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MICRC

02/10/22 10:00 am Meeting

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>> MS. SARAH REINHARDT: I wanted to comment on what Dustin just said both MC and Dustin this morning got notifications on their laptops they would have to restart. So it's possible that other members using their state computers will also get that notification.

So if you do, just to make sure we maintain a quorum just message me in the chat and I will give you the go ahead to restart if you need to, making sure that we have enough members present to continue the meeting.

>> CHAIR SZETELA: Can we snooze the restart is that an option.

>> MS. SARAH REINHARDT: Did you get the option to snooze it?

>> VICE CHAIR ROTHORN: I think I did have that option but I tried it before in a meeting when we were mapping and I remember it basically I snoozed it twice and it's like the third time like it made me do it, so, Sonya.

>> MS. SARAH REINHARDT: It usually gives you about an hour notice so hopefully we can do stages of people doing it.

>> VICE CHAIR ROTHORN: Looks like Dustin is giving us some tips too in the chat.

>> MS. SARAH REINHARDT: We are ready to go when you are.

>> CHAIR SZETELA: As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:01 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.gov or details for 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 and this meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC, 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 Communications and Outreach Director for the Commission at WoodsE3@Michigan.gov or 517-331-6309.

For the purposes of the public watching and for the public record I will now turn to the 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. We are attending the meeting remotely, please disclose you are attending remotely and as well as your physical location you are attending from. I will call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK: Present; attending the meeting from Macomb County Michigan.

>> MS. SARAH REINHARDT: Juanita Curry.

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

>> MS. SARAH REINHARDT: Anthony Eid?

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

Brittini Kellom?

>> MS. SARAH REINHARDT: Rhonda Lange?

>> MS. SARAH REINHARDT: Steve Lett? I think you are muted Commissioner Lett.

We can come back to you.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present. Attending remotely from Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

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

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present. Attending remotely from Highland, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner?

>> MS. SARAH REINHARDT: Richard Weiss?

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

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present. Attending remotely from Howell, Michigan.

>> MS. SARAH REINHARDT: I will return to Steve Lett.

>> COMMISSIONER LETT: Present attending remotely from Lee county Florida.

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

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

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. So moved. Motion made by Commissioner Witjes. Seconded by Commissioner Rothhorn. Is there discussion or debate on the motion?

All right, seeing none, let's have the meeting agenda be adopted, say aye or nay. And, Doug Clark, if you can verbally indicate.

>> COMMISSIONER CLARK: Aye.

>> CHAIR SZETELA: Is 9-0 is that correct Sarah Reinhardt I believe the agenda is adopted.

>> MS. SARAH REINHARDT: We have 10 Commissioners present.

>> CHAIR SZETELA: 10-0 the meeting agenda is adopted.

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

Individuals who have signed up and indicated that they would like to provide live in person 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 you on the phone, a voice will say that the host would like you to speak and prompt you to press star six to unmute.

I will call on you by your name or the last four digits of the phone number. Also please note 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 hearing or meeting.

You will have one minute to address the Commission. Please conclude your remarks when you hear the timer.

First in line to provide public comment is Mr. Anthony Skinnell. Please wait for our staff to unmute you.

>> Good morning MICRC Commissioners.

Anthony Skinnell and joining you from Detroit today.

And you know I know we have been talking a lot or you guys have been talking a lot how to improve the process, lessoned learned video and believe you me I have quite a bit of those, I bet you can believe it.

I think you are jumping the gun.

It's never too soon to prepare for what comes forward but I think you are jumping the gun and kind of like the mapping process itself I think could be skipping over some important parts that need to be done.

And you know rushing to arbitrarily set finish lines.

And the reason I say that is we don't even have the explanatory report yet, you know, there are two reports in the Constitution, the reference materials and the explanatory. And we don't even have that.

And wow I thought that had to be hashed out in open deliberations.

I didn't know it was going to be an MDOS written in the back room who knows.

But so yes that is how I feel about the lessons learned I will get to that when I'm ready. I know you are getting a lot of high praise and.

>> CHAIR SZETELA: Thank you for addressing the Commission, Mr. Skinnell. Next in line is Mr. James Galant. Please wait for our staff to unmute you.

>> James Galant Marquette these are my opinions please disregard the rules of procedure draft it was presented for you today because they specifically it specifically contradicts Michigan's Open Meetings Act because it said you can reconvene a special meeting in 15 hours' notice and 18 hours is the minimum but I would ask you to please set that three day notice so the public will know and be able to participate at the first reconvening meeting and make the public comment to two minutes because you don't have St. Pressure of the people to go back and that is not onerous on you and second please request Dr. Nancy wang come to your meeting and present to the MICRC concerning her public statements they intervened in two prior lawsuits before on your behalf and won.

The one they did on August 30th, 2018, on the VNP cross complaint determined that this is that the Michigan Independent Redistricting Commission is a reconvened, reiteration of the Commission on legislative apportionment and the rules of procedure that were approved by that apportionment Commission apply here.

>> CHAIR SZETELA: Thank you for addressing the Commission, Mr. Gallant. Next in line is Mr. Chris Andrews.

>> Can you hear me.

>> CHAIR SZETELA: Yes, we can.

>> Sorry about that thank you.

Mostly I want to thank you for the collaborative work that you have made over the last several months and how your votes reflected the will of the people.

There were a lot of us that were counting on both of those things happening and they did.

And we owe a debt of gratitude to you.

We always expected this would end up in Court and there are some Court challenges.

And they may be asking you to make some changes and I urge you to continue that collaboration and spirit of honoring the will of the people.

It feels like there is some effort going on to do some polarization right now.

I encourage you to be thinking about improvements to the Hickory map now.

Many of you agreed you ran out of time and if the Court asks you for improvements, you should be ready to do that.

Thank you very much and good luck the rest of the way.

>> CHAIR SZETELA: Thank you. Mr. Andrews.

Okay. That concludes our public comment for this morning. However, I would like to mention that all e-mailed and mailed public comment is provided to the Commission before each meeting. And Commissioners also review the public comment portal on www.Michigan.gov/MICRC on a regular basis. We appreciate everyone who provides public comment in whatever way you choose to do so. And invite you to keep sharing your thoughts especially if you would like to share the ways the MICRC processes or procedures could have been good or could have been more effective. Or if they were good the way they were.

First on agenda is 5A mode cases of rules of procedure which was discussed at the last meeting we have General Counsel Pastula and Mike Brady in the meeting if Commissioners would like to ask questions regarding these options. Commissioner Orton?

>> COMMISSIONER ORTON: Well I just think that somehow we need to figure out what needs to be accomplished before we end as a Commission.

And how that's going to look exactly when it ends because when the legal challenges are complete, even though we know there could be some in the future but when any that are filed right now are complete, then we end.

And we don't want to just end without tying up all the loose ends so I think we need to figure out how we are going to tie up the loose ends and what that is going to look like and then if we need to reconvene how that is going to happen.

>> CHAIR SZETELA: General Counsel?

>> MS. JULIANNE PASTULA: Thank you so much Madam Chair. Good morning, Madam Chair and good morning to the Commission.

I have submitted the memorandum dated January 25th and a supplemental memorandum based on the questions raised at the January 27th MICRC meeting.

So you have the benefit of the February 9th memorandum as well.

And the issues raised again are the opportunity or ability to convene remote meetings moving forward language.

And then also the language regarding reconvening the Commission.

So that is what is before and I'm happy to prepare the language and more final form after the Commission has its discussion today thank you.

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>> CHAIR SZETELA: Any additional questions, comments, Commissioners? Mike Brady, I have some comments for you or some questions if you are there.

I see a name but no picture.

There you are.

Okay, so I did read both the proposed amendment and the supplemental memo.

And I still have some concerns about how we are going to handle this.

So the supplemental memo was specifically addressing this concept that we are going to be sued, the Secretary of State is going to reconvene us and then it seemed like it was implying that the purpose of our being reconvened was to potentially draw more maps, not to defend the lawsuit.

And so given the fact that assuming cases are filed in the Supreme Court Michigan Supreme Court, we have this very, very short timeframe to respond, seven days.

What is it that you have imagined is the mechanism that is going to take place?

Because obviously if we are disbanded, we no longer have a Chair so the Secretary of State would be the only party under our current structure who could be served so the Secretary of State would be served and then presumably the Secretary of State would reconvene the Commission.

Are you anticipating that the Secretary of State is then going to institute the defense of that litigation? Or are we expecting or planning that on a seven-day timeframe we are going to quickly reconvene within that 15 hours of that notice and then have counsel on deck who can step in and respond to that complaint within seven days? It just seems I want to make sure we are thinking through the process and making sure we are not potentially handicapping ourselves and want to know what your thoughts are on how we are going to handle that.

You are on mute.

>> I still can't hear you, I'm sorry.

No.

All right.

>> VICE CHAIR ROTHORN: Maybe Rebecca one of the things if I may, sort of as what Cynthia brought up is also important for me.

We are sort of talking about what we will do when we reconvene and I'm also thinking about, right, one of the things that you bring up is like our staff, right.

It's not just the Commission.

But it's our staff.

>> CHAIR SZETELA: Right.

>> VICE CHAIR ROTHORN: It feels we have today we have some things where we are considering you know extending contracts and things like that.

It looks like we are not just extending staff contracts.

We are discussing extending staff contracts we have the consulting contracts.

I see there is a limit right that we can extend it for one year but that ends at a certain point.

That extension of a contract.

So I think that, yes, it's important for me yes, I want to understand how we reconvene. But also right we really have staff and how what that looks like.

Is it an Executive Director we maintain for years.

And can we maintain staff without being in session or whatever it is that we are, you know, that is the question I suppose that and I think so it's the wrapping up and the reconvening that is important.

I think it's related.

>> CHAIR SZETELA: Well and I think that that is sort of my point is that how are we going to handle the response to future litigation.

Because if we are disbanding as a Commission actually, I should not say disbanding as a Commission because it will stay in place but Commissioners terms expire by virtue of the language of the Constitution, we do have this very short timeframe to respond to litigation.

It's seven days in the Michigan Supreme Court.

So we really need to think through and make sure that we have a structure in place that if that happens and the Secretary of State is reconvening us, we already have sort of our ducks in a row in terms of responding.

And that might mean having Baker Hostetler on agreement to step in and think about the data too because we have this body of information related to our work.

And we will no longer have access to that as Commissioners because my understanding is once we are no longer Commissioners then you know our phones are being turned back in, our computers are being turned back in.

Who is going to have that body of data that those lawyers assuming it's Baker Hostetler or someone else they are going to be able to access in seven days to be able to write a you know compelling response.

It's a bit of -- it's going to take some planning.

It's not something I think we should just, I don't know, put a rubber stamp on and move on.

I think we really need to think about what procedures we want to put in place now to enable us to be effective so we don't end up having a default.

