



# WASHTENAW COUNTY APPORTIONMENT COMMISSION

September 27, 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 (Ann Arbor, Washtenaw County, MI)  
Eli Savit, Washtenaw County Prosecuting Attorney (Webster Township, Washtenaw County, MI)  
Chris Savage, Washtenaw County Democratic Party Chairperson (Scio Township, Washtenaw County, MI)

**MEMBERS ABSENT:** David Frey, Washtenaw County Republican Party Chairperson

**OTHERS PRESENT:** Ed Golembiewski, Chief Deputy Clerk/Register & Director of Elections  
Chelsea Rozek, Washtenaw County GIS Developer  
Trish Reilly, Deputy Clerk  
Ricky Jefferson, Washtenaw County Commissioner  
Sue Shink, Washtenaw County Commissioner  
Andy LaBarre, Washtenaw County Commissioner  
Shannon Beeman, Washtenaw County Commissioner

Lawrence Kestenbaum called the meeting to order at 6:32 p.m.

### APPROVAL OF PREVIOUS MINUTES

Commissioner Savage, seconded by Commissioner McClary, moved to adopt the minutes of the September 18, 2021 Apportionment Commission Meeting.

Vote on the motion:

4 Yeas. 0 Nays. 1 Absent (Frey). Motion Carried.

### PUBLIC HEARING: 2022 WASHTENAW COUNTY APPORTIONMENT PLAN

Commissioner McClary, seconded by Commissioner Savage, moved to accept and file the written communications sent to the Apportionment Commission.

Vote on the motion:

4 Yeas. 0 Nays. 1 Absent (Frey). Motion Carried.

The following members of the public spoke during the public hearing:

- Heather Jarrell Roe
- Barbara Fuller
- Andy LaBarre
- Shannon Beeman
- Karen Lovejoy Roe
- Joan Sampieri
- Desirae Simmons
- Sue Shink
- Dirk Mayhew
- Margaret Schankler
- Gail Summerhill
- Katie Scott
- Rita Turner-Sheerin
- Leslie Blackburn
- Steve Wilcoxon
- Brenda Stumbo
- Debbie Swanson
- Audrey Anderson
- Janet Cannon

The four Apportionment Commission members present responded to and thanked each member of the public who provided input.

## **NEW BUSINESS**

Next meeting date:

The Commission agreed to meet on October 11, 2021 at 4:00 pm. The meeting format is to be determined.

## **OTHER BUSINESS**

Commissioner Savit discussed the following communication received from Livingston County Clerk Elizabeth Hundley:

Colleagues,

The Livingston County Apportionment Commission met this morning. Mr. David Stoker of Cohl, Stoker & Toskey, P.C. provided our members an update in regards to options available to county

apportionment commissions in light of the conflicting opinions on what the official release date of the census data is. He provided our apportionment commission with two options. First, we can adopt a plan prior to the October 11, 2021 deadline in case a court ultimately determines the August 12, 2021 as the official release date of the data. We then would need to hold a second meeting after October 17th but before November 15th to adopt the same plan again. This option requires the county clerk to submit the same plan two times to the Secretary of State. The second option available to us is to petition the Court of Appeals for an extension pursuant to MCL 46.407.

The Livingston County Apportionment Commission unanimously passed a motion instructing our legal counsel to petition the Court of Appeals for an extension under MCL 46.407. Mr. Stoker than asked members of our apportionment commission if we would allow other counties to join our petition if other counties so requested. Again, members of our apportionment commission agreed to allow other counties to join our petition seeking an extension if their county apportionment commission so desires.

I am in no way recommending any other county apportionment commission join our petition. Joining the petition is a decision of each county apportionment commission. I am merely passing along the information and making you aware of this option as many of you do not have access to your own legal counsel. Please contact Cohl, Stoker & Toskey, P.C. directly as I will not play a role in this matter as it moves forward from this point. Mr. Stoker can be reached at (redacted) or (redacted).

Sincerely,

Elizabeth Hundley, Esq.

Livingston County Clerk

Commissioner Savit stated he would like the Commission to join Livingston County's petition.

Commissioner Kestenbaum stated he was opposed to joining the petition because the consequences of failing to approve a plan by the statutory deadline are that the Commission would be required to receive apportionment plans from the public, which it already is.

Commissioner Savit said he believes the Commission would be required to adopt a plan submitted by a member of the public should it fail to adopt its own plan by the statutory deadline.

Commissioner McClary stated she is not prepared to join Livingston County's petition at this time and that the item should be tabled until a future meeting.

The Commissioners agreed to add the item to the next meeting agenda.

## **ADJOURNMENT**

Chair Kestenbaum adjourned the meeting at 8:27 p.m.

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Lawrence Kestenbaum, County Clerk/Register

Approved: October 5, 2021