

BAY COUNTY APPORTIONMENT COMMISSION

APRIL 6, 2011

THE BAY COUNTY APPORTIONMENT COMMISSION MET ON TUESDAY, APRIL 6, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON CYNTHIA LUCZAK AT 9:02 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COUNTY CLERK, CYNTHIA LUCZAK, CHAIRPERSON
TREASURER, RICHARD BRZEZINSKI
PROSECUTING ATTORNEY, KURT ASBURY
DEMOCRATIC PARTY CHAIRMAN, TONY PAWELSKI
REPUBLICAN PARTY CHAIRMAN, AARON BAYLIS, SECRETARY

ALSO PRESENT: SHEILA SHAW, SECRETARY TO THE COUNTY CLERK
DAVE ENGELHARDT, GIS DEPARTMENT
DIRK WESTBURY, GIS DEPARTMENT
ERIC JOHNSON, BAY COUNTY RESIDENT

COUNTY CLERK CYNTHIA LUCZAK POINTED OUT THAT NOTICES FOR THE MEETING HAD BEEN POSTED IN ACCORDANCE WITH THE OPEN MEETINGS ACT, AS REQUIRED.

THE AGENDA WAS PRESENTED AND COUNTY CLERK LUCZAK ASKED MEMBERS IF THERE WERE ANY ADDITIONS OR DELETIONS TO THE AGENDA OR ADDITIONAL ITEMS FOR CONSIDERATION. THERE WERE NONE.

PUBLIC COMMENT

COUNTY CLERK LUCZAK OFFERED TO ACCEPT COMMENTS OF MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD WITH THEIR CONCERNS. THERE WERE NO COMMENTS EVIDENCED FROM MEMBERS OF THE PUBLIC PRESENT.

ADOPTION OF RULES OF PROCEDURE

COUNTY CLERK LUCZAK RECOMMENDED USING ROBERT'S RULES OF ORDER FOR CONDUCTING MEETINGS OF THE COMMISSION.

MOTION 1: TREASURER BRZEZINSKI MOVED TO USE ROBERT'S RULES OF ORDER FOR THE APPORTIONMENT COMMISSION MEETINGS. IT WAS SUPPORTED BY PROSECUTOR ASBURY AND PASSED BY UNANIMOUS ROLL CALL VOTE:

5 YEAS: ASBURY, BRZEZINSKI, PAWELSKI, BAYLIS, LUCZAK
0 NAYS

COUNTY CLERK LUCZAK STATED THE INFORMATIONAL PACKETS DISTRIBUTED TO MEMBERS EXPLAINED THE PURPOSE OF THE APPORTIONMENT COMMISSION MEETING, THE MEMBERS ON THE COMMISSION, THE NUMBER OF COMMISSIONER'S TO BE

REDISTRICTED BASED ON POPULATION AND THE APPORTIONMENT PROCESS TO BE COMPLETED BY JUNE 6, 2011.

COUNTY CLERK LUCZAK POINTED OUT THE GUIDELINES FOR APPORTIONMENT ARE CONTAINED WITHIN THE STATED STATUE AND INCORPORATE THE OPINIONS OF THE ATTORNEY GENERAL AND COURT CASES. IN ADDITION, THE TOTAL OVERALL DEVIATION OF THE PERCENT OF THE POPULATION IS BASED ON A FORMULA THAT BEGINS WITH THE HIGHEST NUMBER OF POPULATION PERCENT AND SUBTRACTS THE LOWEST TO GET THE MAXIMUM DIFFERENCE. THE LOW PERCENT WOULD BE TAKEN FROM THE HIGH PERCENT TO GET THE "RANGE OF DEVIATION".

TREASURER BRZEZINSKI SAID AN INFORMATIONAL TRAINING SESSION HELD BY THE COUNTY TREASURER ASSOCIATION WITH DAN KRUGER, OTTOWA COUNTY CLERK PRESENTING INFORMATION, INDICATED THE NUMBER COULD BE AS HIGH AS 11.9%. COUNTY CLERK LUCZAK SAID HER HAND-OUT COULD BE OLD AND SHE WOULD CHECK THAT FIGURE. THAT FIGURE WAS CONFIRMED AND BASED ON CASE LAW. MEMBERS OF THE COUNTY CLERK ASSOCIATION RECOMMENDED A PERCENTAGE OF DEVIATION OF 10% AS A BENCHMARK.

