

BAY COUNTY APPORTIONMENT COMMISSION

JUNE 6, 2001

THE BAY COUNTY APPORTIONMENT COMMISSION MET ON WEDNESDAY, JUNE 6, 2001, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN JOSEPH K. SHEERAN AT 9:05 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: PROSECUTING ATTORNEY JOSEPH K. SHEERAN, CHAIRMAN
 COUNTY CLERK LINDA L. TOBER, SECRETARY
 TREASURER JEANETTE E. NEITZEL
 DEMOCRATIC PARTY CHAIRMAN TONY PAWELSKI
 REPUBLICAN PARTY CHAIRMAN MAX D. HOLMAN

ALSO LORAINA A. URBANCIK, SECRETARY TO THE COUNTY CLERK
PRESENT: CYNTHIA A. LUCZAK, DEPUTY COUNTY CLERK
 MARTHA P. FITZHUGH, CORPORATION COUNSEL
 NEWS MEDIA

MINUTES

COUNTY TREASURER NEITZEL MOVED TO APPROVE THE APPORTIONMENT COMMISSION PROCEEDINGS AS PRESENTED FROM THE MEETING HELD JUNE 1, 2001. IT WAS SUPPORTED BY MR. PAWELSKI AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS.

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.

CORRESPONDENCE

COUNTY TREASURER NEITZEL MOVED TO RECEIVE THE LETTER DATED JUNE 5, 2001, FROM TONY PAWELSKI, BAY COUNTY DEMOCRATIC PARTY CHAIRMAN, RESPONDING TO MAX HOLMAN'S LETTER OF JUNE 5, 2001, OBJECTING TO PLAN NO. 4. THE MOTION WAS SUPPORTED BY MR. HOLMAN AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS.

PLANS

COUNTY TREASURER NEITZEL MOVED TO ADOPT PLAN NO. 3, THE NINE-MEMBER PLAN SUBMITTED BY LINDA TOBER. IT WAS SUPPORTED BY MR. HOLMAN.

THE CHAIRMAN STATED THAT HE WOULD LIKE TO TAKE SOME TIME, BASED UPON COMMENTS MADE DURING THE JUNE 5, 2001, MEETING, TO REVIEW PLAN NO. 4 TO TRY TO INCORPORATE SOME OF THOSE IDEAS. THE COUNTY CLERK INDICATED THAT SHE COULD REVIEW HER PLAN AGAIN ALSO AND WONDERED WHETHER MR. HOLMAN MIGHT ALSO LIKE TO REVIEW HIS.

MR. HOLMAN STATED THAT HE HAD NOTHING TO REVIEW ON HIS PLAN UNLESS SOMEONE HAD A SUGGESTION. THE CHAIRMAN AND THE COUNTY CLERK AGAIN STATED THAT PLANS COULD BE REVIEWED TO TRY TO MEET AREAS OF CONCERN BROUGHT UP AT YESTERDAY'S MEETING.

THE COUNTY TREASURER STATED THAT PLAN NO. 3 MET THE VARIANCE REQUIREMENT, HAD FAIRLY SQUARE BOUNDARIES, AND APPEARED TO BE A GOOD PLAN. SHE QUESTIONED WHICH AREAS WERE OF CONCERN TODAY.

THE CHAIRMAN RESPONDED THAT, WHILE THE POPULATION OF THE WHOLE COUNTY DID NOT CHANGE VERY MUCH, THERE WAS A SHIFT FROM AREAS OF THE CITY OF BAY CITY TO SOME TOWNSHIPS WEST OF THE CITY. HE SAID THAT HE HAD TRIED TO KEEP THE DISTRICTS SIMILAR TO WHAT THEY ARE NOW, BUT SOME CHANGES NEEDED TO BE MADE TO ACCOMMODATE THE SHIFT IN POPULATION. THE COUNTY CLERK RESPONDED THAT THERE WAS ONE AREA OF HER MAP FOR WHICH SHE WOULD LIKE TO LOWER THE VARIANCE, BUT WITHOUT CHANGING OTHER AREAS, AND SHE WAS NOT EVEN SURE SHE WOULD BE ABLE TO DO THAT.

MR. HOLMAN STATED THAT MEETINGS WERE DELAYED IN THE BEGINNING, THE COMMISSION HAS MET SEVERAL TIMES, PLANS WERE SUBMITTED AT THE LAST MINUTE, AND NOW THERE ARE SOME ISSUES WITH THOSE PLANS SUBMITTED AT THE END. HE SUGGESTED THAT, IF THERE WERE SOME SPECIFIC MINOR CHANGES TO BE MADE TO A PLAN, THOSE COULD BE MADE; BUT TO TOTALLY RE-DO A PLAN WOULD UNNECESSARILY DELAY THE PROCESS.

