Yeah and it occurred to me that you had a second thing you wanted us to come to after we RESOLVED this piece so I think we're back to you, right?

>> COMMISSIONER EID: Exactly and that's what I would like to discuss now.

I promise I'm only going to bring this up once and say my piece and be done with it.

We just saw the benefits of what having a full discussion on the issues does and we spent about five times as long speaking about this issue than we did on actually passing the budget last week.

Not only did we not take what I would call a full discussion on it but we didn't give Commissioners the opportunity to present amendments to the budget. And if we can't have amendments, it creates a situation where there's a rush to make a motion and then whoever makes that motion kind of has the structural advantage on the voting if we don't take amendments. And, you know, in my opinion we didn't have a full discussion on the budget issue. We didn't discuss how changing the salary -- how inflation would affect whether we increase salaries and we didn't consider the measures that we have taken to be good with funds such as reducing Staff or moving meetings to Zoom. We didn't discuss upcoming work like the depositions that are almost surely going to take place. We didn't discuss how reducing the salary of Commissioners might affect who decides to serve in the future on this Commission and how that feeling of value might affect young people and minorities in particular. So I just wanted to bring that up. I think we might want to reexamine having the full discussion today. It seems like everyone is more than willing to have these discussions.

>> CHAIR ROTHORN: Duly noted.
Thank you Commissioner Eid.
May I move onto 6e?

>> COMMISSIONER EID: I would love to hear if anyone else has thoughts and if nobody else has thoughts on this, I'll drop it.
But I do feel like the vote that I took last week --

>> CHAIR ROTHORN: It looks like Commissioner Curry has a thought.

>> COMMISSIONER CURRY: I do.
My thought is because my computer was not operating perfectly we need to go and reexamine the issue of our pay rate being lowered.
Because I didn't get a chance to vote on that time I was on my computer but my computer was not up to date where I could vote.

>> CHAIR ROTHORN: All right.

>> COMMISSIONER CURRY: I would like to have the opportunity to vote.

>> CHAIR ROTHORN: All right.
So this is where it gets challenging for me, y'all.
My computer is not functioning well.

I'm not on -- yeah.

And I see Commissioner Lett's hand.

And I'm struggling.

So to be honest, I need help.

Commissioner Lett and then Commissioner Szetela.

>> COMMISSIONER LETT: All of the -- Anthony, everything you have said is fine.

I don't think that when we voted on the budget there was any prohibition against you or anybody else presenting an amendment to the budget.

Furthermore, at this time or at any time in the future you can bring forth an amendment to amend the budget based upon whatever you would feel would be appropriate and the same goes for Juanita.

The decision we made on the -- if we're talking about the lowering of the salary, effective October 1st, that would have to be brought back before the body.

That vote did take place.

We voted to do that.

I don't know that that would actually be a vote for a reconsideration.

So someone who voted for it would have to bring it back before the body.

But as far as amending budgets, a budget is simply a proposal and a guide.

It's not a thing that we can't change in the future.

So to have a budget talk now without having something in the agenda to do so, I think, would be premature.

But certainly could be brought back at a future date to talk about everything that you mentioned, Anthony.

>> CHAIR ROTHORN: Commissioner Szetela?

>> COMMISSIONER SZETELA: I was just going to say the same thing.

I think this isn't really on the agenda today and I think given that our budget is in question right now, I think make maybe add Thanksgiving as a Future Agenda item would be the advisable way to address it.

>> CHAIR ROTHORN: Commissioner Curry and Commissioner Eid, what do you think about that?

>> COMMISSIONER CURRY: That's fine with me.

>> CHAIR ROTHORN: Thank you, Commissioner Curry.

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>> COMMISSIONER EID: I can put it on the next agenda but I want to -- I don't know if -- a reconsideration since Commissioner Curry wasn't present.

>> COMMISSIONER CURRY: I was present but no one could hear me. They were hearing me, but I wasn't getting acknowledged. I was on the phone.

>> COMMISSIONER EID: I don't know if you could make that motion or it has to be somebody who voted on the budget and change their mind to have the motion reconsidered.

>> MS. SARAH REINHARDT: That's correct. I believe it would have to be someone who voted in favor.

