

KENT COUNTY APPORTIONMENT COMMISSION

-Organizational Meeting-

Wednesday, September 8, 2021

Room 310 - County Administration Building

The organizational meeting of the Kent County Apportionment Commission was held on Wednesday, September 8, at 10:00 a.m. in Room 310, County Administration Building.

Members Present: Chris Becker, Kent County Prosecutor
Lisa Posthumus Lyons, Kent County Clerk
Peter MacGregor, Kent County Treasurer
Bill Saxton, Chair, Kent County Democratic Party
Rob VerHeulen, Chair, Kent County Republican Party

Also Present: Linda Howell, Kent County Corporate Counsel
Robert Macomber, Chief Deputy County Clerk

(Handouts: 1) Meeting agenda; 2) State Law on Apportionment of County Boards of Commissioners; 3) Attorney legal opinion on the Reapportionment Plan 60-Day Time Limit, dated August 23, 2021; and 4) Proposed Meeting Schedule.)

The meeting was called to order by Ms. Lyons at 10:00 a.m.

Ms. Lyons explained that by statute she is the temporary chair until a permanent chair is elected, which will be the first order of business.

Chair

Motion by Mr. MacGregor, supported by Mr. VerHeulen, that Prosecutor Chris Becker be permanent Chair.

Motion carried unanimously by voice vote.

Mr. Becker was elected permanent Chair of the Kent County Apportionment Commission and assumed the chair.

Secretary

Chair Becker called for nominations for the office of Secretary.

Motion by Mr. MacGregor, supported by Mr. VerHeulen, that Clerk Lisa Posthumus Lyons be permanent Secretary.

Motion carried unanimously by voice vote.

Ms. Lyons was elected permanent Secretary of the Kent County Apportionment Commission.

Discussion of Process & Timeline

Ms. Lyons: Explained the statewide conversation taking place regarding county reapportionment, specifically as to when the statutory 60-day time limit by which commissions are required to complete their work begins. The state Bureau of Elections has determined that the 60-days runs from the date the Bureau furnishes to counties the 2020 census data, not the date that the census data is published by the federal government. The provided legal opinion was sought by the Michigan Association of County Clerks (MACC) which affirms the Clerks' interpretation that the 60-day limit began census date was published by the federal government which was August 12, 2021.

The consensus of this Commission was to support the legal opinion provided, that the clock started August 12, 2021.

Chair Becker: Asked whether other counties were accepting the legal opinion that MACC received.

Ms. Lyons: Asked Mr. Robert Macomber (Chief Deputy County Clerk) to comment as he attended the most recent MACC meeting where the opinion was discussed.

Mr. Macomber: Stated that based on the initial discussion at the conference, it seemed that that 50% of counties are recognizing the August 12 date as the start of the clock.

Mr. MacGregor: Concurred with Mr. Macomber, acknowledging that this was discussed at a recent meeting of the Michigan Association of County Treasurers (MACT), and about 50% of counties have started their process based on the August date. He agreed that Kent County should be prudent and stick to that schedule.

Motion by Ms. Lyons, supported by Mr. VerHeulen, that the Apportionment Commission adopt the 60-day deadline as October 12 to adopt the County Apportionment Plan.

Mr. Saxton: Asked if this Commission adopts the proposed schedule and more clarification is given in the future can we modify the schedule in the future.

Mr. VerHeulen: Asked Legal Counsel Howell for clarification regarding Mr. Saxton's question.

Corporate Counsel Howell: Yes, the schedule could be modified.

Ms. Lyons: Although she appreciates the comment and question by Mr. Saxton, she would like to keep the original motion as stated, to set the deadline as October 12 to adopt the County Apportionment Plan.

Motion carried by voice vote.

Future Meeting and Public Hearing Schedule

Ms. Lyons: Proposed the following meeting schedule for discussion:

- September 8 – Organization Meeting
- October 4 – Map Submissions & Presentations
- October 6 – Public Hearing
- October 8 – Amendment Deadline & Map Adoption

Mr. Saxton: Thanked Ms. Lyons for putting forward the proposal and stated that he is concerned with there being only two days between the public hearing and the deadline, and proposed the following schedule:

- September 8 – Organizational meeting
- September 15 – Submission of maps
- September 22 – Public hearing
- September 29 - Revisions meeting
- October 6 – Map Adoption

Mr. MacGregor: Asked how many public hearings the commission holds?

Ms. Lyons: Stated that historically there has been one public hearing, and asked whether one week allowed for enough time to prepare and submit maps.

Mr. VerHeulen: Stated that one week is inadequate and too aggressive and suggest September 29 would be better date for map submissions.