Commissioner Orton?

>> COMMISSIONER ORTON: Just on that same line, I was just thinking back to when we first began.

Of course we could do it faster this time.

But not within seven days.

If we turn in our computers and our phones and everything, how are we going to meet? How do we just how do we move forward? It seems very confusing to me.

So we do need to work it out.

>> CHAIR SZETELA: Yes, and that could be something as simple as you know we have a file that's maintained by the Department of State where they have you know our alternate e-mail addresses and alternate phone numbers where they can contact us. You know, I think this needs to be a robust policy.

This needs to really be thought through.

Particularly and I mean once Mike Brady is actual, to actually get on and talk to us you know, if the Department of State is going to jump in and defend us, I think that it will alleviate some of the concerns but I don't know they have an obligation to do that. I don't know if constitutionally it's clear they could do that.

Because technically it's our job to defend.

So what process are we going to put in place to make sure that someone can't use that seven day period against us to file a complaint and then we can't respond and then we default on the litigation because we don't file a response within seven days.

Commissioner Eid?

>> COMMISSIONER EID: I think you bring up a lot of really good points Chair Szetela.

And another thing to consider is we might not want to put the onus on the Department of State.

We have a good relationship with the Department of State today.

You know, there is no telling if we will have a good relationship.

>> Can you hear me now.

>> CHAIR SZETELA: We can hear you, Mike Brady.

Did you happen to catch all that discussion I'm not sure, I know you were trying to dial in.

>> MIKE BRADY: I caught most of it and very sorry for interrupting Commissioner Eid please continue and I can jump on.

>> COMMISSIONER EID: Glad to have you on Mr. Brady.

Yes, there is no telling if we will have the same type of working relationship with the departments of states or the Secretary of State or, you know, any lawyer who might want to defend us in the future.

So I would not want to put it in the hands of, you know, an outside entity.

We need to figure out a way you know to keep us as independent as possible in that regard.

>> CHAIR SZETELA: So go ahead Mr. Brady.

>> MIKE BRADY: Good morning.

I was going to say again but you didn't hear me the first time.

Good to see you all and be with you this morning.

A lot of great points Commissioner well various Commissioners and Chair Szetela.

I appreciate the question and just thinking through these in a transparent way.

I guess I will say up front that I don't know that as much as I appreciate the points and appreciate the questions, I'm not sure that any of us can have definitive answers to some of these things at this time.

This strikes me as once again what you know you all have experienced being the inaugural folks on the Commission and for me and Sarah and folks on staff to serve the Commission for the very first time and kind of making real the constitutional amendment and the language that so many folks worked so passionately to put in place

A few points along these lines.

I think maybe the to respond to the most recent one that Commissioner Eid you had just raised and questions about a future secretary and the potential role and whether future secretary would be supportive of the Commissioner or hostile to the Commission and things along those lines.

I hear you on that point.

It's something I'm mindful of in my work.

Just generally speaking.

Because, you know, elections matter and future secretaries may have a different perspective, not just on this but you know all the other things we are doing in our office. And on this particular topic I guess I go back to the Constitution.

And the individuals who drafted that language and who worked so hard and in a bipartisan manner across the State of Michigan to get that enacted.

And what that language says, it was written by folks who write in their name Voters Not Politicians they are incredibly skeptical and I think there is a you know well established in the record incredibly skeptical of establishment politicians.

The establishment and politicians in general through the name and their very efforts that they undertook to create this Independent Commission.

And yet they understood that there are some things that need to be needs to be a steady hand.

On certain aspects.

And it's very limited in the Constitution.

But they wrote and the people adopted the language that says the Secretary of State is a defined role and it will serve as the nonvoting secretary of the Commission.

And so whether I guess I will say to each of you as citizens in our state, you should you know maybe this should be a question of anyone who runs for the office of Secretary of State how will they work with the Commission and what will they do to support the Commission and respect the Commission's independence.

That may be of all the questions posed here the one that might very well have the clearest path.

Now what happens to your question what happens if a future Secretary of State does not take on their responsibility and fails to comply or fails to do what they need to do?

And, you know, probably involves the mandamus lawsuit which is a type of lawsuit that

exists not just in Michigan but certainly used in Michigan where you have to establish you file it against the public official and say you have a duty to act and you have failed to act.

I mean other things to it but at the basic level.

So if for example, a future Secretary of State were to fail to comply with the application timeline very strict timeline all of the things that we did and very involved process that we as an office undertook before any of you were ever seated.

And it says, you know, among the various deadlines this is for example we have to seat you by October 15th of 2020.

Our office very supportive of this effort feeded you, not by October 15th, excuse me, October 15, seated you a month earlier September 17 of 2020 but what if somebody missed it? Anybody could file suit against the Secretary of State.

The Constitution says the Secretary of State has to convene this Commission by October 15th of you know the next will be 2030.

The secretary fails to do that Court please order her to do her job.

And so that's the way that our system at large exists.

And you see these kind of lawsuits brought against elected officials who have clear duties and responsibilities.

And when there is an allegation, not always true, but an allegation that someone has failed to do their job and it's brought against local, county, statewide officials, frankly on a regular basis.

They are not always successful but they observe are when someone has actually failed to do their job.

That is one thing that crosses my mind

To Chair Szetela, and I think I did miss if Commissioner Orton and Rothhorn if you had spoken during my technical issues, I think I did miss those so I ask that you repeat it.

But I do recall I think some of Chair Szetela your questions and concerns about potential lawsuit and necessity to defend that in short order.

And you know would the Secretary of State or a future Secretary of State defend the maps.

I of course don't know when a lawsuit will come a future lawsuit will come challenging these maps.

If it comes on the same schedule that it happened ten years ago or challenging the maps you know that were, you know, put in place ten years ago, was it the 7th year of the maps? So seven years from now regardless what happens with other elections seven years from now Secretary Benson will not be in office.

And you know if she wins reelection, she will be term limited either way she won't be there.

I most surely will not be in my role so I can't speak to what the future secretary would do.

I would say if the lawsuit were to come while we were in office our perspective and you see this in the amicus brief we filed with the Attorney General yesterday in the League of Women Voters case their perspective is as the nonvoting secretary of the Commission we you know did everything we could to support you and to support your work.

But we did not have a say or a role in the creation of the maps.

And accordingly it's not appropriate for us to attempt to defend the maps or to you know certainly not to denigrate them but it's not appropriate role.

It could be problematic just to play devil's advocate a secretary could open themselves up if they try to defend the map or didn't do a good job because they didn't actually draw it.

And so a halfhearted defense frankly maybe worse than no defense at all because they could give the wrong impression.

I also don't think it's not clear to me that the Michigan Supreme Court would accept that any secretary stepping in to defend the Commission's work because it's clear from the constitutional language that the Commission draws the maps and the Commission is responsible for the decisions and it hires its own staff and attorneys.

And I think of course to the very thoughtful and thorough process that this Commission undertook in hiring each of its staff members and each of its outside counsel and each of its contractors.

And you did that for a reason.

Because you knew that you know, lawyers are a dime a dozen you knew that there were some lawyers you felt comfortable working with that were going to be the right fit for this bipartisan and nonpartisan Commission and other lawyers that maybe didn't have the requisite experience or whatever else may have gone into your analysis.

So I think along those lines I just don't know how that could happen otherwise.

To the question of service and I'm speaking to address some of the different you know points that were raised and questions that were raised.

I think as a practical matter if a lawsuit is filed in, I don't know three years or seven years, the individual filing the lawsuit bears the burden of providing service.

I mentioned they would look at the Court rule, thinking what I would do.

You know you look at the Court rule.

This is a standard practice for lawyers who file lawsuits the Court rule says to serve the Chair or the secretary.

We know this.

As the Commission has been sued three times.

The Plaintiffs would know that you know be easily easy to find out that the Commission had gone dormant and that there is not a Chair at that point.

So it would serve the secretary.

I think the question then would be you know, would we you know, any secretary look at this and say okay we need to defend this out, we should post notice of a meeting of the Commissioners to see who is still eligible.

And you know may you all live a long time and have good health but you know life happens.

People get in car accidents.

You know things happen.

And people may not actually but I mean any one of us God forbid might not be around.

Or simply may no longer be a registered voter in the State of Michigan.

Which means that you're not eligible to serve.

And so life can happen in lots of different ways.

And but it's something as simple as that.

You know you move to God forbid Ohio or some other state and change your registration and you are no longer able to serve.

So along those lines the Constitution lays out a process for the secretary to fill the vacancies.

Of course we filled the vacancy twice.

Most recently with Chair Szetela.

So you know there is a whole process for that.

I think the question about you know what the language expire means is a very fair question.

I wonder to what degree the drafters envision or kind of thought through a potential challenge that would happen you know mid cycle, you know in year seven for example like it did last time.

When they chose the word expire.

At the same time I also see the language that general sell points to that I says under no circumstances does anyone else other than the Commission draw the maps.

And I don't know how to ultimately you know exactly where the Court would land with that.

But it does seem this would right out the gate be a matter the Court itself would have to engage.

As the secretary sat on their hands and said a future secretary or any secretary says expire and means it's over, the Commissioners no longer sit and I'm not authorized as the secretary, this is a hypothetical, I'm not authorized as a secretary to have a new one until 2030 per the concussion.

The first question the Plaintiffs will engage when they filed the suit in the Michigan Supreme Court not just the maps are violated but also who is possibly able to you know if the Plaintiffs are correct, if they can bear the burden in their lawsuit that these maps have violated whatever they violated, whatever the allegation is.

They will explain to the Court who is allowed to draw the maps other than the Commission and if it is the Commission there is a clear, you know, order to the secretary to convene the Commission.

Fill out the gaps and confirm everyone is still eligible to serve and get a Commission together.

If not in part to defend the maps at least to act on that.

>> CHAIR SZETELA: Okay, thank you.

I'm sorry were you.

>> MIKE BRADY: I was speaking, responding trying to respond to different folks.

>> CHAIR SZETELA: Here is my question for you so in terms of like many things that we've seen with this Commission I mean we are the first Commissioners.

And a lot of these things are issues of first impression for us in the world.

And in terms of what expire means and the Commission itself, the one thing that I keep coming back to is can we -- so let's assume we have the secretary of state so empowered and Secretary of State chooses not to act and there is a mandamus action can our rules of procedure bind the Secretary of State to act by themselves? Because nowhere in the Constitution does it say the Secretary of State has to reconvene the Commission.

It's just a void.

There is like nothing addressing it.

And so let's just say we even put into our rules of procedure that the Secretary of State reconvenes us or we create some other process and we could even put timeframes and have to reconvene 48 hours of service to speed up the timeframe would we be able to or somebody else go in Court and compel the Secretary of State to act under our rules of procedure? You may not even know the answer to that and may have to look into it. I feel there is a lot of uncertainty about this.

