

**BAY COUNTY APPORTIONMENT COMMISSION
FINAL PLAN ADOPTION
MAY 23, 2011**

THE BAY COUNTY APPORTIONMENT COMMISSION MET ON MONDAY, MAY 23, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN CYNTHIA A. LUCZAK AT 9:05 A.M. IN ACCORDANCE WITH THE OPEN MEETING ACT. THE FOLLOWING MEMBERS AND GUESTS WERE PRESENT:

ROLL CALL: CYNTHIA A. LUCZAK, CHAIRWOMAN/COUNTY CLERK
AARON BAYLIS, SECRETARY/REPUBLICAN PARTY CHMN.
RICHARD BRZEZINSKI, BAY COUNTY TREASURER
KURT ASBURY, PROSECUTING ATTORNEY
TONY PAWELSKI, DEMOCRATIC PARTY CHAIRMAN

ALSO PRESENT: PATTI SHORKEY, CHIEF DEPUTY CLERK
JOHN MILLER, BAY COUNTY SHERIFF
THOMAS HICKNER, BAY COUNTY EXECUTIVE
MICHAEL GRAY, BAY COUNTY ADMINISTRATIVE SERVICES DIR.
CHRISTOPHER RUPP, 8TH DISTRICT COUNTY COMMISSIONER
AMY CHARNEY, WILLIAMS TOWNSHIP CLERK
JUDY BUKOWSKI, PORTSMOUTH TOWNSHIP CLERK
CINDY KOWALSKI, MONITOR TOWNSHIP CLERK
JANET SANTOS, BANGOR TOWNSHIP CLERK
SHANNON MURPHY, BAY CITY TIMES REPORTER

MINUTES

MOTION 12: TREASURER BRZEZINSKI MOVED TO APPROVE THE BAY COUNTY APPORTIONMENT COMMISSION MEETING MINUTES OF MAY 16, 2011 AS PRESENTED. THE MOTION WAS SUPPORTED BY PROSECUTOR ASBURY AND PASSED BY A VOICE VOTE OF: 5 YEAS, 0 NAYS.

AGENDA

MOTION 13: PROSECUTOR ASBURY MOVED TO ACCEPT THE AGENDA AS PRESENTED WITHOUT ANY AMENDMENTS OR DELETIONS. IT WAS SUPPORTED BY MR. BAYLIS AND CARRIED BY A VOICE VOTE OF: 5 YEAS, 0 NAYS.

PUBLIC COMMENT

MEMBERS OF THE PUBLIC IN ATTENDANCE, DID NOT WISH TO ADDRESS THE COMMISSION.

CONSIDERATION OF APPORTIONMENT PLANS

CHAIRPERSON LUCZAK SAID ALL PLANS WERE SUBMITTED BY THE FILING DEADLINE OF MAY 13, 2011. A TOTAL OF FIVE (5) PLANS WERE SUBMITTED. THREE (3) PLANS WERE SUBMITTED FOR A SEVEN (7) MEMBER BOARD BY MEMBERS BAYLIS (#1), PAWELSKI (#2) AND BRZEZINSKI (#4). TWO (2) PLANS SUBMITTED FOR A NINE (9) MEMBER BOARD BY LUCZAK (#3) AND BRZEZINSKI (#5). IN REVIEWING THE PLANS IT APPEARED THAT ALL THE PLANS ATTEMPTED TO COMPLY WITH THE ACTION TO BE CONSIDERED BY THE CITY OF BAY CITY REGARDING THE CURRENT DESIGNATION OF 27 PRECINCTS BEING REDUCED TO NINE (9) PRECINCTS. THE NINE MEMBER PLAN PRESENTED BY BRZEZINSKI REFLECTED A SPLIT PRECINCT WITHIN BANGOR TOWNSHIP FOLLOWING A RAILROAD BOUNDARY AS OPPOSED TO FOLLOWING PRECINCT LINES CURRENTLY IN PLACE. THE TREASURER NOTED THAT IN COMMUNICATIONS WITH THE BANGOR TOWNSHIP CLERK , SHE CONFIRMED THAT A SPLIT COMMISSION DISTRICT WOULD NOT BE A PROBLEM FOR HER. THE SPLIT REPRESENTED THE INTENT OF PLAN #5 TO BALANCE THE POPULATION BETWEEN TWO COMMISSION DISTRICTS.