>> EDWARD WOODS III: Well --

>> COMMISSIONER CURRY: I'm just saying that I was present. I wasn't acknowledged.

I could not be seen because my computer wasn't cooperating.

But I was present and on the phone and no one acknowledging my presence or would let me have anything to say.

I think it was just an overstatement.

I was present.

>> CHAIR ROTHORN: Thank you Commissioner Curry and Director Woods?

>> EDWARD WOODS III: I think what Commissioner Lett said is accurate.

You can always amend the budget.

I want to make sure we're very clear on that.

I did speak with Mr. Brady as well with regard to it and shared that with Commissioner Eid that we would have the bundle et year on the agenda.

It is on the agenda for 23 as an agenda item just so we're clear.

We don't necessarily need to do it that way.

But like Commissioner Lett said, an idea and I don't know where Commissioner Eid wants to go for the salaries, for the Commission to consider, the budget can be amended and I want to make sure we're very, very clear on that in regards to the process.

>> CHAIR ROTHORN: Thank you Director woods. Ms. Reinhardt.

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>> MS. SARAH REINHARDT: That would be for the previous motion but because you are all are in charge of setting your own deal, it could be a motion to reconsider or it could be a whole new motion to set your salary at a different rate or amend the budget as Edward had mentioned.
You all are in charge of that.

>> CHAIR ROTHORN: Thank you Ms. Reinhardt.
As our facilitator, I'm looking for guidance.
My computer is not acting well.
My Vice Chair is not here.
I'm a little nervous that if I leave, we're sort of Chair less.
So I guess I'm wondering -- I see Ms. Reinhardt and I see Commissioner Szetela.
What I'm looking to acknowledge that I'm not sure what's going to happen with my computer and facilitating that and I want to make sure that we don't get stuck.
Commissioner Szetela.

>> COMMISSIONER SZETELA: I was going to recommend MC because we have used this before that we do have a protocol in our rules where you can designate someone to take over as Chair in the event that you are unavailable as Chair and you might want to say that now before you may drop to have someone else take over as chair very good.
Commissioner Orton, how do you feel about facilitating.
I don't want to drop this on you but I have to drop it on somebody.

>> COMMISSIONER ORTON: I'll take over if you disappear.

>> CHAIR ROTHORN: I think you said yes; is that right?

>> COMMISSIONER ORTON: Yes.

>> CHAIR ROTHORN: Thank you, Commissioner Orton.
We could move onto 6e, as has been discussed.
We need a motion to consider if we want to talk about it and we can put this on a future agenda item.
Commissioner Eid and Commissioner Curry I'm looking for permission to move on.

>> MS. SARAH REINHARDT: Mr. Chair, apologies, just to clarify, it could be a motion to reconsider if you want to vote on the previous motion or it could be a whole new motion.
I just want to make that distinction.

To bring this to the table does not require or necessitate a motion to reconsider, although that is an option that you have.

>> CHAIR ROTHORN: I really appreciate you clarifying that.
That's what I meant to say and I apologize.
Commissioner Eid?

>> COMMISSIONER EID: I'll put something together for y'all at the next meeting and hopefully, by then we have more clarity on the budget as well and hopefully that makes it a little easier for everybody.

>> CHAIR ROTHORN: Thank you.
I appreciate that.
We are going to move onto 6e, the Arizona Amicus Brief.
And I should read my script.
Where is it? Without objection, I will ask Mr. Woods to present this item, please, Mr. Woods?

>> EDWARD WOODS III: I'm sorry.
It's actually Commissioner Eid.

>> CHAIR ROTHORN: Great.
Commissioner Eid, please.

>> COMMISSIONER EID: I could talk about this now, however we have been going at this for about an hour and a half and I was wondering if you would be in favor of taking a short ten minute recess.

>> EDWARD WOODS III: Commissioner Eid, we have to be done by noon for professional obligations and so that won't work for us.

>> COMMISSIONER EID: Never mind.
Yes, let me pull this up.
I think all of us are aware of the upcoming Harper v Moore redistricting lawsuit that's in front of the US Supreme Court and it's going to be adjudicated in the upcoming year. There have been some questions on if this case -- now if it has the possibility of effects independent Redistricting Commissions.
And about three weeks ago the Arizona Independent Redistricting Commission unanimously voted to file Amicus Brief.
They did it in support of neither party.

