

BAY COUNTY APPORTIONMENT COMMISSION

MAY 21, 2001

THE BAY COUNTY APPORTIONMENT COMMISSION MET ON MONDAY, MAY 21, 2001, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN JOSEPH K. SHEERAN AT 3:05 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: PROSECUTING ATTORNEY JOSEPH K. SHEERAN, CHAIRMAN
DEPUTY COUNTY CLERK CYNTHIA A. LUCZAK
DEPUTY COUNTY TREASURER TAMMI PENN
DEMOCRATIC PARTY CHAIRMAN TONY PAWELSKI
REPUBLICAN PARTY CHAIRMAN MAX D. HOLMAN

EXCUSED: COUNTY CLERK LINDA L. TOBER, SECRETARY
TREASURER JEANETTE E. NEITZEL

ALSO PRESENT: LORAINA A. URBANCIK, SECRETARY TO THE COUNTY CLERK
MARTHA P. FITZHUGH, CORPORATION COUNSEL
GARY STANLEY, PLANNING DEPARTMENT
DAVE ENGELHARDT, PLANNING DEPARTMENT
NEWS MEDIA

PUBLIC INPUT

CHAIRMAN SHEERAN OFFERED TO ACCEPT COMMENTS OF MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD WITH THEIR CONCERNS. THERE WERE NO MEMBERS OF THE PUBLIC PRESENT.

MINUTES

MINUTES HAD NOT YET BEEN PREPARED FROM THE MAY 16, 2001, MEETING.

STATE INSTITUTIONS

CORPORATION COUNSEL REPORTED THAT SHE HAD NOT YET COMPLETED HER RESEARCH ON AN OPINION IN REGARD TO INDIVIDUALS IN STATE INSTITUTIONS WHO ARE NOT TO BE COUNTED, IN PARTICULAR THE BAY COUNTY JAIL.

BUSINESS

THERE WERE SOME MAPS ON THE TABLE IN THE MEETING ROOM. DAVE ENGELHARDT FROM THE PLANNING DEPARTMENT EXPLAINED THAT THEY WERE THE COUNTY

COMMISSIONER DISTRICTS AS THEY EXIST NOW WITH POPULATION NUMBERS INCLUDED. MR. ENGELHARDT REVIEWED SOME OF THE DETAIL ON THE MAPS.

MR. ENGELHARDT REPORTED THAT, WHEN ATTEMPTING TO REPRODUCE THE MICHIGAN INFORMATION CENTER COMPUTER DISK, HE SAW SOME LEGAL LANGUAGE REGARDING NOT DISSEMINATING THE INFORMATION. THE CHAIRMAN REQUESTED THAT MR. ENGELHARDT PRINT THE LANGUAGE THAT HE SAW, AND THEN CORPORATION COUNSEL COULD REVIEW THAT IN REGARD TO COPYRIGHT LAWS.

MR. ENGELHARDT STATED THAT HE HAD NOT PRINTED VERY MANY COPIES OF THE MAPS BECAUSE THEY DO COST MONEY, BUT HE WOULD BE WILLING TO PRINT AS MANY AS REQUESTED. THE DEPUTY COUNTY CLERK INDICATED THAT THESE MAPS ARE AVAILABLE IN THE COUNTY CLERK'S OFFICE FOR PUBLIC INSPECTION.

DEPUTY COUNTY CLERK LUCZAK MOVED TO RECEIVE THE MAPS OF THE CURRENT COMMISSION DISTRICTS WITH POPULATION STATISTICS. IT WAS SUPPORTED BY MR. HOLMAN AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS.

MR. HOLMAN MOVED TO DRAW UP A MAP FOR A SEVEN-COMMISSIONER PLAN.