CHAIR LUCZAK REITERATED THE CHECKLIST OF THE FOLLOWING CRITERIA THAT THE PLANS WERE REQUIRED TO COMPLY WITH IN ACCORDANCE WITH THE LAW, ACT 261 OF 1966, SECTION 46.404:

- A) SINGLE MEMBER DISTRICTS EQUAL POPULATION
- B) CONTIGUOUS DISTRICTS
- C) COMPACT/SQUARE SHAPE
- D) CITY/TOWNSHIP COMBINES NEEDED FOR POPULATION
- E) CITY/TOWNSHIP DIVIDED
- F) DIVIDED PRECINCTS
- G) RESIDENTS OF STATE INSTITUTIONS/NON APPLICABLE
- H) POLITICAL ADVANTAGE

REVIEW OF THE PLAN VERIFICATION PROCESS:

CHAIR LUCZAK SAID THE CHANGES FOUND DURING THE VERIFICATION PROCESS WERE MINOR. THE PLANS WERE VERIFIED WITH THE HELP OF DIRK WESTBURY, GIS DEPARTMENT, AND PATTI SHORKEY, CHIEF DEPUTY CLERK, IN ORDER TO CREATE OBJECTIVITY OF THE CLERK.

AN EXPLANATION OF THE VERIFICATION PROCESS WAS PROVIDED:

- 1) THE TOTAL POPULATION OF EACH PLAN WAS VERIFIED.
- 2) THE TOTAL NUMBER OF PRECINCTS PER PLAN CONFIRMED.
- 3) ALL PRECINCTS WERE LISTED BY THEIR NAME ON THE DESCRIPTION SHEETS.
- 4) THE TOTAL POPULATION OF EACH PRECINCT WAS VERIFIED.
- 5) DIRK WESTBURY RECALCULATED THE PERCENTAGE POINTS, MAKING SURE THE MATH ON ALL THE DIFFERENTIALS WERE ACCURATE.
- 6) DIRK WESTBURY CONFIRMED THERE WERE NO "UNDESIGNATED" OR "BLOCKS" LEFT OUT OF THE PLANS THAT WERE NOT ASSIGNED TO A COMMISSION DISTRICT.
- 7) FOUR (4) OF THE FIVE (5) PLANS FOLLOWED ALL PRECINCT BOUNDARY LINES WITH THE EXCEPTION OF PLAN #5, EVIDENCING A SPLIT IN BANGOR TOWNSHIP.
- 8) THE LEGENDS ON THE MAPS WERE CHECKED FOR ACCURACY.
- 9) CLERK LUCZAK PERFORMED A VISUAL VERIFICATION OF THE MAPS CONFIRMING EACH PRECINCT WAS INCLUDED IN THE COLOR CODED COMMISSION DISTRICT AS PRESENTED.
- 10) THE MAPS IN GENERAL WERE REVIEWED.

REVIEW OF AMENDMENTS TO THE APPORTIONMENT PLANS:

THE FOLLOWING MINOR AMENDMENTS WERE SUBMITTED IN A TIMELY MANNER:

PLAN #1 - THE PRECINCT DESCRIPTION PAGE FOR COMMISSION DISTRICT #1 FAILED TO SHOW THE PERCENT OF VARIATION ROUNDED UP AND SHOULD HAVE BEEN REPORTED AS 5.33% TO 5.34% RESPECTIVELY. THIS HAS RESULTED IN A TOTAL OVERALL PLAN DEVIATION OF 9.89% FROM 9.88%. THE MAP PRESENTED WAS CORRECT WITH 9.89%

PLAN #2 - A LABEL REFLECTING "DIST D" NEAR THE INDEPENDENCE BRIDGE WAS REMOVED. THERE IS NO "DIST D" ASSIGNED.

PLAN #3 - THE DESCRIPTION SHEETS AND MAP APPEARED TO BE CORRECT.