And essentially, what their Amicus brief says, which I want it attached to this resolution, is that in laymen's terms, they were an independent body, legislative body and don't mess with us.

Upon seeing that, I had a meeting with our Legal Liaisons and our lawyers to determine if we should also file an Amicus brief in the case given that it has the potential to affect all Independent Redistricting Commissions around the country.

I don't know if it will for sure or not, but I think it does have the possibility to do that.

A few things came out at the meeting of our legal counsel.

They recommended to not actually file something with the courts, showing our support of Arizona's Amicus brief but we might want to make a public statement that we support them and I think this Resolution would, you know, be a good measure to do that.

Not only to show our colleagues in other states that we support them but to echo the opinion that we are the legislative body in the State of Michigan due to our Constitution and that nothing that happens in this Harper v Moore case should affect us.

It came to light in that meeting that Baker Hostetler, if we were to file the amicus brief would be conflicted out of doing this because they are representing the plaintiffs in the case.

So we would have to go through the Fink law firm or the other counsel's to do it for us. But that's a long way down the road and I'm not sure we should do that.

But for today, I think a public admission that we support our colleagues from our other states on this matter would be a good one.

And I think we should vote to approve it.

>> CHAIR ROTHORN: It is Commissioner Eid.

I have my hand to say I am not against -- this is good language and I think you have chosen the right piece to lift up from the Amicus believe and I'm in favor of it.

I appreciate this is not binding and that it's not an Amicus brief and it's just a public statement.

Commissioner Clark?

>> COMMISSIONER CLARK: Let me direct this to Anthony.

Who developed the language on this and where do you -- if approved, where do you expect to deliver it to?

>> COMMISSIONER EID: I wrote the language, myself.

I took the conclusion there from the conclusion that's in Arizona's Amicus brief which is attached.

But aside from their conclusions, I wrote it.

And I don't really expect to deliver it to anybody.

I just expect it to go up on our website as a Resolution and second that we support our colleagues from Arizona in this matter.

>> COMMISSIONER CLARK: Okay.
Thank you.

>> CHAIR ROTHORN: Go ahead.

>> EDWARD WOODS III: Commissioner Clark I think it's important to note this has been reviewed by our Attorneys as well as the Department of State.

>> CHAIR ROTHORN: Commissioner Szetela.

>> COMMISSIONER SZETELA: I think it's kind of unusual as a public body to chime in and say we support somebody's else's brief.
I think if we want to do that we should have joined the brief in the first place and it is not going to ever see the light of day anyway and I don't see the benefit for it and I don't see the need for it.
There are some distinguishable characters what we are arguing versus what we could potentially argue if we filed our own brief.
I don't see that it benefits for us and I'm worried down the road it could disadvantage us in some way.

>> CHAIR ROTHORN: I'll just -- I put my hand on the stack because I do -- I was on the call that Anthony described where we had the legal, Liaison -- it won't harm us and we're not agreeing with the whole brief.
We're just agreeing with the idea that as a constitutional body, we're aligning up -- they came to train us.
I don't know that it would harm us.
You could be right Commissioner Szetela.
At this point I'm not against it.
Commissioner Clark and then Commissioner Eid.

>> COMMISSIONER CLARK: I agree with Rebecca and I personally will not approve it. Even though I would like to support Arizona and I would like to support California given the help they have given us.
But this may, in my opinion, cause us problems in the long-term.

>> CHAIR ROTHORN: Commissioner Eid.

>> COMMISSIONER EID: Yeah.

To address what Commissioner Szetela said.

I actually would -- originally when I brought this issue up about three weeks ago, my intent was to have us file an Amicus brief but after having the meeting with our lawyers and [indiscernible] I thought there wouldn't be much appetite for that on this Commission and that's why we thought that a public Resolution would be better than actually going and using Taxpayer money to file Amicus at this point, especially given they told us it's too late to file in support of either party and we would have to essentially pick a side.

They said they could craft one that picks a side and tows the line and I'm not sure that is something we should do at this point.

I think if you think file be an Amicus would be better.

>> CHAIR ROTHORN: Commissioner Lett.

>> COMMISSIONER LETT: Just to move us along, I move that we adopt the Resolution.

