



WASHTENAW COUNTY APPORTIONMENT COMMISSION

October 18, 2021

Minutes

A meeting of the Washtenaw County Apportionment Commission was held remotely via Zoom.

Members Present: Lawrence Kestenbaum, Clerk/Register of Deeds (Scio Township, Washtenaw County, MI)
Catherine McClary, Washtenaw County Treasurer (City of Ann Arbor, Washtenaw County, MI)
Eli Savit, Washtenaw County Prosecuting Attorney (City of Ann Arbor, Washtenaw County, MI)
David Frey, Washtenaw County Republican Party Chairperson (Augusta Township, Washtenaw County, MI)
Chris Savage, Washtenaw County Democratic Party Chairperson (Scio Township, Washtenaw County, MI)

MEMBERS ABSENT: None.

OTHERS PRESENT: Ed Golembiewski, Chief Deputy Clerk/Register & Director of Elections
Chelsea Rozek, Washtenaw County GIS Developer
Robert Mulcahy, Deputy Clerk/Program Manager

Lawrence Kestenbaum called the meeting to order at 4:04 p.m.

APPROVAL OF PREVIOUS MINUTES

Commissioner McClary, seconded by Commissioner Savit, moved to approve the minutes of the October 11, 2021, Apportionment Commission meeting with an amendment to the 3rd paragraph on the 3rd page to clarify Commissioner McClary's comments.

Vote on the motion:

5 Yeas. 0 Nays. 0 Absent. Motion carried.

PUBLIC COMMENT

The following members of the public spoke during public comment:

- Jo Ann McCollum
- Sam Copi
- Dirk Mayhew
- John Scharf
- Desirae Simmons

Catherine McClary, seconded by David Frey, moved to add all written comments and maps submitted by the public since the previous Apportionment Commission meeting into the public record, with the exception of maps submitted anonymously.

Vote on the motion:

5 Yeas. 0 Nays. 0 Absent. Motion carried.

NEW BUSINESS

a. Deliberations toward 2022 Washtenaw County Apportionment Plan

Commissioner McClary asked for clarification as to the benefit of a center of the city district for Ann Arbor proposed by Sam Copi during public comment.

Commissioner Savit spoke in favor of a center city district for Ann Arbor, stating this district would provide renters and students representation for their issues which can differ from homeowners and long-term residents.

Vice Chair Frey agreed with Commissioner Savit's statement about ensuring students have their own representation for their own issues.

Chair Kestenbaum discussed interpretation of MCL 46.404(g) which states, "Residents of state institutions who cannot by law register in the county as electors shall be excluded from any consideration of representation." Lawrence Kestenbaum stated the impact of this statute is that those who are incarcerated should be excluded from the proposed plans, which affects York Township and Pittsfield Township. He clarified this is not to take away representation from a jurisdiction, but to conform with state law for county apportionment.

Commissioner Savit concurred with Chair Kestenbaum's interpretation of MCL 46.404(g).

Commissioner McClary asked for clarification excluding incarcerated individuals from county apportionment decisions is state law and is not optional.

For clarification of the impact of MCL 46.404(g), Chair Kestenbaum proposed that county staff determine the total number of incarcerated individuals by jurisdiction and publish the information online.

Commissioner Savit provided a legal interpretation of MCL 46.404(g), noting the statute's language pertains to county apportionment at state institutions, specifically. Commissioner Savit clarified this could allow for counting of those incarcerated in federal or county institutions for county apportionment purposes.

Commissioner McClary suggested that GIS Developer Chelsea Rozek work with Commissioner Savit and Chair Kestenbaum to revise maps in such a way that excludes the smallest number of incarcerated populations allowable.

Commissioner Savit stated he would communicate with other county prosecutors to gather their interpretations of MCL 46.404(g) and would publish a memo prior to the next Apportionment Commission meeting.

Chair Kestenbaum clarified that according to the previous motion passed during the meeting, the Washtenaw County Apportionment Commission will not consider or publish maps submitted anonymously.

Chair Kestenbaum stated that staff will need time to analyze precinct splits in proposed maps so that the Apportionment Commission can comply with MCL 46.404(f), which states that precincts shall be divided only if necessary to meet the population standard.

Commissioner McClary stated she would obtain information about the cost of increasing the number of commissioners on the board and would ask staff to publish this information online.

OTHER BUSINESS

- a. Next meeting date

The Apportionment Commission decided unanimously to hold their next meeting on October 25th at 4:00 p.m.

ADJOURNMENT

Lawrence Kestenbaum adjourned the meeting at 5:01 pm.