PLAN #4 - THE MAP INCLUDED THE CITY INSERT MAP FOR A NINE (9) COMMISSION DISTRICT AS OPPOSED TO ITS CORRESPONDING SEVEN (7) PLAN. THE MAP WAS CORRECTED BY THE GIS DEPARTMENT.

PLAN #5 - THE PLAN INCLUDED A TOTAL POPULATION OF 107,772 AN INCREASE OF 1 PERSON. IN REVIEW OF THE PRECINCT TOTALS, IT WAS THE RESULT OF THE "SPLIT" DISTRICT-BANGOR 3. IN COMMISSION DISTRICT 5, BANGOR 3 REDUCED FROM 599 TO 598 PERSONS. THIS ADJUSTED POPULATION TOTALS FROM 107,772 TO 107,771 AS REQUIRED. THE TOTAL LIST OF PRECINCTS WERE 69 AS OPPOSED TO 68 BUT INCLUDED THE SPLIT. AS A RESULT OF THE CHANGE IN NUMBER, THE TOTAL DEVIATION ON

COMMISSION DISTRICT #5 CHANGED FROM -1.33% TO -1.34% FURTHER FROM THE MEAN. OVERALL IT DID NOT CHANGE THE TOTAL VARIATION OF THE PLAN FROM ITS ORIGINAL CALCULATION OF 11.02%. THE LEGEND OF THE MAP WAS AMENDED TO REFLECT THE CORRECT -1.34% ON THE BOTTOM OF THE MAP.

MOTION 14: PROSECUTOR ASBURY MOVED TO ACCEPT THE VERIFICATION AND AMENDMENTS OF THE PLANS AND REPORT AS SUBMITTED. IT WAS SUPPORTED BY MR. BAYLIS BY A UNANIMOUS VOICE VOTE OF: 5 YEAS, 0 NAYS.

COMMENTS BY MEMBERS OF THE COMMISSION:

TREASURER BRZEZINSKI BRIEFLY DESCRIBED PLAN #5 AND HIS REASONING BEHIND IT. HE SAID DISTRICTS 1 AND 2 THE POPULATION WAS IN THE ACCEPTABLE RANGE WITH THE NEW CENSUS AND THE SAME WAS TRUE WITH DISTRICTS 7, 8 AND 9. HOWEVER, DISTRICTS 3 AND 4 WERE TOO LARGE AND DISTRICTS 5 AND 6 NEEDED ADDITIONS. CONVENIENTLY, DISTRICT 3 WAS NEXT TO DISTRICT 6 SO HE SIMPLY MOVED 1 PRECINCT TO DISTRICT 6 IN THE CITY OF BAY CITY AREA. TREASURER BRZEZINSKI TRIED TO MOVE ENTIRE PRECINCTS RECOGNIZING THE CONCERNS OF THE LOCAL CLERKS. DESIGNING THIS PLAN HE TRIED TO DO THIS IN THE MOST EFFICIENT AND LEAST DISRUPTIVE WAY. ALSO, HE TALKED TO JANET SANTOS, BANGOR TOWNSHIP CLERK, WHO INDICATED THERE IS A CHANCE THAT SHE COULD MOVE HER PRECINCT LINE TO MATCH THAT SPLIT.

TREASURER BRZEZINSKI SAID PLAN #4 WAS A SEVEN (7) MEMBER PLAN WHICH HAD SOME INTEREST, HOWEVER, PREFERRED PLAN #5, A NINE (9) MEMBER PLAN. HE SAID WHEN YOU LOOK AT BAY COUNTY'S FINANCIAL CONDITION COMPARED WITH OTHER COUNTIES, SUCH AS SAGINAW AND MIDLAND, WE ARE IN MUCH BETTER SHAPE WITH MINIMAL LAYOFFS, BALANCED BUDGETS, AND PROVIDE SERVICE. HE ATTRIBUTED THAT TO A COMBINATION OF THE PRESENT AND PREVIOUS BOARDS; THE ADMINISTRATION; COUNTY EXECUTIVE; DEPARTMENT HEADS; ELECTED OFFICIALS; AND MOST IMPORTANTLY THE EMPLOYEES WORKING WITHOUT RAISES.