>> CHAIR ROTHORN: Thank you.

Is there a second?

>> COMMISSIONER EID: I'll second.

>> CHAIR ROTHORN: First from Commissioner Lett and second from Commissioner Eid.

Any further discussion or questions? All right.

Should we do a roll call?

>> COMMISSIONER LETT: Yes.

>> Roll Call.

>> CHAIR ROTHORN: Okay.

Let's do a roll call.

Ms. Reinhardt, Secretary of State, please help us here.

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

Commissioners, please state your support of the Resolution -- or of the motion with the yes or no.

The motion being to adopt the Resolution.

I will call on Commissioners in alphabetical order starting with Cynthia Orton.

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> CHAIR ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> COMMISSIONER SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Wiess.

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Doug Clark.

>> COMMISSIONER CLARK: No.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIOER CURRY: Yes.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom.

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange.

>> COMMISSIONER LANGE: No.

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>> MS. SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: With a vote of eight yes and four no, the motion carries.

>> CHAIR ROTHORN: Thank you, Commissioners. I'm going to keep us moving. So we have about 15 more minutes and I believe we are to 6f where we are discussing the part-time Executive Director contract for our Commission.

Director Woods.

Without objection I will ask Commissioner Steven Lett to present this item.

Hearing no objection, please proceed, Mr. Lett.

>> EDWARD WOODS III: I believe you're on mute.

>> COMMISSIONER LETT: Do you have a copy of your contract that you can pull up?

>> EDWARD WOODS III: Sure.

>> CHAIR ROTHORN: Are we -- just waiting for the contract to come up, is that correct Commissioner Lett?

>> EDWARD WOODS III: Yes.

Let me just get it up.

>> CHAIR ROTHORN: Okay.

>> COMMISSIONER LETT: All right.

We have looked and discussed this previously and I think the -- we had talked about 20 hours perspective week.

And I requested to increase that to some method up to 30 hours perspective week.

The reason being that we don't know exactly how many hours will be required of Edward.

Certainly, if he, next week, as a for instance, may be a long week because he's meeting with legislative services in management and budget.

So it's an hourly contract.

So I has to report hours and be up to and not exceed 30 hours without further action on our part what the thought process is that, if he's doing up to 20 or a little less, then that's what the pay is; if he's doing 25, that's what the pay is.

If it looks like he's going to do a lengthy period for whatever reason, we would have to have it approved prior to that happening.

That's what it is.

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It's an hourly contract and he has to report it on an hourly basis to get paid and we're up to 30 hours with the understanding that it's going to be 20 based upon what he's told us before.

If you have any questions, I would be happy to address them.

>> CHAIR ROTHORN: Thank you Commissioner Lett.
Commissioner Szetela?

>> COMMISSIONER SZETELA: Do we have a Resolution to adopt this? I'm sorry.
I'm just looking real quick.

>> CHAIR ROTHORN: I do not see a Resolution.

>> EDWARD WOODS III: Hold on.

>> COMMISSIONER SZETELA: I would just like to read off the number.
I would just like to make a motion to adopt it but I'm not finding the Resolution number.

>> CHAIR ROTHORN: I've got the two Resolution -- the budgets, Edward, but I don't have the -- yeah.

>> COMMISSIONER SZETELA: If we don't, don't have a Resolution -- there it is.
Resolution 2022.09.08, I move to adopt this Resolution.

>> COMMISSIONER LETT: Sect.

>> CHAIR ROTHORN: I see a second from Commissioner Lett and Commissioner Orton.

All in favor -- excuse me.

Is there any discussion on this item before we vote? Hearing none, all in favor, please raise your hand ask say aye.

All opposed, please raise your hand and say nay.

>> COMMISSIONER LANGE: Nay.

>> CHAIR ROTHORN: One recorded nay.

The Resolution 2022.09.08 is approved.

Thank you very much.

We are now moving onto 6g in our agenda.

Chair and Vice Chair elections and this is where -- do we have any nominations? I do have one from Dustin that I could read but I want to open the floor first before I do that.

>> COMMISSIONER SZETELA: Is Dustin nominating himself for Chair?

>> CHAIR ROTHORN: So maybe I'll just read it because he was anticipating not being here.