And that is one of half a dozen questions that are out there.

>> MIKE BRADY: Sure.

>> CHAIR SZETELA: I feel part of this is us all fumbling because the constitutional amendment didn't really address that.

My understanding is the reason why they didn't is because they thought there weren't going to be any later challenges and that all the challenges would happen within the first year or two and there would be no need for us to be around.

So I don't even think the thought of us reconvening was a glimmer in the mind of Voters Not Politicians when they wrote this.

I think that is part of the problem because I think that could happen and we need to have a way to address it and defend the maps.

I just don't know.

We are almost creating a mechanism because there isn't one so but yes to that question would we be able to enforce our rules of procedure against the Secretary of

State? Would that even be binding on the Secretary of State? I don't know the answer to that.

You are much more savvy with Government law so maybe you do know but.

>> MIKE BRADY: I'm not sure so I do appreciate the question as I said at the outset. That I don't know that any of us can answer this definitively.

Understanding as a practical matter, if the Commission doesn't do anything today on these rules, the question is likely still to come to a head.

And it's likely going to come to a head at some point after elections, you know, one election, a few elections have occurred and there has been sources of data and people you know have the data that supports their argument.

So they will then file the lawsuit and all those other things and flow from that.

That will be the question front and center.

I don't -- I don't see how the rules of procedure for the Commission could possibly trump the language in the Constitution.

But then circle back to the language, which language, expire, what does expire mean?

There could be an opportunity there.

Versus who is allowed to draw the maps.

And who is allowed to change the maps.

It talks the Constitution also talks about the Commission's ability to hire lawyers to defend its work and the Commission's ability to Commission the legislature to pay for the lawyers and specialized expertise in the law.

And you get what you pay for with the quality, that sort of thing.

So for all of those reasons, I don't know the standard seven day engagement for the Michigan Supreme Court, that makes sense.

You know, to expedited timeframe makes sense, what not.

That may make sense and is workable here when you have existing lawyers and contract existing staff in place.

You are all engaged.

You have all that in place.

You know lawsuits coming and you know three years from now or seven years from now none of us know where we will be or the condition we will be in even if we are otherwise or you are otherwise eligible to serve. And whether you will be able or interested in doing so.

And so to expect you to completely go forward and expect your lawyers who knows where your lawyers will be. They may not be at the same law firm or conflicts because seven years have passed.

There are a lot of things as a practical matter are very, very significant concerns.

And ultimately, I think those are going to be the sorts of things where the language in the Constitution is going to be front and center and probably the initial filing is going to say among, you know, might ask for like instead of a temporary expedited, you know,

temporary injunction or something very abrupt up front it could be expedited mandamus ordering the secretary to convene the Commission or something like that.

And I imagine the argument back and forth will be under what authority.

And someone will probably make an argument that expire means you know your particular term thus far but you're still the people.

Who knows.

But I imagine that's probably going to be the contour of necessarily be the contour of arguments back and forth.

The expire language and what people can argue that means versus the all the other language in the amendment that authorizes this Commission and this Commission alone to defend the maps, to create the maps, to do all the other things about the maps.

>> CHAIR SZETELA: Dustin I see both of you have your hands up.

I'm not sure who was first, do either one of you know.

>> VICE CHAIR ROTHORN: I wanted to acknowledge Commissioner Clark wanted to speak to this and that is why I had my hand raised.

>> CHAIR SZETELA: Okay Commissioner Clark?

>> COMMISSIONER CLARK: Yes.

I'd like to make a few comments relative to what Mike Brady and Rebecca have been talking about

It's -- as you know, from the past year and a half, my focus has been consistency in the way we do things.

To me when I look at this item, the consistency that is important is to keep the Commission intact.

They are the ones that have the knowledge.

They understand how the maps were put together.

They are the only ones that understand how they were put together.

So they need to be put -- they need to be kept intact with that knowledge until, well, apparently ten years.

The way I'm looking at it.

That does not mean we have to meet once a month.

We could meet three times a month.

Or every third month.

But and it may be a short meeting.

But I think they are the key players and I think that we need to continue with these key players unless a circumstance like Mike has indicated comes up.

Where somebody doesn't qualify any more.

And I think that is the approach we should take consistency.

That is what we have done with everything else.

So that is my approach on that.

>> CHAIR SZETELA: Commissioner Witjes?

>> COMMISSIONER WITJES: I had a wild idea.

What would prevent us, let's say we have all of the all pending litigation is done and we foresee nothing is going to happen for the next couple election cycles.

Because who knows what will happen in the future why can't we just put ourselves in a perpetual recess? So that we actually never end.

That way that if we were to -- if we were to have to reconvene for whatever reason, the Chair of the Commission at that particular point could do so.

And then we don't have to worry about the whole term of expired because we are still a body, we will be the body with the Commission for ten years.

We just won't be meeting and we will stand in recess until we need to meet.

Is that way off in left field or is that just something that I thought of and I should go take a nap now or something?

>> CHAIR SZETELA: Commissioner Eid?

>> COMMISSIONER EID: Well, I don't think it's out of left field this is what Commissioner Clark is saying and it's a good point and why take all these risks that we talked about for the past 45 minutes so maybe we should look into if it is legally defensible to or I don't know what the word is not to stand.

And meet every six months and I think history tells us we can assume as more elections snap in and more data is available there may be lawsuits in the future like they were in the past so expecting that why not prepare for it.

>> CHAIR SZETELA: I agree with that concept as well because like I said I mean my primary concern is we have such short timelines to respond and I don't want to handicap our ability to defend ourselves.

And that I think that this language wasn't particularly thought through in terms of the possibility of later litigation.

And I don't know.

Maybe we can look at going on a reduced status for a few years.

And, you know, reduce our salary so that, you know, the salaries are lower and maybe meet you know every six months or I mean I think it's an idea worth exploring.

Because the reality is there is no statute of limitations on these challenges.

I think that the argument could be made that the litigation is not done when there is no expiration date on the statute of limitations but I think it's something we should get an outside opinion on and Baker Hostetler ask them to weigh in on what they think.

You know, I definitely think it's worth exploring because there are lots of issues with just saying we are done and disbanding and you know as Commissioner Eid just mentioned, you know, we Mike Brady and I have spent 20 minutes talking about it and we don't have any resolutions on it because they are all open questions.

So any additional thoughts or comments? Or I don't think we are ready to move forward today so do we want to move on to item 5B? Because I think we still need to think about this maybe a little bit more.

Commissioner Orton?

>> COMMISSIONER ORTON: Do you see Mike Brady? His hand is up.

>> CHAIR SZETELA: I did not Mike Brady then Commissioner Curry.

>> MIKE BRADY: Two thoughts, one ultimately, I think the idea of course of engaging your lawyers to answer this question is a fine idea.

I was going to offer before you said that I think the immediate answer Dustin as you put it out there so it's interesting with a parliamentary potential posture and procedural approach.

Unfortunately I suspect the answer from Baker Hostetler and you don't have to take my word for it, I'm not your lawyer.

I expect the answer to the question is why can't you do that is because I think the language in the Constitution for whatever this is worth, I think it's fairly clear.

And so it was not the people like hey it's dormant and let's do this or that.

It's the particular provision in the Constitution that says when you have no more business and when you have no more litigation.

And the threat of litigation as the Supreme Court has talked about is not the same thing as litigation, right? So October closed session you went into that because you anticipated litigation under VRA to be fair you got litigation on VRA.

But Supreme Court was not convinced because they said the threat of litigation is not the same thing as actual litigation.

So you have been able to go in closed session for example, since then when you actually had litigation, you were discussing litigation.

So you know we will see what your lawyers say.

But I think that is the answer and the different idea comes to mind which is all of these questions and this uncertainty and something that does not seem to have been addressed maybe you know at least not fully or clearly by my read by the drafters of this amendment.

One of the things you can consider asking your lawyers is about the possibility of asking the Supreme Court to weigh in preemptively and say hey look put them on notice, put the public on notice that we don't get ahead of ourselves, we have two lawsuits pending right now but assuming that at some point these are resolved and we then have no litigation pending we are mindful of the history of litigation on this kind of matter frankly in the State of Michigan looking back you know just five years ago or five years ago and seeing this you know litigation that began in the 7th year.

And you know you can look at other states as well.

This is frankly it's not uncommon.

It may even be very common to see that kind of late-stage litigation.

And so as we contemplate that it is foreseeable, we are you know, looking ahead at the possibility of that.

Wondering what we do Supreme Court in the future when if and when our maps are challenged? What will be the role of the secretary, would it be this or that then you can pose the question and we tried this collectively last March and April.

They did not take the bite on it at that time.

They still might not take the bite often this preemptive raising the question and looking for an answer.

But I do think that there was value in the preemptive posing of that question last spring. Inform the public at large the challenges that you or all of us were struggling with the census delay and that was part of the analysis as I recall it among the Commission and between the Commission and with MDOS et cetera about does it make sense to do this. Maybe the Supreme Court will answer our questions.

They didn't.

Maybe they won't.

But even if they don't, they are still value we thought and I say to you now you know what has it been 10, 11 months later that there was value for the public and for other people watching it to understand that you weren't going to hit your November 1st deadline.

The census delay was significantly impacting everybody's operations all those other things so raising the question preemptively might be worth looking in to.

>> CHAIR SZETELA: Okay.

>> MIKE BRADY: Thank you for the time.

>> CHAIR SZETELA: Thank you Mr. Brady Commissioner Curry then Commissioner Witjes.

>> COMMISSIONER CURRY: Excuse me, yes, I think Mike kind of answered my question.

But my question was going to be as Commissioners can we or should we have anything to do with kind of drawing something up and voting on it to see if to at least hold something together for us so that everything will fall in place.

And I know that Mike was saying that we should probably talk to the lawyers first.

So that is one aspect of what my answer would have been.

>> CHAIR SZETELA: Thank you Commissioner Curry.

Commissioner Witjes?

>> COMMISSIONER WITJES: So I guess the way that I'm reading where it says the terms of the Commissioner shall expire once the Commission has completed the obligations for the census cycle but not before any judicial review of the redistricting plan is complete, I consider redistricting cycle a period of ten years.

And I don't consider our obligations to be done until those ten years are ten years pass. Because if something were to happen, it's us that have to come back.

So in my mind when it says when our obligations are done, I don't think our obligation ends just arbitrarily.

I think our obligations are there for the next, well, what? Nine years now.

So that's just my thought.

I'm probably wrong.

>> CHAIR SZETELA: Commissioner Orton then Commissioner Rothhorn.

>> COMMISSIONER ORTON: Yes, so rereading that, I think Dustin's interpretation could be right.

But I do agree that with Mike Brady that we should talk to our lawyers and see what their advice is.