THE CHAIRMAN STATED THAT HE WAS WILLING TO REVIEW HIS PLAN AND LINDA'S PLAN WITH ANY ADJUSTMENTS SHE MIGHT MAKE AND THAT THE RULES OF THIS COMMISSION ALLOW FOR AMENDMENTS TO PLANS.

MR. HOLMAN ASKED WHAT THE CHANGES WERE THAT WERE BEING CONSIDERED. THE CHAIRMAN SAID HE WAS WILLING TO CONSIDER COMMENTS THAT HAD BEEN MADE AT THE MEETING YESTERDAY. MR. HOLMAN SUGGESTED THAT, IF PLANS HAD BEEN SUBMITTED EARLIER, THEY COULD HAVE BEEN DISCUSSED AND ADJUSTED EARLIER. MR. PAWELSKI COMMENTED THAT IF A PLAN COULD BE ADJUSTED TO SATISFY EVERYONE, HE HAD NO PROBLEM WITH DELAYING THE PROCESS.

THE COUNTY TREASURER REVIEWED SOME OF PLAN NO. 4.

MR. HOLMAN STRONGLY OBJECTED TO THE DELAY DUE TO A STRONG UNDERCURRENT OF POLITICS. ALL OF A SUDDEN FIGURES WERE CHANGING BECAUSE OF UNSTATED REASONS. FURTHER, HE DID NOT KNOW WHAT THE OBJECTION TO THE PLAN WAS IF NO ONE WAS WILLING TO ARTICULATE THAT.

DISCUSSION FOLLOWED ON DETAILS OF PLAN NO. 3. DISTRICT 8 APPEARED TO HAVE AN ODD SHAPE, BUT MR. HOLMAN EXPLAINED THAT THE MAP THEY WERE LOOKING AT WAS NOT ACCURATELY DRAWN, SO DISTRICT 8 ACTUALLY HAD A BETTER SHAPE THAN IT APPEARED. THE COUNTY CLERK AGAIN STATED THAT SHE MIGHT NOT BE ABLE TO MAKE ANY CHANGES ANYWAY.

CORPORATION COUNSEL MARTY FITZHUGH HAD BEEN REVIEWING THE COMMISSION'S RULES OF PROCEDURE, PARTICULARLY RULE 10, WHICH DEALT WITH AMENDMENTS TO THE PLANS.

ALTHOUGH MS. FITZHUGH DID NOT HAVE A COPY OF THE REVISED RULES, RULE 10 STATED THAT AMENDMENTS MUST BE FILED WITHIN 40 DAYS AFTER THE SECRETARY OF STATE CERTIFIED THE CENSUS.

A LENGTHY DISCUSSION FOLLOWED WITH THE CHAIRMAN OFFERING TO REVIEW HIS PLAN; THE COUNTY CLERK OFFERING TO REVIEW HERS, ALTHOUGH NOT PROMISING ANY CHANGES; AND MR. HOLMAN MAINTAINING THAT THE PROCESS SHOULD NOT BE DELAYED ANY FURTHER. MR. HOLMAN SUGGESTED THAT THE COMMISSION DISCUSS THE SPECIFIC CHANGES BEING CONSIDERED. HE STATED THAT THE ONLY PURPOSE IN DELAYING THE DECISION WAS TO PUT MORE PRESSURE ON PEOPLE.

ANOTHER LENGTHY DISCUSSION FOLLOWED, WITH THE CHAIRMAN MAINTAINING THAT THE PURPOSE OF DISCUSSION IS TO LISTEN AND TRY TO INCORPORATE CHANGES TO SATISFY ALL MEMBERS, AND MR. HOLMAN MAINTAINING THAT HE WOULD BE WILLING TO DISCUSS SPECIFIC CHANGES AND THAT THESE DISCUSSIONS WOULD HAVE HAPPENED ALREADY IF THE PLANS HAD BEEN SUBMITTED SOONER.

THE COUNTY CLERK STATED THAT SHE WANTED TO REVIEW THE CITY PRECINCTS TO SEE IF SOME BETTER LINES COULD BE DRAWN, BUT SHE WAS NOT SURE THE NUMBERS WOULD WORK OUT. MR. HOLMAN SUGGESTED THAT, IF THE PLANS ARE TO BE REVIEWED, A MOTION SHOULD BE MADE ABOUT THE SPECIFIC AREAS TO BE POSSIBLY CHANGED. MEMBERS REVIEWED PLAN NO. 3 AND THE CITY PRECINCTS AND COMPARED IT WITH PLAN NO. 2. THE COUNTY CLERK AGAIN STATED THAT SHE MIGHT END UP NOT MAKING ANY CHANGES.