MR. PAWELSKI BROUGHT UP THE ISSUE OF SUBSTITUTES FOR ELECTED OFFICIALS SITTING IN ON THE APPORTIONMENT COMMISSION MEETINGS. CORPORATION COUNSEL INDICATED THAT SHE HAD REVIEWED THE LAW TO SOME EXTENT, BUT HAD NOT PREPARED A WRITTEN OPINION. SHE INDICATED THAT SHE COULD HAVE A WRITTEN OPINION PREPARED BY FRIDAY, MAY 25, 2001. MR. HOLMAN WAS SURPRISED THIS WAS COMING UP AGAIN. MR. PAWELSKI STATED THAT, FOLLOWING THE MAY 16, 2001, MEETING, HE HAD LEFT A VOICE MAIL MESSAGE FOR THE COUNTY CLERK CONVEYING HIS DISSATISFACTION.

MR. HOLMAN'S MOTION TO DRAW UP A MAP FOR A SEVEN-COMMISSIONER PLAN DIED FOR LACK OF SUPPORT.

MR. PAWELSKI MOVED TO STUDY THESE MAPS, COME BACK WITH A PLAN, AND VOTE ON IT AT THE NEXT MEETING. HE ADDED THAT HE WOULD FIRST LIKE AN OPINION REGARDING ATTENDANCE OF DEPUTIES AT THESE MEETINGS.

CORPORATION COUNSEL REPORTED THAT MCL 45.41 AUTHORIZES THE TREASURER, THE COUNTY CLERK, AND THE REGISTER OF DEEDS TO APPOINT A DEPUTY OR DEPUTIES WHO MAY PERFORM ALL OF THE OFFICIAL ACTS WHICH THE OFFICER MAKING SUCH APPOINTMENT MIGHT LEGALLY DO. FROM THAT, SHE DREW THE CONCLUSION THAT THE DEPUTIES WOULD BE AUTHORIZED TO SERVE ON THIS

COMMISSION. MS. FITZHUGH STATED THAT SHE WOULD BE GLAD TO RESEARCH THE ISSUE FURTHER AND PROVIDE A WRITTEN OPINION.

MR. PAWELSKI MOVED TO REQUEST A WRITTEN OPINION FROM CORPORATION COUNSEL IN REGARD TO THE DEPUTY OF AN ELECTED OFFICIAL SERVING ON THE APPORTIONMENT COMMISSION. IT WAS SUPPORTED BY MR. HOLMAN. MR. PAWELSKI STATED THAT HE WOULD FEEL MORE COMFORTABLE KNOWING THAT THE COMMISSION IS DOING EVERYTHING PROPERLY. MR. HOLMAN WAS IN FAVOR OF THE WRITTEN OPINION TO ANSWER EVERYONE'S QUESTIONS, ALTHOUGH HE WAS DISAPPOINTED THIS HAD NOT BEEN RESOLVED AFTER DISCUSSION AT THE LAST MEETING. MR. PAWELSKI COMMENTED THAT HE HAD CONTACTED OTHERS AROUND THE STATE AND WAS ADVISED THIS WAS NOT PROPER. HE THEN LEFT A VOICE MAIL MESSAGE FOR THE COUNTY CLERK.

MS. PENN SUGGESTED THE COMMISSION LIMIT THEIR WORK TO TWO PLANS AND THEN THE TREASURER WILL BE BACK FROM VACATION AND, HOPEFULLY, THE COUNTY CLERK WILL ALSO BE BACK.

THE MOTION FOR A WRITTEN OPINION PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS.

THE DEPUTY COUNTY CLERK NOTED THAT, DURING THE APPORTIONMENT COMMISSION PROCEEDINGS IN 1990, MS. TOBER, AS DEPUTY COUNTY CLERK, DID SIT IN ON THE MEETINGS. MR. PAWELSKI STILL PREFERRED A WRITTEN OPINION, STATING THAT THE FACT THAT IT WAS DONE BEFORE DOES NOT NECESSARILY MAKE IT RIGHT.