COUNTY PROSECUTOR ASBURY SAID THE APPORTIONMENT SHALL BE GOVERNED BY "ALL DISTRICTS SHALL BE SINGLE MEMBER DISTRICT AND AS NEARLY OF EQUAL POPULATION AS IS PRACTICABLE" AS SPELLED OUT IN MICHIGAN COMPILED LAW ANNOTATED, SECTION 46.404(a). HE FURTHER REQUESTED THAT THIS SECTION BE ADDED TO THE APPORTIONMENT GUIDELINES/RULES PRESENTED AND LISTED A-H. COUNTY CLERK LUCZAK SAID IT WILL BE ADDED TO THE RULES AS REQUESTED.

COUNTY CLERK LUCZAK DISCUSSED MICHIGAN COMPILED LAWS ANNOTATED, SECTION 46.404 (G) REGARDING RESIDENTS OF STATE INSTITUTIONS WHO CANNOT BY LAW REGISTER IN THE COUNTY AS ELECTORS AND ARE INCLUDED IN POPULATIONS BEING EXCLUDED FROM ANY CONSIDERATION OR REPRESENTATION. THE CLERK HAD REQUESTED THE NUMBER OF INMATES IN THE COUNTY JAIL AS OF APRIL 1, 2010 AND WAS PROVIDED THE FIGURE OF 186 INMATES.

TREASURER BRZEZINSKI SAID THIS LAW WAS DISCUSSED AT THE LAST APPORTIONMENT PROCEEDING OF 2001. AFTER SOME DISCUSSION, THE MEMBERS AGREED THE COUNTY JAIL WAS NOT CONSIDERED A STATE INSTITUTION AND THE CENSUS FIGURES WOULD NOT BE ADJUSTED TO EXCLUDE SAID NUMBER OF INMATES AS THE COUNTY JAIL WAS NOT DEEMED A "STATE INSTITUTION" BY THIS COMMISSION.

ELECTION OF CHAIRPERSON

COUNTY CLERK LUCZAK CALLED FOR NOMINATIONS FOR CHAIRPERSON OF THE BAY COUNTY APPORTIONMENT COMMISSION. PROSECUTOR ASBURY NOMINATED TREASURER BRZEZINSKI AND HE ACCEPTED. MR. PAWELSKI NOMINATED COUNTY CLERK LUCZAK AND SHE ACCEPTED. THERE WERE NO FURTHER NOMINATIONS AND VOTING WENT AS FOLLOWS:

RICK BRZEZINSKI: 2 YEAS - ASBURY, BRZEZINSKI
3 NAYS - BAYLIS, PAWELSKI, LUCZAK

CYNTHIA LUCZAK: 3 YEAS - BAYLIS, PAWELSKI, LUCZAK
2 NAYS - BRZEZINSKI, ASBURY

COUNTY CLERK LUCZAK WAS APPOINTED CHAIRPERSON OF THE BAY COUNTY APPORTIONMENT COMMISSION FOR THE 2011 PROCEEDINGS.

APPOINTMENT OF SECRETARY

CHAIRPERSON LUCZAK CALLED FOR NOMINATIONS FOR SECRETARY OF THE BAY COUNTY APPORTIONMENT COMMISSION. PROSECUTOR ASBURY NOMINATED TREASURER BRZEZINSKI AND HE DECLINED. GOP CHAIRMAN, AARON BAYLIS WAS THEREAFTER NOMINATED BY CLERK LUCZAK AND ACCEPTED THE NOMINATION. MR. BAYLIS WAS ELECTED SECRETARY OF THE BOARD BY A UNANIMOUS BALLOT WAS CAST WITH A ROLL CALL VOTE:

5 YEAS: BRZEZINSKI, ASBURY, PAWELSKI, LUCZAK, BAYLIS
0 NAYS

CHAIRPERSON LUCZAK PRESENTED THE GIS DEPARTMENT NUMBERS AND STATED THE OFFICIAL CENSUS TOTALS FROM THE SECRETARY OF STATE WERE EXPECTED TO BE RELEASED ON THIS DATE. THE COMMITTEE AGREED TO RECEIVE THE SECRETARY OF STATE FIGURES WITHIN THE NEXT SEVEN (7) DAYS.