MR. BAYLIS MENTIONED A TECHNICAL ISSUE ON PLAN #5. THERE WAS NO LABEL ON DISTRICT 5 ON THE FULL COUNTY MAP WHICH COULD OF BEEN OMITTED DUE TO TOO MANY LABELS IN THE BANGOR TOWNSHIP AREA. IT IS ON THE CITY INSET, BUT NOT ON THE FULL COUNTY MAP. HE SUGGESTED THAT THE GIS DEPARTMENT MAY BE ABLE TO CORRECT IT.

CHAIRPERSON LUCZAK SAID PLAN #3 IS A NINE (9) MEMBER PLAN WHICH KEPT THE TOWNSHIPS AND CITIES IN WHOLE. SHE SAID THERE COULD BE SOME POTENTIAL CONSOLIDATION OF PRECINCTS AS IN BANGOR AND THE CLERK IN PORTSMOUTH TOWNSHIP HAS TALKED ABOUT IT. THIS PLAN GAVE THEM THE OPPORTUNITY IN THE FUTURE TO CONSIDER REDUCING THEIR NUMBER OF PRECINCTS AS WELL. SHE KEPT IN

COMPLIANCE WITH THE CITY WITH THREE (3) COMMISSION DISTRICTS IN THE CITY, KNOWING THE BAY CITY CLERK WAS GOING TO CONSOLIDATE FROM 27 TO 9 PRECINCTS. SHE HEARD FROM CONSTITUENTS IN THE COMMUNITY WHO FAVORED A SEVEN (7) MEMBER PLAN AS OPPOSED TO A NINE (9) MEMBER PLAN. SHE COMMENDED EVERYONE FOR A FINE JOB IN COMPILING THE PLANS IN A TIMELY MANNER.

LEGALITY ISSUES:

CHAIRPERSON LUCZAK ASKED PROSECUTOR ASBURY IF THERE WERE ANY OTHER LEGALITIES NEEDED TO BE COVERED BY THIS BOARD. PROSECUTOR ASBURY REPLIED "NO". HE FELT THE REQUIREMENTS OF THE LAW WERE MET BY THE BOARD.

VOTE ON APPORTIONMENT PLANS:

CHAIRPERSON LUCZAK ASKED THE MEMBERS IF THEY WERE READY TO VOTE ON THE APPORTIONMENT PLANS AND THE CONSENSUS WAS "YES". CHAIRPERSON LUCZAK FELT EACH PLAN SHOULD BE VOTED ON INDIVIDUALLY.

MOTION 15: TREASURER BRZEZINSKI MOVED TO ADOPT PLAN #5, A NINE (9) DISTRICT PLAN WITH THE DEVIATION OF 11.02%. IT WAS SUPPORTED BY PROSECUTOR ASBURY AND WAS DEFEATED BY A ROLL CALL VOTE OF:

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

MOTION 16: TREASURER BRZEZINSKI MOVED TO ADOPT PLAN #4, A SEVEN (7) DISTRICT PLAN. WITH THE DEVIATION OF 10.33%. IT WAS SUPPORTED BY PROSECUTOR ASBURY AND WAS DEFEATED BY A ROLL CALL VOTE OF:

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

MOTION 17: TREASURER BRZEZINSKI MOVED TO ADOPT PLAN #3, A NINE (9) DISTRICT PLAN WITH A DEVIATION OF 9.33%. IT WAS SUPPORTED BY PROSECUTOR ASBURY AND WAS DEFEATED BY A ROLL CALL VOTE OF:

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

MOTION 18: MR. PAWELSKI MOVED TO ADOPT PLAN #2, A SEVEN (7) DISTRICT PLAN. WITH THE DEVIATION OF 9.36%. IT WAS SUPPORTED BY MR. BAYLIS AND ADOPTED BY A ROLL CALL VOTE OF:

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

CHAIRPERSON LUCZAK ASKED THE MEMBERS OF THE APPORTIONMENT COMMISSION FOR THEIR INTENT TO VOTE ON PLAN #1, A SEVEN (7) DISTRICT PLAN . IT WAS ULTIMATELY DETERMINED THAT PLAN #2 HAD BEEN ADOPTED SO THERE WAS NO NEED TO VOTE ON PLAN #1.