So it is the Independent Redistricting --

>> MS. SARAH REINHARDT: Mr. Chair?

>> CHAIR ROTHORN: Yes, please?

>> MS. SARAH REINHARDT: I believe Commissioner Witje's instructions were that it be read were he to be nominated.

>> CHAIR ROTHORN: Were he to be nominated.
Thank you very much.

>> MS. SARAH REINHARDT: You're welcome.

>> CHAIR ROTHORN: I appreciate that, yes.
Commissioner Eid.

>> COMMISSIONER EID: I'll nominate Commissioner Witjes to be Chair.

>> CHAIR ROTHORN: Thank you.

"Fellow Commissioners, thank you for nominating me to elevate from the position of Vice Chair to Chairman of the Michigan Independent Citizens Redistricting Commission for the next six months.

I know this is a strange way to accept a nomination but here we are.

I'm going to make this short and sweet and not rehash the same things I have been saying the last few times that I ran for the position of Chair or Vice Chair.

At this point I believe all you truly know me as a Commissioner and what strengths and weaknesses I have and how I handle running meetings as I have done so in the past, putting the focus on efficiency and fairness to all fellow Members of this Commission. This has been done on both the subcommittee as well as meeting with the body as a whole.

I'm going to take a different approach today and put the decision, without my vote as I am absent, in the hands of the 12 of you today.

Currently, I am in a start of a new career path which puts me in a 24/7 position of being on call.

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I could be called for work at any stroke of the bell on the clock followed by a work shift of up to 12 hours.

I may be present for all, some, or none of the future meetings.

This is solely due to the fact that we are meeting only once of a month at this particular point.

If we had to start working at more of a regular interval, which is probable given the November Election, the meetings I would attend would go up based on probability alone.

Traditionally, we as a Commission have elevated Vice Chairperson to Chair and I do hope we continue to do that trend for the sake of consistency.

However, the Commission does, indeed, speak with one voice, a tenet that I have held dear in everything we have done and will continue to do in the future.

On the days that I am absent you all have my pledge that I will stay up to date and work as hard as I have been in the background on all needed items that the Commission or the public deem necessary.

Thank you, Dustin Witjes.”

Commissioner Lett.

>> COMMISSIONER LETT: I nominate Cynthia Orton.

>> CHAIR ROTHORN: Commissioner Orton.

>> COMMISSIONER ORTON: Thank you for that nomination, but I would decline at this time.

>> COMMISSIONER LETT: That's not an option.

>> COMMISSIONER ORTON: [Laughter]

>> MS. SARAH REINHARDT: I'm noting for the record that Commissioner Lange has left the meeting.

>> CHAIR ROTHORN: Thank you, Secretary.
Commissioner Szetela?

>> COMMISSIONER SZETELA: I would love to support Dustin Witjes as our Chair and Cynthia Orton as our Vice Chair and I do hope that when we get to that point I hope that you will consider that if you are interested in the position.

>> CHAIR ROTHORN: All right.

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We are currently – we have -- we have one nomination for Dustin Witjes from Commissioner Eid and I have read that.

Do we have any other nominations for a Chair at this point?

>> COMMISSIONER LETT: I move that nominations be closed.

>> CHAIR ROTHORN: Second by Commissioner Weiss.

We guess we're – yeah, we have to vote on that.

All in favor of closing nominations raise your hand and say "aye."

All opposed, raise your hand and say "nay."

All right.

Then I guess we formally vote on one nomination for Chair.

That would be Dustin Witjes.

All in favor of voting Dustin to become the Chair for the next six months, please raise your hand and say "aye."

Thank you.

All opposed, raise your hand and say "nay."

>> Nay.

>> CHAIR ROTHORN: That's one nay recorded.

All right.

So we are at this point doing Vice Chair.

Any nominations for Vice Chair?.

Commissioner Szetela.

>> COMMISSIONER SZETELA: I nominate Commissioner Orton if she is so willing.

>> CHAIR ROTHORN: Commissioner Orton.

>> COMMISSIONER ORTON: I'll accept the nomination but I would like to nominate Doug Clark.

>> CHAIR ROTHORN: Commissioner Clark will you accept it?

>> COMMISSIONER CLARK: I will accept it.

>> CHAIR ROTHORN: We have one position, two nominations.

