

BAY COUNTY APPORTIONMENT COMMISSION

APRIL 6, 2001

THE BAY COUNTY APPORTIONMENT COMMISSION MET FOR AN ORGANIZATIONAL MEETING ON FRIDAY, APRIL 6, 2001, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY COUNTY CLERK LINDA L. TOBER AT 2:00 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

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

ALSO LORAINA A. URBANCIK, SECRETARY TO THE COUNTY CLERK
PRESENT: MARTHA P. FITZHUGH, CORPORATION COUNSEL
 CYNTHIA A. LUCZAK, DEPUTY COUNTY CLERK
 KURT C. ASBURY, CHIEF ASSISTANT PROSECUTING ATTORNEY

ELECTION OF CHAIRPERSON

COUNTY CLERK LINDA L. TOBER CALLED FOR NOMINATIONS FOR CHAIRMAN OF THE BAY COUNTY APPORTIONMENT COMMISSION. TONY PAWELSKI NOMINATED PROSECUTOR JOSEPH K. SHEERAN AND HE ACCEPTED. THERE WERE NO OTHER NOMINATIONS.

MR. PAWELSKI MOVED TO CLOSE NOMINATIONS FOR THE POSITION OF CHAIRMAN OF THE BAY COUNTY APPORTIONMENT COMMISSION AND THAT A UNANIMOUS BALLOT BE CAST FOR PROSECUTOR JOSEPH K. SHEERAN TO SERVE AS CHAIRMAN. IT WAS SUPPORTED BY TREASURER NEITZEL AND PASSED BY UNANIMOUS ROLL CALL VOTE:

5 YEAS: NEITZEL, SHEERAN, TOBER, PAWELSKI, AND HOLMAN
0 NAYS

THE COUNTY CLERK TURNED THE MEETING OVER TO THE CHAIRMAN, PROSECUTING ATTORNEY JOSEPH K. SHEERAN.

CHAIRMAN SHEERAN POINTED OUT THAT NOTICES FOR THE MEETING HAD BEEN POSTED IN ACCORDANCE WITH THE OPEN MEETINGS ACT, AS REQUIRED.

PUBLIC COMMENT

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.

CHAIRMAN SHEERAN NOTED THAT FINAL NUMBERS FROM THE 2000 CENSUS HAD NOT YET BEEN RECEIVED. COUNTY CLERK TOBER RESPONDED THAT SHE HAD EXPECTED TO RECEIVE THOSE NUMBERS BY THE FIRST PART OF APRIL. SHE EXPECTS TO RECEIVE SOME MAPS WITH THE CENSUS RESULTS AND SAID THAT SHE WOULD FORWARD A COPY OF EVERYTHING THAT SHE RECEIVED TO EACH MEMBER. THE COUNTY CLERK NOTED THAT SHE HAD ALREADY FORWARDED A COPY OF THE POPULATION STATISTICS. THE COMMISSION WILL RECEIVE ADDITIONAL INFORMATION, INCLUDING POPULATIONS OF VOTING PRECINCTS AND BLOCK MAPS.

APPOINTMENT OF LEGAL COUNSEL

COUNTY CLERK TOBER MOVED TO APPOINT CORPORATION COUNSEL MARTHA P. FITZHUGH AS LEGAL COUNSEL FOR THE COMMISSION. IT WAS SECONDED BY TREASURER NEITZEL. MR. PAWELSKI QUESTIONED WHETHER MS. FITZHUGH WOULD HAVE THE TIME TO FUNCTION AS LEGAL COUNSEL. MS. FITZHUGH NOTED THAT, AS CORPORATION COUNSEL, SHE WAS IN CHARGE OF ALL CIVIL LEGAL WORK FOR THE COUNTY OF BAY. MS. TOBER NOTED THAT MS. FITZHUGH WOULD NOT BE REQUIRED TO ATTEND ALL COMMISSION MEETINGS, BUT THERE MAY BE LEGAL ISSUES, SUCH AS AN APPEAL, THAT MIGHT NEED TO BE ADDRESSED IN THE FUTURE. MS. TOBER ALSO POINTED OUT THAT MR. SHEERAN COULD NOT FUNCTION AS THE COMMISSION'S LEGAL REPRESENTATIVE BECAUSE HE IS A MEMBER OF THE COMMISSION. FOLLOWING DISCUSSION, THE COMMISSION DETERMINED TO REVIEW THE MATTER FURTHER BEFORE TAKING ACTION. THE COUNTY CLERK DISTRIBUTED MATERIAL REGARDING LAWS APPLICABLE TO THE APPORTIONMENT COMMISSION, WHICH COULD HELP WITH QUESTIONS IN THIS REGARD.