MOTION 19: CHAIRPERSON LUCZAK MOVED TO CONCLUDE VOTING, ADOPTING PLAN #2, A SEVEN (7) DISTRICT PLAN WITH THE DEVIATION OF 9.36%. IN ADDITION, THAT A COPY OF THE PLAN, ITS CORRESPONDING AND SIGNED RESOLUTION ALONG WITH THE COMPUTER SHAPE FILES OF THE DISTRICT, BE SENT TO THE SECRETARY OF STATE, BUREAU OF ELECTIONS. IT WAS SUPPORTED BY MR. BAYLIS AND CARRIED BY A VOICE VOTE OF: 5 YEAS, 0 NAYS.

UP TO THIS POINT AND TIME, APPROXIMATELY 39 MICHIGAN COUNTIES HAD REMAINED THE SAME DISTRICTS, 20 COUNTIES HAD REDUCED DISTRICTS AND MANY OTHER COUNTIES HAD NOT COMPLETED THE PROCESS/ADOPTED A PLAN.

CHAIRPERSON LUCZAK MADE REFERENCE TO THE LAW (MCL 46.406) INDICATING ANY REGISTERED VOTER OF THE COUNTY WITHIN 30 DAYS AFTER THE FILING OF THE PLAN FOR BAY COUNTY, MAY PETITION THE COURT OF APPEALS TO REVIEW SUCH PLAN TO DETERMINE IF THE PLAN MEETS THE REQUIREMENTS OF THE LAWS. THE PLAN WAS MAILED TO THE BUREAU OF ELECTIONS ON MAY 23, 2011 WITH THE 30 DAY PERIOD CALCULATED AS JUNE 21, 2011 FOR THE APPEAL PERIOD TO BE EXHAUSTED.

RECESS/ADJOURNMENT

CHAIRPERSON LUCZAK ASKED IF THE BOARD WISHES TO RECONVENE ONE MORE TIME FOR THE APPROVAL OF THE MINUTES OF TODAY'S MEETING OR TO EVIDENCE THE MEMBERS SUPPORT OF THE MINUTES BY EMAIL.

MOTION 20. TREASURER BRZEZINSKI MOVED TO APPROVE THE MINUTES OF THIS MEETING BY INDIVIDUAL MEMBERS VIA EMAIL FROM THE SECRETARY WITH APPROVAL BY THE MAJORITY OF MEMBERS. IT WAS SUPPORTED BY CHAIRPERSON LUCZAK AND PASSED BY A UNANIMOUS VOTE OF: 5 YEAS, 0 NAYS.

MOTION 21. TREASURER BRZEZINSKI MOVED TO ADJOURN THE APPORTIONMENT COMMISSION MEETING OF MAY 23, 2011. IT WAS SUPPORTED BY MR. PAWELSKI AND CARRIED BY A VOICE VOTE: 5 YEAS, 0 NAYS. THE MEETING CONCLUDED AT 9:30 A.M.

APPEAL PERIOD:

CLERK LUCZAK CONTACTED THE SECRETARY OF STATE, BUREAU OF ELECTIONS ON JUNE 22, 2011 WHO INDICATED THERE WAS NO EVIDENCE OF A COURT OF APPEALS ACTION FILED IN REGARD TO THE BAY COUNTY APPORTIONMENT PLAN AS APPROVED

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ON MAY 23, 2011.

RESPECTFULLY SUBMITTED

CYNTHIA A. LUCZAK, COUNTY CLERK
CHAIRPERSON

AARON BAYLIS, REPUBLICAN PARTY CHAIRMAN
SECRETARY

RICHARD BRZEZINSKI, TREASURER
MEMBER

TONY PAWELSKI, DEMOCRATIC PARTY CHAIRMAN
MEMBER

KURT ASBURY, PROSECUTING ATTORNEY
MEMBER