Mr. MacGregor: Agreed that one week is too aggressive and suggested September 29 would be acceptable for map submissions.

Mr. Saxton: Stated that he wants to provide adequate time for submission and that the commission could consider September 29.

Ms. Lyons: Suggested the following:

- September 29 - Map Submission
- October 4 – Public Hearing
- October 8 – Map Adoption

Mr. Saxton: Stated that he would instead prefer the following:

September 22 - Submission
September 29 - Public comment
October 6 - Deadline

Chair Becker: Asked whether the evening is the preferred time for the public hearing.

Mr. Saxton and Chair Becker: Both concurred that evening is preferable for a public hearing

Ms. Lyons: Suggested that two possible days for the public hearing would be September 30 or October 6.

Mr. VerHeulen: Suggested the following timeline:

September 29 – Map Submission
October 4 - Public hearing held in the evening
October 6 - Amendment deadline
October 8 - Amendment and map adoption

He also suggested that all meetings will be held in Room 310, County Administration Building, 300 Monroe Avenue NW, at 10:00 a.m. except for an evening public hearing.

Motion by Mr. VerHeulen, seconded by Mr. MacGregor, that the meeting schedule be:

September 29 – 10:00 a.m. – Map Submissions
October 4 – 6:00 p.m. – Public Hearing
October 6 – 10:00 a.m. – Map Amendment meeting
October 8 – 10:00 a.m. – Amendment Deadline & Map Adoption

Motion carried unanimously by voice vote.

Chair Becker: Asked how maps are submitted to the commission.

Ms. Lyons: Noted that the Secretary of State has software tools available for map creation, and that all maps must adhere to state law.

Corporate Counsel Howell: Suggested that all meeting notices have address and website instructions on how to submit a map.

Mr. VerHeulen: Asked whether a submitter needs to provide multiple copies for commission members, whether electronically or a physical copy for each member.

Mr. Saxton: Asked whether there is standardized software up-to-date with precinct information.

Ms. Lyons: Explained that mapping tools are provided by the state, and asked Mr. Macomber to

expand on what is available.

Mr. Macomber: Explained that the state Bureau of Elections has developed a County Commission District (CCD) Mapping Tool available for use by those commissions that wish to utilize it, and that he will forward tutorial links and more information for those members who would like access.

Clerk Lyons: Explained that she envisioned making the tool available to any member of the commission to be used in drawing maps, knowing that there are third-party tools available for the public.

Chair Becker: Asked whether the tool is online so that it is accessible by the public.

Mr. Macomber: Reiterated that the tool is available to anyone who is granted access by the commission via a user agreement.

Mr. Saxton: Asked about the features of the tool, and whether a tutorial is possible.

Mr. Macomber: There is a webinar tutorial and materials available from the state that he will forward to the commission.

Ms. Lyons: Suggested all commission members receive access.

Mr. Becker: Asked about granting access to the public as well.

Ms. Lyons: Suggested that Corporate Counsel review the user agreement with Information Technology and the State prior to the commission making that available.

Corporate Counsel Howell: Agreed with Ms. Lyons and will review the user agreement and memo of understanding.

Mr. Saxton: Asked whether a map generated within the tool is visible and accessible to all users.

Ms. Lyons and Chair Becker: Concurred that question is one that will need to be answered.

Mr. Becker: Called for any other business to be discussed.

Mr. Saxton: Asked the following of counsel:

To confirm that within the current 19 districts we have, are any considered a Voting Rights Act (VRA) protected district and if there are guidelines that apply that require preservation of that district;

If the commission is under any obligation to create additional VRA district within the

county and any applicable guidelines;

Clarity on MCL 46.404; guidelines for apportionment, specifically (e) & (f) regarding “splits” and how the number of splits are counted.

Corporate Counsel Howell: Reviewed the MCL and order of weighting of statutory requirements and stated that the Counsel’s Office will provide answers to Mr. Saxton and the commission.

Chair Becker: Asked Ms. Lyons to share the 2011 Commission minutes, agendas, public hearing information, etc.

Ms. Lyons: Confirmed that her office will forward that information to commission members.

Public Comment:

Micah Perkins, Michigan Building Trades: Asked whether the public will be able to use the State’s software tool and if so, how will they be informed.

Ms. Lyons: Information regarding the tool will be posted on the county and her office social media.

Adjournment

The next meeting of the Apportionment Commission will be Wednesday, September 29, 2021, at 10:00 a.m.

Motion by Ms. Lyons, supported by Mr. MacGregor to adjourn the meeting at 10:55 a.m.

Motion carried unanimously.



Lisa Posthumus Lyons, Secretary
Kent County Apportionment Commission