IN ADDITION, THE TREASURER REQUESTED "ALL PLANS SHALL BE SUBMITTED TO THE OFFICE OF THE COUNTY CLERK WITHIN 30 DAYS AFTER THE EFFECTIVE DATE THE SECRETARY OF STATE CERTIFIES THE FEDERAL CENSUS FIGURES." THE MEMBERS DID NOT APPEAR TO OBJECT TO THE REQUEST BUT IT WILL REQUIRE CLARIFICATION AS TO WHETHER OR NOT IT WAS 30 BUSINESS DAYS OR 30 CALENDER DAYS.

BAY COUNTY GIS DEPARTMENT STAFF, DAVE ENGELHARDT AND DIRK WESTBURY WERE INTRODUCED AND OFFERED THE SERVICES OF THE GIS DEPARTMENT. THE GIS DEPARTMENT HAS THE CAPABILITY TO CREATE NEW COMMISSIONDISTRICTS AND TO ADJUST NUMBERS ON EXISTING ONES AND IS AVAILABLE FOR ANYONE'S USE.

CHAIRPERSON LUCZAK NOTED REVIEW OF THE APPORTIONMENT GUIDELINES STATES THE DISTRICTS SHOULD BE AS CONTINUOUS AS POSSIBLE AND AS SQUARE AS POSSIBLE. SHE SAID DURING THE 1990 APPORTIONMENT PROCESS, THERE HAD BEEN ISSUES WITHIN THE TOWNSHIP OF KAWKAWLIN REGARDING PRECINCTS 1 AND 2 WHICH RESULTED IN A "SPLIT" OF THE TOWNSHIP BY TWO (2) COMMISSION DISTRICTS. FOR PURPOSES OF THE ELECTIONS, SHE WOULD LIKE TO AVOID THIS PROBLEM IF POSSIBLE. PRECINCTS ARE ESTABLISHED BY THE NUMBER OF REGISTERED VOTERS WITHIN CITIES AND TOWNSHIPS.

TREASURER BRZEZINSKI ASKED IF WE TAKE THE CITY OF BAY CITY INTO CONSIDERATION OR CONTACT THEM. CHAIRPERSON LUCZAK SAID EMAILS HAVE BEEN SENT AND THERE HAS BEEN NO RESPONSE TO DATE.

EXPENDING COUNTY FUNDS

MOTION 2: CHAIRPERSON LUCZAK ASKED THE COMMISSION FOR A MOTION TO EXPEND COUNTY FUNDS FOR COMMISSION EXPENSES INCLUDING MAILINGS AND PRODUCTION OF MAPS AND PRINTED MATERIALS. TREASURER BRZEZINSKI MOVED TO AUTHORIZE CHAIRPERSON LUCZAK TO EXPEND COUNTY FUNDS FOR APPORTIONMENT COMMISSION PURPOSES. IT WAS SUPPORTED BY MR. PAWELSKI AND PASSED BY A UNANIMOUS VOTE OF: 5 YEAS, 0 NAYS.

MOTION 3: TREASURER BRZEZINSKI MOVED TO PAY MILEAGE EXPENSES FOR THE TWO (2) NON-COUNTY COMMISSION MEMBERS AT THE COUNTY RATE OF .51¢ PER MILE. IT WAS SUPPORTED BY PROSECUTOR ASBURY AND PASSED BY A UNANIMOUS VOTE OF: 5 YEAS, 0 NAYS.

SETTING A FUTURE MEETING DATE

TREASURER BRZEZINSKI SUGGESTED A NEXT MEETING DATE OF MONDAY, APRIL 25, 2011. HOWEVER, WITH CONFLICTING SCHEDULES THE DATE OF TUESDAY, APRIL 26, 2011 WAS AGREED UPON. THE MEETING WILL BEGIN AT 9:00 A.M. IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING.

RECESS/ADJOURNMENT

MOTION 4: PROSECUTOR ASBURY MOVED TO ADJOURN THE MEETING. IT WAS SUPPORTED BY REASURER BRZEZINSKI AND PASSED BY A UNANIMOUS VOTE OF: 5 YEAS, 0 NAYS. THE MEETING CONCLUDED AT 9:40 A.M.

CYNTHIA A. LUCZAK, BAY COUNTY CLERK
CHAIRPERSON

RICK BRZEZINSKI, BAY COUNTY TREASURER
MEMBER

KURT ASBURY, BAY COUNTY PROSECUTING ATTORNEY
MEMBER

TONY PAWELSKI, DEMOCRATIC PARTY CHAIRMAN
MEMBER

AARON BAYLIS, REPUBLICAN PARTY CHAIRMAN
SECRETARY