ADOPTION OF RULES OF PROCEDURE

CHAIRMAN SHEERAN SUGGESTED USING ROBERT'S RULES OF ORDER FOR CONDUCTING MEETINGS OF THE COMMISSION. HE ALSO SUGGESTED ESTABLISHING RULES OF PROCEDURE IN CASE THERE ARE COMPETING PLANS SUBMITTED, SO THAT THE COMMISSION HAS A BASIS BY WHICH TO CONSIDER VARIOUS PLANS. CHAIRMAN SHEERAN RECOMMENDED THE COMMISSION DEFER ACTION IN THIS REGARD, ALLOWING ALL MEMBERS TO RESEARCH THE ISSUE AND CHECK WITH OTHER COUNTIES. COUNTY CLERK TOBER HAD REVIEWED ALCONA COUNTY'S RULES, AND CHAIRMAN SHEERAN HAD REVIEWED KALAMAZOO COUNTY'S RULES.

COUNTY CLERK TOBER, BEING THE ONLY COMMISSION MEMBER FAMILIAR WITH APPORTIONMENT PROCEDURES, INFORMED THE BOARD THAT IN 1991 TWO PLANS WERE FILED WITH THE COUNTY CLERK'S OFFICE, WHICH WERE ALLOWED TO BE CHANGED AT ANY TIME UNTIL THE FINAL PLAN WAS APPROVED BY THE COMMISSION. ONE WAS A FIVE-MEMBER COUNTY COMMISSIONER PLAN AND ONE WAS A NINE-MEMBER PLAN. THE APPORTIONMENT COMMISSION APPROVED THE NINE-MEMBER PLAN, WHICH WAS CHALLENGED, AND THE COURT OF APPEALS UPHELD THE NINE-MEMBER PLAN.

TO ANSWER TREASURER NEITZEL'S QUESTIONS ABOUT A BUDGET FOR THE COMMISSION, COUNTY CLERK TOBER REMEMBERED THAT THE PREVIOUS COMMISSION SPENT APPROXIMATELY \$200. MS. TOBER MENTIONED THAT THE COUNTY EXECUTIVE HAS APPROVED OF GIS HELPING THE COMMISSION DRAW MAPS.

COUNTY CLERK TOBER HAD OBTAINED FROM THE SHERIFF DEPARTMENT THE TOTAL NUMBER OF INMATES AT THE TIME OF THE CENSUS, WHICH WAS 185. MS. TOBER NOTED THAT THESE PEOPLE DO NOT HAVE ANY REPRESENTATION, SO THEY MUST BE DEDUCTED FROM THE TOTALS ONCE THE CENSUS NUMBERS ARE RECEIVED.

APPOINTMENT OF SECRETARY

CHAIRMAN SHEERAN CALLED FOR NOMINATIONS FOR SECRETARY OF THE BAY COUNTY APPORTIONMENT COMMISSION. TONY PAWELSKI NOMINATED COUNTY CLERK LINDA L. TOBER AND SHE ACCEPTED. THERE WERE NO OTHER NOMINATIONS.

MR. PAWELSKI MOVED TO CLOSE NOMINATIONS FOR THE POSITION OF SECRETARY OF THE BAY COUNTY APPORTIONMENT COMMISSION AND THAT A UNANIMOUS BALLOT BE CAST FOR COUNTY CLERK LINDA L. TOBER TO SERVE AS SECRETARY. IT WAS SUPPORTED BY TREASURER NEITZEL AND PASSED BY UNANIMOUS ROLL CALL VOTE:

5 YEAS: NEITZEL, SHEERAN, TOBER, PAWELSKI, AND HOLMAN
0 NAYS

OTHER BUSINESS

COUNTY CLERK TOBER CLARIFIED THAT IN 1991 THE CITY OF BAY CITY DID THEIR REAPPORTIONMENT WORK FIRST, WITH WHICH THE COUNTY WAS NOT INVOLVED. THE COUNTY IS ONLY INVOLVED WITH ESTABLISHING COUNTY COMMISSION DISTRICTS. CHAIRMAN SHEERAN POINTED OUT THE CONFUSION THAT ARISES WHEN COMMISSION DISTRICTS ARE SPLIT AMONG LOCAL PRECINCTS AND DISTRICTS. THE CLERK ALSO NOTED THAT SPLIT DISTRICTS INCREASES ELECTION COSTS BECAUSE MORE THAN ONE BALLOT STYLE MUST BE PREPARED. THE CLERK STATED THAT SHE HAD TALKED TO CITY OF BAY CITY CLERK DANA MUSCOTT, WHO SAID THAT THEY WOULD CONDUCT THEIR APPORTIONMENT PROCEEDINGS IN A TIMELY MANNER. THE CITY OF BAY CITY HAS DECREASED IN POPULATION BY 2,000. FURTHER, MS. TOBER NOTED THAT SHE ANTICIPATED THE CITY CLERK WOULD ATTEND FUTURE MEETINGS OF THE COUNTY APPORTIONMENT COMMISSION. CORPORATION COUNSEL FITZHUGH NOTED THAT, WITHIN 60 DAYS AFTER PUBLICATION OF CENSUS FIGURES, COUNTY APPORTIONMENT MUST BE COMPLETED.

PROSECUTOR SHEERAN POINTED OUT THAT THE NUMBER OF COUNTY COMMISSIONERS CAN RANGE FROM 5 TO 21. THE COUNTY CLERK POINTED OUT THAT THE COMMISSION MAY SUBMIT MORE THAN ONE PROPOSAL. IT WAS THE CONSENSUS OF COMMISSION MEMBERS THAT DISCUSSION IS PREMATURE UNTIL THE NUMBERS ARE RECEIVED.

COUNTY CLERK TOBER EXPLAINED THAT THIS COMMISSION DOES NOT CONSIDER ADDITION OF PRECINCTS OF LOCAL JURISDICTIONS. LOCAL JURISDICTIONS MAY ADD A PRECINCT WHEN THE NUMBER OF VOTERS INCREASES TO 3,000 THROUGH THEIR BIENNIAL PRECINCT REPORTS.

THE PROSECUTOR EXPLAINED THAT THE COMMISSION WILL WORK WITH THE TOTAL COUNTY POPULATION, DIVIDE IT BY THE NUMBER OF COUNTY COMMISSION DISTRICTS THE COMMISSION PROPOSES, AND IDEALLY EACH DISTRICT WILL INCLUDE THAT NUMBER OF PEOPLE. SINCE THAT IS NOT USUALLY PRACTICAL, THE LAW ALLOWS A DEGREE OF VARIANCE. THE COMMISSION'S GOAL WILL BE TO DECIDE ON THE NUMBER OF COMMISSIONERS AND DRAW A MAP THAT COMES CLOSEST TO HAVING EQUAL REPRESENTATION AND STILL HAS LOGICALLY SHAPED DISTRICTS.

COMM. HOLMAN MOVED TO PAY NECESSARY EXPENSES FOR THE APPORTIONMENT COMMISSION FROM THE COUNTY CLERK'S BUDGET. IT WAS SUPPORTED BY TREASURER NEITZEL. THE COUNTY CLERK ANTICIPATED THE COMMISSION WOULD ONLY NEED TO SPEND ABOUT \$200. THE STATE WILL SEND ONE SET OF MAPS; ADDITIONAL COPIES WILL COST \$5.00 PER SET.

SETTING FUTURE MEETING DATES

IT WAS AGREED THAT MEETING ANY TIME AFTER 2:30 P.M. WOULD BE ACCEPTABLE.

RECESS/ADJOURNMENT

TONY PAWELSKI MOVED TO ADJOURN THE ORGANIZATIONAL MEETING UNTIL THE FINAL CENSUS FIGURES ARE RECEIVED. IT WAS SUPPORTED BY JOE SHEERAN AND PASSED BY VOICE VOTE, 5 YEAS, 0 NAYS. THE MEETING CONCLUDED AT 2:35 P.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