DISCUSSION FOLLOWED AS TO WHETHER THIS PLAN COULD BE VOTED ON AGAIN IF IT WAS DEFEATED TODAY. IT WAS DETERMINED THAT IT COULD BE.

REPEATED DISCUSSION FOLLOWED AS TO MERITS OF THE SEVEN-MEMBER PLAN, WHETHER THE COUNTY CLERK COULD EVEN MAKE ANY CHANGES TO HER PLAN, WHETHER MORE TIME WAS HELPFUL TO THE PROCESS, AND THE SPECIFIC PROPOSED CHANGES.

CORPORATION COUNSEL SUGGESTED THAT THE COMMISSION AMEND ITS RULES IF IT WERE TO DECIDE TO ALLOW AMENDMENTS TO PLANS, AS RULE NO. 10 DOES NOT APPEAR TO ALLOW AMENDMENTS ON THIS DATE.

FOLLOWING EVEN MORE DISCUSSION, THE MOTION TO ADOPT PLAN NO. 3 PASSED BY ROLL CALL VOTE:

3 YEAS: HOLMAN, NEITZEL, AND TOBER
2 NAYS: PAWELSKI AND SHEERAN

THE CHAIRMAN STATED THAT PLAN NO. 3 IS ADOPTED. THE COMMISSION'S WORK WAS CONCLUDED, EXCEPT THAT THE COUNTY CLERK MUST SUBMIT THE PLAN TO THE MICHIGAN STATE BUREAU OF ELECTIONS. THE COUNTY CLERK STATED THAT AN APPEAL CAN BE FILED IF SOMEONE OBJECTS TO THE PLAN.

THE CHAIRMAN SUGGESTED THAT ONE MORE MEETING BE CALLED TO APPROVE MINUTES FROM TODAY'S MEETING AND YESTERDAY'S MEETING.

MS. FITZHUGH POINTED OUT THAT THE STATUTE REQUIRES THAT COPIES OF THE PLAN ARE TO BE AVAILABLE AT NO COST TO ANY REGISTERED VOTER OF THE COUNTY. [MS. FITZHUGH DETERMINED AFTER THE MEETING THAT SHE HAD MISREAD THE STATUTE AND THAT COPIES WERE TO BE AVAILABLE AT COST.]

MS. FITZHUGH ALSO SUGGESTED THAT THE COMMISSION COULD REVIEW WHETHER IT HAD ANY EXPENSES. THE COUNTY TREASURER WONDERED WHETHER THE PARTY CHAIRMEN WERE TO BE PAID MILEAGE; THE COUNTY CLERK STATED SHE WOULD RESEARCH THAT QUESTION.

THE CHAIRMAN STATED THAT ANOTHER MEETING WOULD BE CALLED TO ENGAGE COUNSEL IF AN APPEAL IS FILED. MS. FITZHUGH SUGGESTED THAT IT WOULD BE LIKELY A SPECIALIZED ATTORNEY WOULD BE RETAINED, SINCE SHE HAD BEEN REPRESENTING THE COMMISSION DURING PROCEEDINGS. AT THE TIME OF APPEAL, THE SOURCE OF FUNDING FOR AN ATTORNEY WOULD HAVE TO BE DETERMINED.

NEXT MEETING

THE CHAIRMAN SCHEDULED THE NEXT MEETING FOR MONDAY, JUNE 11, 2001, AT 2:00 P.M.

MS. FITZHUGH STATED THAT SHE WOULD BE UNABLE TO ATTEND THE JUNE 11 MEETING AND QUESTIONED WHETHER THE BOARD DESIRED LEGAL COUNSEL PRESENT. MR. HOLMAN STATED THAT HE PREFERRED TO HAVE LEGAL COUNSEL PRESENT. MS. FITZHUGH OFFERED TO RETAIN ANOTHER ATTORNEY TO ATTEND. OTHER COMMISSION MEMBERS SAW NO NEED FOR LEGAL COUNSEL, AND MR. HOLMAN AGREED THAT IT WOULD NOT BE NECESSARY.

RECESS/ADJOURNMENT

MR. PAWELSKI MOVED TO ADJOURN THE MEETING. IT WAS SUPPORTED BY COUNTY TREASURER NEITZEL AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS. THE MEETING CONCLUDED AT 10:00 A.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