But my real concern is just that we need to be prepared to defend our maps that we created and like Rebecca was saying that you know if the Secretary of State did not reconvene us really quickly but I'm thinking if the Secretary of State does reconvene us at the earliest possibility seven days still how are we going to get ourselves together, a public venue all those things, I just don't see it happening so that is a real concern.

>> COMMISSIONER CURRY: Sonya.

>> CHAIR SZETELA: Commissioner Rothhorn then Commissioner Curry.

>> VICE CHAIR ROTHORN: I think the other part of this so I just echo what Cynthia just said and what Commissioner or Juanita just said too and Dustin.

Frankly it feels important that we consider ten years.

The part that is really important for me is to have our Executive Director and our Outreach Director understand how we stay relevant.

Because I can't like I just don't know what the cost to the reputation or to the image of the Commission will be. Right? To be paying ourselves and staff and meeting every six months.

I just guess what I'm asking is Executive Director Hammersmith and Director Woods, please help us, right, we need to talk to our lawyers but we also have to understand like what does our work look like? How do we stay relevant with the public's eye? I want more trust in our Commission.

I don't want to be perceived or even have the, right, have people because we don't say anything because we are not, right, proceed they are just padding their wallets or whatever.

That feels really important to understand from the outset.

Thank you.

>> CHAIR SZETELA: All right, any more comments? Dustin Witjes?

>> COMMISSIONER WITJES: Sorry, I know we talked about this forever.

But MC makes a good point.

And so I see it potential two ways of doing it.

One, we make a resolution to not pay us and then move into recess.

But theoretically you can't do that.

Because the Constitution says it's for each year, we are here we get paid so we move down to the minimum potentially.

So.

>> CHAIR SZETELA: I agree.

>> COMMISSIONER WITJES: And meet every six months, that would be fine.

So.

>> CHAIR SZETELA: I'm wondering too on that if we have the discretion.

And again this could be an opinion for counsel like move it down to that minimum and then say we get paid a per diem.

If we meet twice a year then we take that whatever it is 39, 40,000, figure out a daily wage for it then we get paid for the per diem if there is not active litigation.

I don't know if we can do that but something to consider.

It would be good true stewards of the public's money.

I saw someone's hand go up Commissioner Lett and somebody else.

>> COMMISSIONER CURRY: You probably saw mine.

>> CHAIR SZETELA: It was you Commissioner Curry did you have a comment.

>> COMMISSIONER CURRY: I will hold it for a few.

>> CHAIR SZETELA: Commissioner Lett?

>> COMMISSIONER LETT: I think all of you all are over thinking this entire question.

And I say that because it's fairly clear regardless if we agree with it or not, the constitutional language says, as Mike Brady said, once all of the litigation is resolved that the Commission dissolves, expires, whatever you want to say.

For us to come along and say we are going to keep going and we are going to keep getting paid somehow is I agree with MC.

That is a slap in the face to the citizens of this state.

If you go to the Court, the Supreme Court, Michigan Supreme Court and say, well, here's what might happen down the road, it happened in the 2010-2020 cycle that there was a lawsuit and I think it was 2017, the Court is going to say, because they always say, if it's speculative, just like they already said with us, if it's speculative we are not going to rule on it.

Bring us back something that's a case in conflict.

And unless you have a case in conflict, they are more than likely going to say we are not going to deal with it.

You're speculating.

We don't have to deal with speculation.

We have to deal with real life.

>> COMMISSIONER CURRY: Right.

>> COMMISSIONER LETT: So I think that if we want to come up with some procedure and conversation with the Secretary of State's office for the Secretary of State to reconvene the Commission, then that would be appropriate.

If we have a lawsuit filed and we have seven days or whoever has seven days to respond, a response certainly can be, hey, we can't do it in seven days.

And here is why.

And we need more time.

And that would probably be granted.

So those are my observations of this discussion.

And I appreciate you listening to my rambles and rantings.

>> CHAIR SZETELA: All right guys you ready to move on? Does anybody need to take a break before we go to the next agenda item?

>> COMMISSIONER CURRY: Yes.

>> CHAIR SZETELA: Okay, can we recess for ten minutes? Does that work for everybody? Just because I know we are really low on Commissioners so people can't step away.

Commissioner Lett did you have another comment on that? Your hand is still raised.

No, okay, all right hearing no objections it's currently 10:57 we will stand in recess until 11:10.

That way everybody can get up and attend to personal needs and come back.

All right we are in recess until 11:10.

Thank you.

>> MS. SARAH REINHARDT: As a reminder for Commissioners because we have not done virtual meetings in a while, while we are on break, if you could turn off your video and your microphones so that we can allow our interpreters to also have a break.

Thank you

[Recess for ten minutes]

>> CHAIR SZETELA: I'm just waiting for everybody else.

Juanita, Richard to pop in so we can start.

Here is Richard.

1234567 Commissioner Clark are you online?

>> COMMISSIONER CLARK: I am.

>> CHAIR SZETELA: I'm going to get started then guys.

All right I'd like to call this meeting of the Michigan independent citizens Redistricting Commission back to order at 11:11 a.m. will the Department of State please conduct a roll call.

>> MS. SARAH REINHARDT: Hi Commissioners. Please state where you are attending remotely from.

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

>> COMMISSIONER CLARK: Attending; remotely from Macomb County, Michigan.

>> MS. SARAH REINHARDT: Juanita Curry.

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

>> MS. SARAH REINHARDT: Anthony Eid?

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

Brittini Kellom?

>> COMMISSIONER KELLOM: Present; attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present. Attending remotely from Lee County, Florida.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present; attending remotely from Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Present; attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Present; attending remotely from Highland, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner?

>> MS. SARAH REINHARDT: Richard Weiss?

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

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present; attending remotely from Howell, Michigan.

>> MS. SARAH REINHARDT: Eleven Commissioners are present.

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

Unfinished 5B budget without objection I will ask Executive Director Hammersmith to proceed and without objection please proceed.

>> MS. SUANN HAMMERSMITH: At our last meeting Commissioner Eid asked if I would look at some comparative budgets for other Independent Redistricting Commissions so I did obtain that data and provided for you a spreadsheet. I want to let you know where we are with our first fiscal year budget.

You can see in the first column after the descriptions that the balance in our budget was \$20.90 and that amount does have to be returned to the legislature.

So that amount will be returned out of last year's fiscal year budget which ended on September 30, 2021.

The second column is our current budget in the current fiscal year from October 1, 2020 to September 30.

From October 1, 2021 until September 30, 2022, current fiscal year we are in.

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As you are aware that budget does anticipate that there could be a shortage around 827,000 again depend on litigation so from there the next two columns are the Princeton gerrymander project, they actually reviewed budgets of the previous Independent Commissions.

And suggested what they felt might be the budget that would be needed for this Commission in its first and its second fiscal year.

I do want to acknowledge that they anticipated in the first fiscal year that MDOS would contribute over \$3 million.

I continue to acknowledge MDOS for the support of this Commission.

They have been very generous at providing both staff to provide assistance to your staff and the Commission.

Also providing the interpreters for all of the meetings.

They cover all those costs.

So Bengali Spanish and ASL and the closed captioning are all provided by MDOS so that I continue to support this Commission.

As you can see Princeton gerrymandering suggested our first year budget should be \$6 million.

Again we were under the 3.1 million appropriation.

The second year they anticipated a budget of \$4.7 or 4.8 million again depending on litigation we will see where it goes but the current appropriation is over \$3.1 million

The next column, next two columns are the Arizona Independent Commission from 2012 and 2022.

So those were the main years of those budgets.

You can see ten years ago they spent \$3.7 million and this year their budget is 7.9 million.

The population is about 70% of Michigan so they are a smaller state but reasonably comparable to Michigan.

Then the last two columns are California, that is the budget for the entire redistricting cycle, they have their budget segmented into work product.

So it's kind of difficult to work with fiscal years in those budgets but for the entire cycle ten years ago they spent about \$10 million including 3.5 million that was not in appropriation, it was grant monies they went out and secured and most of that went into their communications and outreach budget.

And this year their budget will be over 23 million.

State of California is about four times larger than Michigan.

So divide the 23 by 4 and I think you would have a pretty good comparable

Our next step will be to do the report, the fiscal year report that we do owe the Governor and the legislature according to the Constitution.

We will get that done post taste on our last fiscal year.

And we will initiate that return of \$20.90

Are there any questions that I can answer?

>> CHAIR SZETELA: Commissioner Rothhorn.

>> VICE CHAIR ROTHORN: It what's to be said the staff salaries, we have a small and mighty staff.

The idea that the Princeton gerrymandering project estimated a million right in the first year and we spent less than half, I just want to clearly acknowledge very clearly acknowledge that we have a small and mighty staff and just incredible work.

And I think we all as Commissioners know they were and have been taxed a great deal. So I really want to salute and thank you.

And know that we, yes, sometimes it hurts my heart I don't know if we have done right by you but appreciate the work.

The budget says it a lot so thank you the three staff members we do have here just really appreciate it.

>> MS. SUANN HAMMERSMITH: On behalf of all of us.

>> CHAIR SZETELA: I saw daughter is that what you were going to say MC.

Yes, Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'd like to say that my impression is, and we did exceptional job last year.

And when you compare it to the other states, I don't think we even come close.

We are way more efficient in getting the job done.

And in my opinion also the job was done correctly.

And expeditiously as we move forward.

So I think we all deserve a round of applause for each other.

Thank you.

>> CHAIR SZETELA: Thank you Commissioner Clark.

Commissioner Eid, did you have your hand up?

>> COMMISSIONER EID: Yes.

Two comments.

I completely agree with the last two comments.

But I think, you know, while we are thinking about this process in the future, we are understaffed.

And that puts an undue burden on the staff that we do have.

Makes the job more stressful.

And we talked a lot over the past year about burn out and of having, you know, this job be one that people want to take in the future.

And with our current staffing levels I'm not sure that you know anyone is going to want to do the job that Suann Edward and Joanne have done over the past year.

So I really think we should while we are putting together the you know, the future video to look at having significantly more staff to make the burden a little lighter

And then, second, Suann you mentioned grant money.

And I'm wondering if that's something that we can possibly look into as well.

Seeing if there are any grants available, you know, not only for our general budget but also to see if there is grant money maybe to publicize what we have done nationwide.

I believe California got a grant for something similar ten years ago.

>> MS. SUANN HAMMERSMITH: I believe California got their grant money primarily to gather public input.

And they did a good job of getting public input.

I believe they got something like 25,000 comments.

Edward can correct me if my number is not correct.

But again, they did that to secure the public input and get people involved in their first ever redistricting process.

Their money came from a California foundation.

I do know that Michigan State has gotten grant money from that foundation for work they have done, to be supportive of redistricting in the State of Michigan.

So I don't know that they are necessarily grant opportunities out there for this Commission.