Any other nominations for Vice Chair?

>> COMMISSIONER LETT: I move the nominations be closed.

>> CHAIR ROTHORN: Commissioner Weiss is seconding that.
All in favor of closing nominations please raise your hand and say aye.
All opposed raise your hand and say nay.
All right.
We have two candidates.
Would either of you like to say anything? Commissioner Orton?

>> COMMISSIONER ORTON: I'll say while I was interested in the last round, at this point I would serve if it's needed for the Commission but my support is behind Commissioner Clark.
I think that he is in a better position to serve as Vice Chair at this point.

>> CHAIR ROTHORN: Thank you Commissioner Orton.
Commissioner Clark, do you want to speak?
>> COMMISSIONER CLARK: Just for a minute.
I think all of you know myself and my work for the last two years.
And I've, you know, as many of you know, worked on some of the subcommittees and led some of the subcommittees much I think Cynthia would also do an excellent job.
So wish her the best of luck on it.

>> CHAIR ROTHORN: Thank you, Commissioner Clark.
I guess we don't really -- yes, Commissioner Eid?

>> COMMISSIONER EID: Yeah, I would support both of these Commissioners.
If they want to be Vice Chair.
I had considered running for the position but I he are a do think it would be nice to have one of our Republican Members holding either the Chair or the Vice Chair and that hasn't happened yet and both Commissioner Orton and Commissioner Clark would be fine stewards of the role.

>> CHAIR ROTHORN: Thank you Commissioner Eid.
Any other discussion or comments? I just want to acknowledge that I did really hear you Cynthia that you are really supporting Commissioner Clark and I want to take you at your word for that.
Commissioner Szetela.

>> COMMISSIONER SZETELA: We're running out of time and I move we take a Roll Call vote with the Commissioners naming name of their preferred candidate.

>> CHAIR ROTHORN: Thank you for that suggestion.
Ms. Reinhardt, will you help us, please?

>> MS. SARAH REINHARDT: Absolutely, Mr. Chair.
Commissioners, please vote for your preferred candidate by stating the name of your preferred candidate when I call on you.
I will call in alphabetical order starting with MC Rothorn.

>> CHAIR ROTHORN: Commissioner Clark.

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> COMMISSIONER SZETELA: Commissioner Orton.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Commissioner Clark

>> MS. SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: Commissioner Orton.

>> MS. SARAH REINHARDT: Commissioner Weiss.

>> COMMISSIONER WEISS: Commissioner Clark.

>> MS. SARAH REINHARDT: Doug Clark.

>> COMMISSIONER CLARK: Commissioner Clark.

>> COMMISSIONER CURRY: Clark.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Commissioner Clark.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Commissioner Clark.

>> MS. SARAH REINHARDT: Brittini Kellom.

>> COMMISSIONER KELLOM: Commissioner Orton.

>> MS. SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: Cynthia has deferred to Commissioner Clark; I'll vote for Commissioner Clark.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: Commissioner Clark.

>> MS. SARAH REINHARDT: With eight votes for Commissioner Clark and three for Commissioner Orton, Commissioner Clark is the new Vice Chair.

>> CHAIR ROTHORN: Thank you all.

We are at 11:59.

I have a question.

Do we have a hard stop at noon? I'm going to as Director Woods.

>> EDWARD WOODS III: We have to pay ASL past noon and so we're clear in regards to that.

I know we have items not requiring voting and so we can just post it on the website.

>> CHAIR ROTHORN: That's going to be my suggestion to respect everybody's time. All the people that have -- yeah behind the scenes.

I'm going to suggest, suggest that we do postpone item 7 through 13.

On our agenda and I suggest we just to item 14 unless there is any objection.

Hearing no objection, I will ask for a motion to Adjourn.

>> COMMISSIONER LETT: So moved.

>> Second.

>> CHAIR ROTHORN: Commissioner Lett and lots of seconds and all in favor of Adjournment please raise your hand and say aye.

All opposes please raise your hand and say nay.

Thanks everybody.

Good meeting.

Next time it will be Dustin or Doug.

Thank you all.

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>> COMMISSIONER EID: Thank you for serving, MC.

>> CHAIR ROTHORN: You're welcome.

Goodbye.