THERE WAS SOME CONCERN ABOUT THE TIME LEFT AVAILABLE TO COMPLETE THIS PROCESS. THE DEPUTY COUNTY CLERK POINTED OUT THAT MS. TOBER IS VERY ILL. AFTER CONFIRMING THAT THE WRITTEN OPINION WOULD BE PREPARED BY FRIDAY, THE CHAIRMAN SCHEDULED THE NEXT MEETING FOR FRIDAY, MAY 25, 2001, AT 2:00 P.M. CORPORATION COUNSEL STATED THAT SHE WOULD INFORM THE CHAIRMAN IF SHE COMPLETED THE WRITTEN OPINION EARLIER THAN FRIDAY. THE CHAIRMAN ENCOURAGED ALL MEMBERS TO CLEAR THEIR SCHEDULE TO BE AVAILABLE FOR APPORTIONMENT COMMISSION MEETINGS DURING THE NEXT TWO WEEKS. MS. PENN CLARIFIED THAT MS. NEITZEL WOULD BE BACK FROM VACATION ON TUESDAY, MAY 29.

THE CHAIRMAN NOTED THAT ANYONE WAS FREE TO SUBMIT A PROPOSED PLAN AT ANY TIME. THE DEPUTY COUNTY CLERK SUBMITTED TWO PROPOSED NINE-COMMISSIONER PLANS AND ONE SEVEN-COMMISSIONER PLAN, WHICH WERE PREPARED BY THE COUNTY CLERK. SHE EXPLAINED SOME OF THE DETAIL, STATING THAT IT WAS DIFFICULT TO PREPARE A NINE-COMMISSIONER PLAN WITHOUT SPLITTING VOTING DISTRICTS.

MR. PAWELSKI QUESTIONED WHETHER THE CITY CLERK HAD BEEN SENT A LETTER OF INVITATION TO ATTEND THESE MEETINGS. THE DEPUTY COUNTY CLERK CONFIRMED THAT THE LETTER HAD BEEN SENT.

MR. PAWELSKI STATED THAT HE DID NOT SEE MUCH CHANGE IN THE POPULATION FROM 1990, SO HE DID NOT PLAN TO SPEND MUCH TIME ON A SEVEN-COMMISSIONER PLAN.

DISCUSSION FOLLOWED IN REGARD TO SPLITTING DISTRICTS AND THE CITY AND TOWNSHIP CLERKS BEING ABLE TO CHANGE PRECINCT BOUNDARIES. THE DEPUTY COUNTY CLERK EXPLAINED THAT CHANGING PRECINCTS CAN ONLY BE DONE WHEN THE POPULATION CHANGE IS GREAT ENOUGH AND THERE ARE MANY STEPS INVOLVED. THE CHAIRMAN STATED THAT THE OVERRIDING CONCEPT SHOULD BE "ONE PERSON, ONE VOTE" AND MAINTAINED THAT, IF A DISTRICT NEEDS TO BE SPLIT BY THIS COMMISSION, THE LOCAL JURISDICTION HAS A PROCESS IN PLACE TO CHANGE THE PRECINCT BOUNDARIES. THE DEPUTY COUNTY CLERK EXPLAINED THAT THE OPPORTUNITY FOR THE CHANGE COMES ONLY ONCE PER YEAR, IT MUST BE JUSTIFIABLE BY POPULATION, A MAP MUST BE DRAWN, HEARINGS HELD, AND VOTERS NOTIFIED.

RECESS/ADJOURNMENT

MR. PAWELSKI MOVED TO ADJOURN THE MEETING. IT WAS SUPPORTED BY DEPUTY TREASURER PENN AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS. THE MEETING CONCLUDED AT 3:40 P.M.

JOSEPH K. SHEERAN, PROSECUTOR
CHAIRMAN

LINDA L. TOBER, COUNTY CLERK
SECRETARY

JEANETTE E. NEITZEL, TREASURER
MEMBER

TONY PAWELSKI
DEMOCRATIC PARTY CHAIRMAN
MEMBER

MAX D. HOLMAN
REPUBLIC PARTY CHAIRMAN
MEMBER