And the Constitution does clearly state that the legislature needs to provide the funds to support any litigation against the maps that this Commission develops.

So I think it is the responsibility of the legislature to provide additional funding if it is needed and it appears it will be.

>> CHAIR SZETELA: All right, any other comments or questions for Sue? All right so thank you, oh, Commissioner Eid? You always wait until I'm ready to move on.

>> COMMISSIONER EID: One last thing I'm sorry so we have this data now, important data.

The question is what are we going to do with it? What comes next? Are there any recommendations?

>> MS. SUANN HAMMERSMITH: Well we would certainly use this data to go to the legislature.

It provides good base line information that would help inform the work that we are doing, that shows that this Commission has been extremely efficient with the funds that have been provided, that the Commission has done a great job with their budget.

So knowing that the litigation is causing the budget to not be adequate during this current fiscal year, I think is a good case that we can make when we go to the legislature to ask for additional funding.

I'm not sure we are quite there yet.

I can tell you the litigation costs in December were \$200,000.

So in January I'm sure will be very high also as General Counsel has indicated with the pending cases.

So the litigation costs will be high.

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In the near future and we will have to see what the future brings you know, after these two cases.

>> CHAIR SZETELA: All right, so let's move on to our next business agenda item which is new business.

New business item 6A considerations for a closed session to discuss litigation, without objection I will ask General Counsel Pastula to provide information about this agenda item.

Please proceed Ms. Pastula.

>> MS. JULIANNE PASTULA: Thank you so much Madam Chair.

Given the status of our pending litigation, the Commission has one case in state Court currently and one case in Federal Court.

I offer the resolution in the event the Commission would like to have a closed session today to discuss it.

The legal team does not have anything urgent to discuss with the Commission in this regard.

So if you would like to schedule one for your next meeting, that would also be appropriate.

The League of Women Voters response briefs were filed yesterday.

Our response to the Federal case is not due until February 18th.

I would like to highlight for the Commission that the Plaintiffs have asked that the March 16th oral argument date be advanced.

It would not change the briefing schedule, just the date of the oral arguments.

I will keep you posted on that.

Again it's just an opportunity in the event the Commission would like to have a discussion today with outside counsel in regard to the pending litigation.

And if not, again, after the next meeting we will have all the briefing done and we also expect the Michigan Supreme Court to schedule oral argument in the League of Women Voters case very quickly as they have done in the past.

I do apologize for jumping back and forth between the two cases.

And lastly if the Commission was desirous of having a closed session today, we would recommend that that would start at 1:00 p.m.

Thank you, Madam Chair.

>> CHAIR SZETELA: The closed session to start at 1:00 p.m., not right now?

>> MS. JULIANNE PASTULA: Some of the -- well we could do it, we have attorneys with availability that are unavailable from Noon to 1:00.

So certainly and I know it does take a few moments to take the necessary votes not only to convene but whether to hold a closed session but also to convene one.

>> CHAIR SZETELA: Commissioner Lett?

>> COMMISSIONER LETT: General Counsel you provided all of the materials that have been filed to date with the exception of the one you just mentioned.

Are there any decision points that the Commission needs to make? Or will this be just a review of the material you have already provided?

>> MS. JULIANNE PASTULA: Through the Chair to Commissioner Lett, this would be an opportunity for counsel to answer questions by the Commission of any of the litigation, yes.

There are no outstanding -- there are no decision points that need to be made or nothing urgent that the Commission needs to be advised on of this time.

And I just received a notice of filing that the Plaintiffs in the Federal case have filed a response in opposition to the motions to intervene.

Again, there are two groups intervening in the Federal lawsuit, asking to intervene in the Federal lawsuit, Voters Not Politicians as well as a group of Michigan voters.

And so hopefully that is responsive, Commissioner Lett.

>> CHAIR SZETELA: Are we opposing the motions to intervene?

>> MS. JULIANNE PASTULA: No.

>> CHAIR SZETELA: General Counsel? Thank you.

Commissioner Orton?

>> COMMISSIONER ORTON:

>> CHAIR SZETELA: Go ahead General Counsel.

>> COMMISSIONER ORTON: I just think Commissioner Clark has something in the chat.

>> MS. JULIANNE PASTULA: Thank you.

Commissioner Szetela, we did not support or oppose the request to intervene is a more accurate answer.

>> CHAIR SZETELA: Okay, Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'd like to put forth a motion that we do not have a closed session today and we have it in our next meeting, which is two weeks from today.

>> CHAIR SZETELA: Does that require a motion General Counsel?

>> MS. JULIANNE PASTULA: Madam Chair what I would recommend is that the Commission adopt the resolution and just insert the date and set the time to meet at the next meeting is what I would recommend.

>> CHAIR SZETELA: Okay, so you're proposing the motion to adopt resolution 20220201 to call a closed session but that the date of that closed session will be -- [phone going off]

February 24th, is that right? February 24th at a date and time to be set? Or at a time to be set, is that what you are suggesting?

>> COMMISSIONER CLARK: Correct.

>> MS. JULIANNE PASTULA: February 24th, if the Commission wanted to just pick a time and then the agenda could be built around it.

That way counsel would also have that ability.

>> CHAIR SZETELA: Do we want to say 11:00 a.m. does that work.

>> COMMISSIONER WITJES: I was going to friendly amend it to be 1 p.m. so if people want to eat lunch before they talk to us about legal stuff they can.

>> CHAIR SZETELA: Okay so Commissioner Clark, where are we at with your motion? And Commissioner Curry seconded it as well.

So is that consistent with what the motion you want to make, you want to make a motion to adopt the resolution but with a date of February 24th?

>> COMMISSIONER CLARK: What I had intended.

>> CHAIR SZETELA: I'm sorry could you repeat that Commissioner Clark?

>> COMMISSIONER CLARK: Madam Chair that is consistent with what I intended.

>> CHAIR SZETELA: Consistent with what you intended is there a time you want it before we get to potential motion to amend.

>> COMMISSIONER CLARK: 1:00 is when most of the attorneys have been available.

They are the keys to this meeting so I would say 1:00.

>> CHAIR SZETELA: So we have a motion to adopt resolution 20220201 to call a closed session on February 24th at 1:00 p.m., Commissioner Curry is that what you were interested in seconding? Okay and then Commissioner Witjes that renders your amendment unnecessary.

Is there any discussion or debate on that motion to adopt the resolution? All right I believe we are going to need a roll call vote to adopt the resolution so Ms. Reinhardt if you could take over with the roll call vote.

>> MS. SARAH REINHARDT: Certainly I believe Commissioner Kellom had a hand raised.

>> CHAIR SZETELA: Sorry Commissioner Kellom.

>> COMMISSIONER KELLOM: I would personally prefer an earlier time.

But that is I know I'm just one Commissioner just because of my schedule that day. 11:00 would fit better for me.

But I'm just one person.

>> CHAIR SZETELA: Commissioner Witjes, then Commissioner Rothhorn.

>> COMMISSIONER WITJES: If I had to take a guess how long do you think the closed session would be?

>> MS. JULIANNE PASTULA: Commissioner Witjes, at that point we will have again another anticipating another oral argument completed and a very hefty series of briefs filed in the Federal case.

So I think the Commission should plan for one hour.

And for being able to have a full discussion.

And that way if you end earlier then you end earlier.

But for planning for expectations I think we are reserving an hour would be appropriate.

>> COMMISSIONER WITJES: Well, Commissioner Kellom, I do feel that you need to be here if at all possible because this is pretty important.

So with that said I'd like to amend to make the start time at 11:00 a.m.

>> CHAIR SZETELA: Okay so we have a motion by Commissioner Witjes to amend. Seconded by Commissioner Rothhorn to change the time to 11:00 a.m.

Any discussion or debate on the amendments? So General Counsel, correct me or confirm for me the procedure do we need to have a roll call vote for the amendment as well? Or can we just do a show of hands on the amendment.

>> MS. JULIANNE PASTULA: Madam Chair you can just do a show of hands, you can do a show of hands on the amendment.

And confirm that outside counsel representatives are available at either time.

>> CHAIR SZETELA: Okay, all right, so let's do by show of hands a vote on the amendment to change the time on February 24th to 11:00 a.m.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay, the ayes prevail and the amendment is adopted.

So let's move back to the original motion, which is the motion to adopt, hold on let me read it off again resolution 20220201 to call a closed session pursuant to 6.25 I'm sorry 6.2.5 of the MICRC rules of procedure on February 24th at 11:00 a.m. and

Ms. Reinhardt if you could take the roll call vote I would appreciate it.

>> MS. SARAH REINHARDT: Absolutely Madam Chair Commissioners please indicate your support on the motion with a yes or know and I will call on Commissioners in alphabetical order starting with MC Rothhorn.

>> VICE CHAIR ROTHORN: Aye.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Aye.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Aye.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Aye.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Aye.

>> MS. SARAH REINHARDT: Doug Clark?

>> COMMISSIONER CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: Aye.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

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>> COMMISSIONER KELLOM: Aye.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Aye.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: With unanimous support 11 yes, the motion carries.

>> CHAIR SZETELA: Thank you Ms. Reinhardt.

Also we will move on to our next item on the agenda which is 6B consideration of contract extensions without objection I will ask Executive Director Hammersmith to present this item.

Hearing no objections please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Okay good morning again.

We have contracts for two of our consultants that end on February 28th.

Those being Federal Compliance Consulting LLC and Election Data Services, considering that we may need them for any current or future litigation, it seems wise to extend those contracts, each for one year.

They hold the option for two one-year extensions.

But right now we would recommend one, one-year extension.

There is funding left in both of those contracts at the present time that can be utilized through this extension.

If additional funds should be needed going forward and I would certainly come back to the Commission but right now these extensions would be for one additional year, that would take it through February 28th, 2023.

And then we could reassess at that time.

Questions.

>> CHAIR SZETELA: Any questions? Commissioner Orton?

>> COMMISSIONER ORTON: Yes, how I can't remember how those contracts are written, but since we don't know if we will be a Commission for the next year, it seems a little strange to renew a contract for a year.

So is that just is it more like a retainer situation where they get paid if we have to use them.

If we need to redraw maps or whatever the services are that they would render.

>> MS. SUANN HAMMERSMITH: For example expert testimony in Court if needed, something of that nature.

So, yes.

It would just be the availability to have these people available to the Commission if the case arose.

They are not paid until the work is completed and they submitted an invoice.

So if they do no work, they get no payment.

>> CHAIR SZETELA: Okay, Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'd like to put a motion forward for the Federal I don't know the exact.

>> CHAIR SZETELA: Federal Compliance Consulting.

>> COMMISSIONER CLARK: Federal Compliance Consulting and we renew their contract for a year and then we deal with the other one separately as well.

>> CHAIR SZETELA: Okay so we have a motion to adopt our resolution 20220202 which was to extend Federal Compliance contract for one year with no additional funds. Do we have a second Commissioner Witjes, I see we have a second.

Any discussion or debate on the motion? All right seeing none let's go ahead and vote all in favor of adopting resolution 20220202 extent Federal Compliance contract for one year with no additional funds raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay the resolution is adopted and then Commissioner Clark you wanted to address Election Data Services separately.

>> COMMISSIONER CLARK: Yes, I'm not going to address it.

I will let some of the other people address it.

I think we need to deal with them in a different method because of the nature of their business.

So I welcome some comments from some of the others on how to deal with them.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Yes, General Counsel.

>> MS. JULIANNE PASTULA: Thank you so much, just for the record I'd like to note that the extension was approved by a member of each of the selection pools as required by the Constitution.

Thank you.

>> CHAIR SZETELA: Thank you.

Any comments on Election Data Services? Commissioner Witjes?

>> COMMISSIONER WITJES: I was going to say wouldn't that be the same as Mr. Adelson? Like it would just be if we need them for expert testimony and all that? Or if we need to have them come back and help us draw? Or I would imagine it would be the exact same thing.

>> CHAIR SZETELA: Yep.

>> MS. SUANN HAMMERSMITH: And both of the contracts were written in a similar manner with the options for two one-year extensions so it is suggesting implementing the first one year one.

>> COMMISSIONER CLARK: I did not understand how that second one was written.

>> COMMISSIONER WITJES: I would like to make a motion then to extend the contract to Election Data Services for another period of one year.

>> CHAIR SZETELA: Okay so we have a resolution that has been presented.

Resolution 20220203 to extent Election Data Services contract for one year.

Commissioner Witjes I'm assuming that's what you want to adopt.

>> COMMISSIONER WITJES: That is correct.

>> CHAIR SZETELA: Can we get a second on that.

>> COMMISSIONER CLARK: I second.

>> CHAIR SZETELA: Commissioner Curry I see your hand up so I'll give that one to you.

So we have a motion and a second to adopt resolution 20220203 extend Election Data Services contract for one year.

Any discussion or debate on the motion? All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

All right the resolution is adopted.

We are going to move on to agenda 6C future staffing considerations without objection I will ask Executive Director Hammersmith to provide information about item one Sara Martinez please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you.

Given the fact that we are losing one staff person towards the end of the month it would seem wise to keep Sara Martinez available to this Commission if the need arises.

So she did take a full-time job.

But she indicated she would be available to this Commission around ten hours a week.

I've asked in the resolution up to 15.

I don't anticipate ever needing that.

But should a project come along that required 15 hours one time, that would give us that option.

I really do have a sense that it's going to be ten hours or less.

And it will be again on an as needed basis.

So she would continue at her same rate of pay at the request going forward starting in March which Edward or me.

And we would -- I would ask that this contract be extended retroactive to February 1.

She did not work last week and did not turn in hours.

However, I think it would be much cleaner with Kelly services just to initiate a contract extension that would start when the other one finished.

So that's the request and there is a resolution provided for that.

>> CHAIR SZETELA: Any discussion on this point? If not, I would consider a motion to approve resolution 20220204 offer contract extension to Sara Martinez
Commissioner Orton?

>> COMMISSIONER ORTON: So moved.

>> CHAIR SZETELA: Motion by Commissioner Orton seconded by Commissioner Weiss.

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Any discussion or debate on the motion? All right we have a motion and a second to approve resolution 20220204 contract extension to Sara Martinez all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

By a vote of 11-0 the resolution is adopted

We will continue to new business agenda item 6C future staffing considerations item two consideration for managing General Counsel responsibilities.

We received memos from Executive Director and General Counsel, without objection I will ask our Executive Director Hammersmith to provide information followed by General Counsel Pastula.

Please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you.

For your information, I provided the key points of the job description for the Commission to consider.

A significant work of the General Counsel position has been completed at this time.

I thank Julianne for all the work she did.

And putting together drafts of procedures and policies for this Commission.

For her assistance with all the contracts for the public hearings.

There were AV contracts.

There were venue contracts.

And there were hotel contracts.

So she did a great deal of work.

The consultant contracts, there was a lot of help in that area along with MDOS who was very helpful to us in putting together the contracts and the processes and procedures and for getting consultants in place for this Commission.

The maps have been adopted.

So you know a lot of work has been done in the last year.

And we are appreciative of that.

The primary work at this time appears to be legal advice to the Commission and the staff, providing legal memoranda and keeping the Commission and staff updated regarding the litigation.

So it's communication role

Secondly, she is the program manager for our legal contracts.

The primary staff contract.

And she does review and approve the invoices and helps direct the paralegal who has been working in research for the litigation.

Thirdly she serves as our parliamentarian and our FOIA manager.

Mike Brady has agreed to attend meetings going forward.

And serve as the parliamentarian at the meetings.

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And MDOS has agreed to accept FOIA and be the FOIA manager for the Commission. So that leaves options then for if the Commission chooses those, they could choose something differ but -- different but I think those are pretty good resolutions for those areas of responsibilities.

That leaves the first two areas of her work that some options have been provided to this Commission for those.

So for the first one, the primary communication piece, our legal counsel or litigation counsel can come to meetings and present updates to this Commission at any meeting. They can provide the legal memoranda that we get in writing.

We could appoint a Commissioner to serve as a liaison providing the communication updates to the Commission.

Or utilize our staff to be the liaison.

But in talking with David Fink over the last couple of weeks, he indicated that he feels he could do -- he could provide the basic legal work to this Commission.

He said he will do everything but approve the invoices which I said, okay, you can't do that.

But certainly we would not allow him to approve his own invoices

But he Fink Bressack is willing to serve in the role as kind of a General Counsel who we could reach out to if we wanted to develop a new procedure or policy or needed assistance with reviewing amendments to policies.

And he is more than willing to assure his firm handles the basic things that would happen on a weekly basis that would be needed

We can also utilize existing staff to coordinate the program manager aspect so certainly Edward and/or I can communication with legal counsel MDOS certainly communicates with us and when litigation would come, we can certainly be the communication liaison.

So I think what's really needed at this point is good communication so this Commission is very aware of what is going on with regards to any litigation and that is a role that Fink Bressack and your staff can handle.

But those are the options we are presenting.

Julianne, I know explored the Attorney General office and she may wish to speak further but I will turn the floor over to her and let her expound, correct, explain more about her role.

>> CHAIR SZETELA: General Counsel? Commissioner Curry did you have a comment first? I can't hear you.

You are on mute.

You're still on mute.

Commissioner Clark has a comment to Commissioner Curry while you sort of Eid eye Commissioner Curry is your computer that needs to restart?

>> CHAIR SZETELA: Yes, okay, so she needs to restart, okay.

Commissioner Clark, did you have a comment?

>> COMMISSIONER CLARK: My comment was I think it's appropriate given Julianne is leaving us she identify and document or explain her job tasks.

But not recommendations on where we should go.

I think recommendations should be a Commission-driven item.

And not an item of somebody that is going to be leaving the Commission's work.

My approach towards this.

>> CHAIR SZETELA: Thank you Mr. Clark.

Ms. Pastula did you have any follow-up on what Executive Director Hammersmith presented?

>> MS. JULIANNE PASTULA: No Madam Chair nothing to add.

Thank you.

>> CHAIR SZETELA: Okay, any -- Commissioner Lett?

>> COMMISSIONER LETT: Yes, I move we retain the Fink firm to act minimally with any necessary legal issues that come up once Julianne has left the Commission.

>> COMMISSIONER CLARK: I second that.

>> CHAIR SZETELA: Okay so we have a motion by Commissioner Lett seconded by Commissioner Clark to retain the Fink firm to handle any legal go ahead and restate it for me Commissioner Lett so I don't mess that up, sorry.

>> COMMISSIONER LETT: To handle any legal requirements that would arise once General Counsel has left the Commission.

>> CHAIR SZETELA: Thank you.

Any discussion or debate on the motion? Okay all in favor raise your hand and say aye. Aye.

All opposed raise your hand and say nay.

All right by a vote of 11-0 the motion is adopted

All right I think at this point we can move on to agenda item 6D.

I'm sorry I skipped one 6C, future staffing considerations item 3 and 4.

I'd like to ask the Commission for input regarding extensions of contracts for the communications and Outreach Director and Executive Director positions.

So both of those agreements expire as of March 31st, 2022.

So we need to make a decision if we are going to extend those.

Go ahead Commissioner Orton?

>> COMMISSIONER ORTON: Before we move on to that, I think that we need to decide like who is going to fill the communication, the gap between Fink Bressack and the Commission.

So I propose that our staff members do that, a staff member, whichever staff member is fine.

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>> CHAIR SZETELA: Okay so is that a motion to have staff take over the communication function between Fink Bressack and Baker Hostetler and the Commission?

>> COMMISSIONER ORTON: Yes please.

>> CHAIR SZETELA: Can we get a second on that? Seconded by Commissioner Rothhorn.

Any discussion or debate on that? All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay the motion is adopted.

Commissioner I'm sorry Executive Director Hammersmith.

>> MS. SUANN HAMMERSMITH: Following along with that, is it the desire of the Commission to have MDOS coordinate the parliamentary role and the FOIA requests that come in?

>> CHAIR SZETELA: Commissioner Orton?

>> COMMISSIONER ORTON: Yes, I would like to motion that we both of those happen.

However she said that.

That was good.

>> CHAIR SZETELA: A motion to have Michigan Department of State coordinate the FOIAs and the parliamentary role for the Commission.

>> COMMISSIONER CLARK: I second that.

>> CHAIR SZETELA: Seconded by Commissioner Clark and Sarah Reinhardt, I saw you pop on-and-off did you have a comment.

>> MS. SARAH REINHARDT: Sue got to it first.

>> CHAIR SZETELA: Michigan Department of State to handle the FOIA coordination requests and also act as the parliamentary with respect to the Commission. Any discussion or debate on the motion? All in favor raise your hand and say aye.

Aye.

All opposed raise your hands and say nay.

Okay by a vote of 11-0, the motion is adopted

All right anything else we need to cover Executive Director Hammersmith?

>> MS. SUANN HAMMERSMITH: I think we have covered it thank you.

>> CHAIR SZETELA: Okay all right let's move on to future staffing considerations items 3 and 4 for both the communication and Outreach Director and Executive Director positions.

So we have two staff positions both which expire on March 31st, did we want to extend those? Did we want to change the number of hours or the pay? We need to sort of make a decision on whether we are extending those contracts.

Commissioner Lett?

>> COMMISSIONER LETT: I move that both contracts be extended at the same rate and hours of pay as they currently are.

>> CHAIR SZETELA: Okay for how long? Did you have a term?

>> COMMISSIONER LETT: I would say for three months.

>> CHAIR SZETELA: All right did we get a second on that Commissioner Orton?

>> COMMISSIONER ORTON: Well, okay, second.

And then I have a comment.

>> CHAIR SZETELA: Okay go ahead Commissioner Orton.

>> COMMISSIONER ORTON: Can we word it somehow that it ends when we end? I mean we can't possibly say that it's for a year because we don't know if we will be a Commission for a year.

So it's tied to the other issue that we were discussing.

And I don't know the answer.

>> CHAIR SZETELA: Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: And I think they need help understanding what -- I mean none of us have job security but I think that is the point.

Our fates are tied, right.

When we you know, we have to have staff.

And so it just feels really important that we give them some sense of like as we wrestle with this right that we connect the end date and sort of a with hours.

So I think what I heard Cynthia suggesting is what I'm hoping we might adopt.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Yes, General Counsel.

>> MS. JULIANNE PASTULA: So what I'm hearing is that as far as extending staff contracts the initial proposal was a three month term. And now the Commission is discussing an alternate term.

I would advise against an Evergreen contract that just doesn't end.

Particularly given the earlier conversation about the uncertainty and the lack of clarity on when the Commissioners terms would be ending.

And I think giving a contract term three months, six months, whatever, certainly whatever the Commission decides gives the Commission the opportunity to go ahead and do further extensions or you know other modifications as it sees fit.

It's when you have a set contract term it allows you particularly if since staff reviews are not done or anything like that it allows the Commission to again have that expectation that the contracts will be circling back up, thank you Madam Chair.

>> CHAIR SZETELA: Okay Commissioner Clark then Commissioner Witjes.

>> COMMISSIONER CLARK: This is Commissioner Clark.

I would like to make an amendment to the original motion that we increase the salaries of the Executive Director and the communications Director by 5%.

>> CHAIR SZETELA: Okay, I will second that.

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So we have a motion to amend the original motion by Commissioner Clark to increase salaries by 5%.

I seconded that.

Any discussion or debate on that? And then Commissioner Witjes I saw your hand up as well.

>> COMMISSIONER LETT: Before Dustin talks, I would consider that a friendly amendment and would accept it.

>> CHAIR SZETELA: Okay we have a friendly amendment that is accepted by Commissioner Lett.

Commissioner Clark I'm sorry Commissioner Witjes did you have any comments?

>> COMMISSIONER WITJES: Not in regards to that.

I was going to say that I think that the three month extension is completely fair at this particular point in time.

Because of the fact that we are going to be getting opinions from our legal teams on how we are going to handle ourselves.

So until we really know we should be continuing to just extend that on a quarterly basis. So I feel like that should be how we do it.

>> CHAIR SZETELA: Okay any additional discussion? All right so we have a motion by Commissioner Lett seconded by Commissioner Orton to extend the contracts I'm going to break these up, Commissioner Lett.

For Edward words III communication and Outreach Director for three months with a 5% increase in pay.

Any further discussion or debate on that motion as to Edward Woods? Okay all in favor of that portion of the motion please raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay, by a vote of 11-0 the motion was adopted. Then we will deal with Executive Director Hammersmith separately.

So we have a motion for Executive Director Hammersmith to extend her contract for three months and increase the rate of pay for 5%.

Any additional discussion or debate on that Commission Lett?

>> COMMISSIONER LETT: I'd like to amend that to 7%. 5% does not cover cost of living now.

Inflation is running about seven so I would amend that to 7%.

>> CHAIR SZETELA: I will second the motion is there any discussion or debate of the amendment? Amendment of the primary motion to increase Executive Director Hammersmith's pay by 7% please raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay by a vote of 11-0, the amendment is adopted.

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So at this point we will go back to the primary motion which is the motion to extend executive Director Hammersmith's contract by three months with a 7% increase in pay. Any discussion or debate on that motion? All in favor raise your hand and say aye. Aye.

All opposed raise your hand and say nay.

And in fairness I would now consider a motion to amend the prior action against Edward Woods to make his rate of pay increase 7% as well.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER WITJES: Second.

>> CHAIR SZETELA: Motion may bid Lett and Commissioner Witjes did you second that? You seconded it, okay, any discussion or debate on the motion? All in favor of increasing Edward Woods III to 7% instead of 5% raise your hand and say aye.

Opposed raise your hand and say nay.

By vote of 11-0 that contract extension and increase of pay is also adopted at this point we will move on to new business agenda 6D consideration of in person meeting in March. Without objection I will ask communication and Outreach Director Edward Woods III to present this item.

Please proceed Mr. Woods and Commissioner Lett did you have a comment before that?

>> COMMISSIONER LETT: Just to let everybody know it's been nice visiting with you today and I have to leave.

Bye.

>> CHAIR SZETELA: Thank you Commissioner Lett.

Commissioner or Mr. Woods?

>> MR. EDWARD WOODS: First and Foremost thank you to the Commission for the extension and the raise.

I will greatly appreciate it.

I say thank you and I see our Executive Director is nodding as well.

Sue reminded me earlier last week I spent a year and I share with her it seems like we have been here much longer than a year because of the great work that has been done by the Commission.

One of the things that we are doing with our lessons learned video is getting background information and orientation.

Just this week our Executive Director Sue Hammersmith and our General Counsel Julianne Pastula was providing background material with regards to constructing the report but there will be a time when we will need to interview the Commissioners with regards to that and we just thought it would be easier if we could do it when we had an in-person meeting.

Seeing that the contracts have been extended we can possibly look at doing that in April.

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I did not want to leave anything unturned before I left with regards to this project.

And so if we are if we look at April to come back to in-person meetings, that would be really helpful.

They want to set up two dates to tape one day in Lansing and one day in Detroit.

And if we look at the schedule, they were doing the second Thursday in Detroit and the fourth Thursday in April.

And I know we have a moratorium I should say we have our meetings virtual I should not say moratorium until the end of March. And so maybe we can just go ahead and just look at doing that in April.

Because of the previous action that was taken.

>> CHAIR SZETELA: So just to clarify so you're talking about having the taping done in April? Is that right?

>> MR. EDWARD WOODS: Correct and I just wanted to do it after the meeting to identify venues and can also tape the other folks if they are planning to tape in the Metro Detroit area as well as in the Lansing area.

So we can identify those dates in Detroit it would be for those who actually live in the Metro Detroit area.

So for those that need to plan their schedules you want to make sure we give plenty of time.

And so the date that we are looking at would be April 14th.

I do want to remind you that that is Easter weekend so I don't know if that is going to be a challenge in terms of that date but just want to throw that out there.

And then April 28th would be the one in Lansing.

And we would set up recording on that particular day.

>> CHAIR SZETELA: Any questions or comments for our executive Director Woods I'm sorry communication and Outreach Director Woods? All right seeing none did you -- is there anything else you need to add, Director Woods?

>> MR. EDWARD WOODS: No, we just need to make sure we set meetings dates. Obviously, I would work with MDOS to make sure we have locations.

But it's just an understanding that those meetings in April would be in person.

Those who live in the Metro Detroit area, we would set up a taping on the 14th.

And those who live in the Lansing, closer to Lansing we would set up taping on the 28th.

>> CHAIR SZETELA: Executive Director Hammersmith, do we need to specify locations for those meetings? Or do we already have meetings specified? I'm just asking is there anything we need to do at this point.

>> MS. SUANN HAMMERSMITH: I don't believe at this point.

We will need to make sure that MDOS can find venues for those meetings and then we can come back to the Commission at a later time to clarify that.

>> CHAIR SZETELA: Okay, all right.

Well if we are done with that agenda item, we can move on to approval of meeting minutes.

Thank you, Mr. Woods.

So next on the agenda is approval of the meeting minutes from January 27 meeting held via Zoom and the draft minutes have been provided to the Commission prior to the meeting and posted on the website.

Are there any edits to the meeting minutes? All right seeing none I would entertain a motion to approve the meeting minutes.

>> COMMISSIONER WITJES: So moved.

>> CHAIR SZETELA: Motion made by Commissioner Witjes.

Seconded by Commissioner Weiss, I see you down there waving your hand all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The meeting minutes are adopted

We have.

>> MS. SARAH REINHARDT: Could you indicate what your vote was Commissioner Clark?

>> COMMISSIONER CLARK: I voted affirmative.

>> MS. SARAH REINHARDT: Thank you.

>> CHAIR SZETELA: Thank you.

So moving on to agenda item 8 there are to staff reports today without objection I will ask General Counsel Pastula to provide her report, please proceed Ms. Pastula.

>> MS. JULIANNE PASTULA: Thank you Madam Chair I was able to cover the topic earlier in the meeting.

>> CHAIR SZETELA: Okay thank you.

Mr. Woods, did you have a staff report?

>> MR. EDWARD WOODS: Yes, yes, yes.

>> CHAIR SZETELA: Okay.

>> MR. EDWARD WOODS: Just really want to share and give expressed appreciation to the Commission.

What is being lost and I really want to give yourself a round of applause is that you fulfilled the mission.

And what I mean by you fulfilled the mission you demonstrated that citizens, not legislatures could actually get maps approved despite personality conflicts and differences.

And that's exactly what took place.

That is exactly what took place.

I've updated my counts and noticed we have now done 250, I repeat 250 outreach activities.

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The Commission has participated in 101 presentations.

They have done 42 scheduled media interviews.

This does not count feedback after you do a -- after a meeting or the press. These are 42 actual media interviews and 7 outreach activities.

Most notably the fair that Commissioner Lange has done.

And I just really want to give a pat on the back.

You know there is conflict and contention is always part of the process.

But let's not forget the main thing was always the main thing.

And that maps were approved.

They were approved according to a deadline that was modified because of delay of census.

And that's a tribute that personal differences were set aside to ensure that the Commission fulfilled its mission.

And so I really would like to salute each and every one of you.

Remind you of that.

You know, irregardless of what the press reports may say there has been a lot of feedback that I have received on behalf of the Commission that you all stuck together and worked together despite the differences.

And just really want to salute you on that.

And make sure that remains our focus as we go through these lawsuits and get our maps approved so that we have the best maps and before we were known as the worst gerrymandered maps in the country and we are the best and what you all did as the Commission becomes the Norm and not the exception to ensure that all citizens have a part in the redistricting process.

Nearly 30,000.

Nancy Wang said on the show nearly 30,000 comments and that was more than the entire state of California, which is four times larger than Michigan.

So once again kudos to Commissioner Szetela, Commissioner Rothhorn, Commissioner Clark, Commissioner Eid, Commissioner Kellom, Commissioner Orton, Commissioner Vallette, Commissioner Witjes, Commissioner Weiss, Commissioner Wagner, Commissioner Lange. And I want to make sure I'm not forgetting anybody because everyone has done an outstanding job. I just want to say thank you.

And then last but not least I would like to thank my colleagues who also participated in the presentations.

And the outreach our Executive Director Suann Hammersmith, our General Counsel Julianne Pastula as well as our executive assistant, Sara Martinez.

And last but not least one last shout out to MDOS and their staff in terms of the website and the communications that they have assisted with has just been outstanding.

So just wanted to share that with you.

As we are continuing to move forward and letting you know that you fulfilled the mission.

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You accepted the assignment and we do have better maps.

Thank you very much.

>> CHAIR SZETELA: Thank you Mr. Woods for that rousing applause to the Commission.

Thank you.

Without objection I will ask Sarah Reinhardt from the Department of State for her report. Hearing no objection please proceed Ms. Reinhardt.

>> MS. SARAH REINHARDT: Hi Commissioners.

I do actually have an update for you today.

I wanted to talk a little bit about what's going to happen to Commissioners' equipment and staff equipment and any notes or files that you have with you once there are staff departures and when and if the Commission disbands or goes dormant.

So laptops and phones will be handed in to the Department of State prior to staff departure's work or Commissioner departure.

And they will be imaged by DTMB.

Which means that it's basically taking kind of a picture of the state of your device as it is right now.

Including records, programs and any kind of documents on there

And that will be done to both your laptop on your phones.

And then they will be placed in what is called a litigation hold.

So essentially this means that all of your devices will be stored in a locker, in a state facility for really the next ten years.

In the event that the Commission does go dormant and reconvenes, if new litigation arises, the Department of State would then be able to redistrict your laptops and phones to you all.

So keep in mind that the life span of laptops and technology nowadays is typically around four years.

Most of us are about halfway through that already.

So if the Commission encounters litigation after that benchmark, you could consider at that time once you're reconvened purchasing new laptops, that would be able to keep up with the state of technology at that time.

And if that does occur, the images that were taken from the imaging of your computers and your phones would be able to be placed on those new devices so you would have access to all your records and documents and it would be just as if you are accessing or utilizing your technology today

Furthermore the only thing I wanted to add is I think we've talked a little bit about records retention in the past.

To the extent that any Commissioners have paper documents or notes, all of those will need to be retained.

And will be turned over to the Department of State from both departing staff and departing Commissioners.

And I'm happy to take any questions about that.

>> CHAIR SZETELA: Any questions? All right, not seeing any, so thank you Ms. Reinhardt.

We will move on and Commissioner Clark I do see that you have one more item to discuss. But can we do that at announcements or do you want to do it right now Commissioner Clark? I'm not sure.

>> COMMISSIONER CLARK: It does not matter when we do it.

>> CHAIR SZETELA: Why don't you just go ahead.

>> COMMISSIONER CLARK: I want to go back to the extension of our contract with our mappers.

>> CHAIR SZETELA: Okay.

>> COMMISSIONER CLARK: And what I would like to put forth a motion that they have got 30 days starting from today to get the mapping software working correctly on every one of the PCs.

We've got to think about three, maybe four of the Commissioners who cannot use their mapping software at this point in time.

And whether they are going to use it or not, my belief is that our vendor should make sure that it is functional in case they need to use it so I would like to put that motion forward.

>> CHAIR SZETELA: Hold on one second.

So we still have a quorum Ms. Reinhardt, correct? I noticed Cynthia Orton has dropped.
12345678.

Are we good? MC Rothhorn? We are just down to nine?

>> MS. SARAH REINHARDT: I'm going to count.

I believe when Commissioner Curry left, we were at nine.

So if Commissioner Orton has also left now.

>> CHAIR SZETELA: Yep.

>> MS. SARAH REINHARDT: I believe we are below quorum which means that we can and correct me if I'm wrong General Counsel, we can still the Commission can still continue but cannot conduct any votes.

>> MS. JULIANNE PASTULA: Correct the only vote appropriate would be the motion to adjourn.

But if you're just receiving staff reports, oh, excuse me Commissioner Clark was.

>> CHAIR SZETELA: He had a motion.

>> MS. JULIANNE PASTULA: Offering a motion, correct, no that would not be in order with less of a quorum pardon me of the Commission.

>> CHAIR SZETELA: Commissioner Clark I will ask we will put that as future agenda item because we no longer have a quorum so we will add that to our next agenda item to discuss then.

>> COMMISSIONER CLARK: That is fine with the amount of time.

>> CHAIR SZETELA: All right Commissioner Witjes?

>> COMMISSIONER WITJES: I have another future agenda item potentially.

>> CHAIR SZETELA: Okay, go ahead.

>> COMMISSIONER WITJES: We did just extend 7% raises for inflation.

I think we need to consider that for all of us as well based off of our actual salaries.

We are not adding 7% to the Governor's salary.

That would be ridiculous but 7% based off of what we are currently making now.

And we can discuss that at our next meeting.

>> CHAIR SZETELA: Okay we will add that as another future agenda item.

All right any other future agenda items?

>> COMMISSIONER CLARK: Cynthia is back with us.

>> CHAIR SZETELA:

>> COMMISSIONER ORTON: I'm sorry my computer restarted.

>> CHAIR SZETELA: I knew that was going to happen so I was watching when you dropped because I thought we were pretty low so okay so Doug do you want to address this right now? Or do you want to have it on the future agenda item?

>> COMMISSIONER CLARK: No I'd like to take care of it right now.

>> CHAIR SZETELA: So Cynthia I'm not sure if you caught what he had made a motion to require our vendor EDS within 30 days to make sure that all Commissioners have functioning software on their computer.

And I don't believe we received a second because we were checking on a quorum in between.

Is someone interested in seconding that?

>> COMMISSIONER ORTON: I'll second that.

>> CHAIR SZETELA: Okay we have a motion on the floor by Commissioner Clark, seconded by Commissioner Orton to require EDS within 30 days to make sure that all Commissioners have functioning software on their computers.

Is there any discussion or debate on that motion?

>> MS. SARAH REINHARDT: Just want to note for the record that because we were talking about issues of quorum Commissioner Clark and Commissioner Rothorn are both present.

They just have their video off right now.

So you do have a quorum, thank you.

>> CHAIR SZETELA: Okay Commissioner Eid.

Thank you, Ms. Reinhardt.

>> COMMISSIONER EID: We have text support in the current contract.

Who is having trouble with their software?

>> CHAIR SZETELA: Commissioner Clark, did you know? I know Commissioner Lange said she had problems but I'm not sure if those are resolved.

>> COMMISSIONER CLARK: Orton had problems as well.

>> COMMISSIONER ORTON: I had lots of problems with mine and it's currently not working.

>> COMMISSIONER CLARK: I had problems but I don't have problems anymore.

>> CHAIR SZETELA: Okay, any additional comments Commissioner Eid?

>> COMMISSIONER CLARK: I have one other comment.

I believe Commissioner Wagner does not have it installed and I think it needs to be installed on her machine whether she wants it or not.

>> CHAIR SZETELA: Okay, all right, go ahead Commissioner Orton.

>> COMMISSIONER ORTON: I will just add it was not a problem since we drew maps collaboratively.

But wanting you know, if the case arose where we needed to be able to do it on our own, it wouldn't work in the state that it's in right now.

So it depends on what we are going to need in the future, whether we actually need to have it working on each individual computer.

But there are some issues.

>> CHAIR SZETELA: Okay, Sue?

>> MS. SUANN HAMMERSMITH: Commissioner Wagner is up to date with her software whether it works or not, I'm unsure.

The last conversation I had with her she had received all of the updates and she did have the software.

And does everybody on this meeting, is everybody okay with the exception of Commissioner Orton? On their software? And I'll just reach out to the others then.

Thank you.

>> CHAIR SZETELA: All right so let's go ahead and vote on this motion that we have before us.

It's a motion to require EDS to make sure everybody's software is working within 30 days.

>> MS. SARAH REINHARDT: Madam Chair Commissioner Vallette had a hand raised for discussion.

>> CHAIR SZETELA: Okay Commissioner Vallette?

>> COMMISSIONER VALLETTE: I do have the software but I did not get all of the updates and I have not used it either.

But whatever the Commission decides, I will certainly go along with it.

>> CHAIR SZETELA: I don't think the intention of the motion is that you have to have EDS update your software if you don't want to.

It's just to make sure that those that want to, I think, have functioning software.

Commissioner Orton?

>> COMMISSIONER ORTON: So just a question for Commissioner Clark.

Yes, I think we all should have working software all the time.

But as of right now we don't know of any need for it.

So can you just speak more to your motion? Because I may have missed something when I was off.

>> COMMISSIONER CLARK: Given we don't have the need now or it's appropriate time to get it updated and make sure it's functional for everybody.

We don't want a fire drill at the last-minute.

So let's get it working.

Let's maintain it like it should be maintained and like we are paying this company to do for us.

>> CHAIR SZETELA: Okay, I think we are ready to take a vote, all in favor of the motion to require EDS to make sure all Commissioners have functioning software in 30 days raise your hand and say is aye.

Aye.

All opposed.

>> COMMISSIONER EID: Nay.

>> CHAIR SZETELA: Commissioner Clark, did you vote, yea or they.

>> COMMISSIONER CLARK: I voted yea.

>> CHAIR SZETELA: A vote of 8-1 the motion is adopted.

Commissioner Witjes?

>> COMMISSIONER WITJES: Now we have a quorum again should we address what I brought up? Or should we wait?

>> CHAIR SZETELA: It's entirely up to you.

>> COMMISSIONER WITJES: Cynthia, I know you weren't here but I added as future agenda item since we just extended our contracts to everybody with the raise on inflation alone, I suggested that that would be done to all of us as well.

Based off of our current dollar amount.

So not adding anything to what the Governor's salary percentage is that is in the Constitution.

Because I don't know about all of you but inflation kind of is hurting everybody.

So I don't know if we should do it now or we should do it later.

If anyone wants to make a motion for it go ahead.

I will probably second it.

If not, we can talk about it next meeting.

>> COMMISSIONER EID: I think we should talk about that at the next meeting.

I just want to think about it.

>> CHAIR SZETELA: Commissioner Weiss?

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>> COMMISSIONER WEISS: Yes, I was thinking the same thing maybe we should wait until we have more of the Commissioners available and then discuss this when we have at least 12, 13 of us here.

>> COMMISSIONER WITJES: That is perfectly fair.

>> CHAIR SZETELA: Okay, all right, so moving on, correspondence received in advance of the meeting was provided with written public comments in the meeting materials and we talked about future agenda items are there any announcements? All right hearing no announcements as the items on the agenda are completed and the Commission has no further business a motion to adjourn is in order.

May I have a motion to adjourn?

>> COMMISSIONER WITJES: So moved.

>> CHAIR SZETELA: Motion made by Commissioner Witjes seconded by Commissioner Weiss.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail and the meeting is adjourned at 12:22 p.m.

Thank you everybody.