

MINUTES OF MEETING WAYNE COUNTY APPORTIONMENT COMMISSION MARCH 18, 2011

A meeting of the Wayne County Apportionment Commission was held on Friday, March 18, 2011, in Room 705, Coleman A. Young Municipal Center, Detroit, Michigan 48226.

Cathy M. Garrett, County Clerk, called the meeting to order at 10:15 a.m.

Prior to roll call, the County Clerk along with the commissioners wanted a legal opinion as to Mr. Fresard sitting in for the Prosecutor. Janet Anderson-Davis distributed an opinion to the commissioners regarding the issue as to whether or not a deputy can serve as a substitute for the elected official on the Apportionment Commission. Ms. Anderson-Davis' review of the opinion included statutory mandates, the Wayne County Charter and policy arguments. An inquiry was made as to whether or not Mr. Fresard held the position of deputy. In the Prosecuting Attorney's Office the Chief Assistant Prosecuting Attorney is considered the deputy. Mr. Fresard indicated that he did not hold that position. Ms. Anderson-Davis informed the commission that Mr. Fresard does not meet the statutory requirements to sit as a substitute for the Prosecuting Attorney.

Additional discussion ensued regarding MCLA 45.505, which describes the members of the Apportionment Commission and indicates that the commission shall consist of the County Clerk, County Treasurer and Prosecuting Attorney. Commissioner Runco indicated that there was nothing in the language of the statute that allows for any deputy to serve other than those three elected officials and he believed that only elected officials that meet the qualification as the legislature defined, which would be the treasurer, the clerk, and the prosecuting attorney, are able to serve.

County Clerk Garrett asked the Acting Director of Elections to take the roll call. The following members answered the roll call:

Present: William J. Runco
Raymond J. Wojtowicz
William M. Wolfson
Cathy M. Garrett

Absent: Kym L. Worthy

Also Present: Janet Anderson-Davis, Corporation Counsel
Delphine G. Oden, Acting Director of Elections
Donn Fresard
Felicia Johnson
Bill Johnson
Gregory P. Mahar
Sao Hang
Trevor Tutro-Anderson

County Clerk Garrett declared a quorum present and the meeting was now in session.

County Clerk Garrett requested a motion to adopt the agenda, as presented. Moved by Commissioner Wolfson, supported by Commissioner Runco to approve the agenda, as presented. A roll call vote was taken, as follows:

YEAS: Commissioners Runco, Wojtowicz, Wolfson and Garrett. NAYS: None. ABSENT: Commissioner Worthy.

County Clerk Garrett requested the administration of the Oath of Office. Delphine G. Oden administered the oath to Cathy M. Garrett. County Clerk Garrett administered the oath to William J. Runco, Raymond J. Wojtowicz and William M. Wolfson.

County Clerk Garrett opened the floor for nominations for the Office of Chair of the Wayne County Apportionment Commission.

Moved by Commissioner Garrett, supported by Commissioner Wolfson that Raymond J. Wojtowicz, Wayne County Treasurer, is hereby nominated as Chair of the Wayne County Apportionment Commission. There being no further nominations, nominations were closed and a roll call vote was taken, as follows:

YEAS: Commissioners Runco, Wolfson and Garrett. NAYS: None. ABSTENTION: Commissioner Wojtowicz. ABSENT: Commissioner Worthy.

County Clerk Garrett opened the floor for nominations for the Office of Vice-Chair of the Wayne County Apportionment Commission.

Moved by Commissioner Wolfson, supported by Commissioner Wojtowicz that Cathy M. Garrett is hereby nominated as Vice-Chair of the Wayne County Apportionment Commission. There being no further nominations, nominations were closed and a roll call vote was taken, as follows:

YEAS: Commissioners Runco, Wolfson and Chair Wojtowicz. NAYS: None. ABSTENTION: Commissioner Garrett. ABSENT: Commissioner Worthy.

Vice-Chair Garrett turned the meeting over to Raymond J. Wojtowicz, Chair of the Wayne County Apportionment Commission.

Chair Wojtowicz indicated that the secretarial duties to the commission has been provided by the elections director and did not think there should be any changes.

Moved by Chair Wojtowicz, supported by Commissioner Runco that the current elections director is hereby appointed as Secretary of the Wayne County Apportionment Commission. A roll call vote was taken, as follows:

YEAS: Commissioners Garrett, Runco, Wolfson and Chair Wojtowicz. NAYS: None. ABSENT: Commissioner Worthy.

Chair Wojtowicz indicated the next item on the agenda was the adoption of the Rules of Procedure. The commission received a copy of the Proposed Rules of Procedure for review prior to the meeting. Discussion ensued regarding the

commission specifying Robert's Rules of Order as governing in the absence of a contrary provision of their rules. Commissioner Wolfson indicated he would like to amend the rules to indicate what edition the commission would rely upon because they change from year to year. There was an inquiry as to what was the most recent edition. Since that information was not available, Commissioner Wolfson offered a friendly amendment to use the most recent edition of Robert's Rules of Order. It was determined the rules could be amended at the next meeting to specify the edition.

Discussion was held on agenda item Roman numeral I, letter B – The Agenda, parenthetical 1, which states “items for consideration shall include all items that have been passed by the Commission prior to the day of the meeting”. Janet Anderson-Davis informed the commission that when it says, “passed”, it means not acted upon – they did not consider it, they passed on it. It meant not acted upon or considered. Further discussion was held on making sure the rules are clear.

Friendly amendment offered by Commissioner Wolfson, supported by Commissioner Runco that the “items for consideration shall include items that have been subject to a motion to pass for the day or pass to a date certain by the commission prior to the day of the commission meeting”. A roll call vote was taken on the amendment, as follows:

YEAS: Commissioners Garrett, Runco, Wolfson and Chair Wojtowicz. NAYS: None. ABSENT: Commissioner Worthy.

Janet Anderson-Davis informed the commission that in the proposed rules, the last item, Roman numeral X, has a blank date regarding the submission of the plans, as the census numbers have not been released and it's not possible to determine that date. Discussion ensued and it was determined to leave the date blank and amend the rules when the date is known.

Moved by Commissioner Runco, supported by Commissioner Garrett to adopt the Rules of Procedures. A roll call vote was taken, as follows:

YEAS: Commissioners Garrett, Runco, Wolfson and Chair Wojtowicz. NAYS: None. ABSENT: Commissioner Worthy.

Chair Wojtowicz asked if there would be a presentation on the use of technology. Commissioner Garrett indicated that Kurt Metzger was involved in the previous apportionment process and proposed that the commission contact him for a presentation from him regarding the mapping and other primary support. Commissioner Garrett also indicated that the State of Michigan has software available to use and for financial reasons the commission should look into having a presentation from both entities. It was determined that the commission's secretary contact Mr. Metzger's office and obtain dates for the presentation.

Moved by Commissioner Wolfson, supported by Commissioner Garrett that the Wayne County Apportionment Commission retain Mr. Metzger from Data Driven Detroit upon terms of conditions that will be negotiated by the secretary of the body and brought back, as well as a request from the State of Michigan that we utilize the data that is available from the State for purposes of our meetings. Janet Anderson-Davis stated that she did not understand the motion. Commissioner Wolfson moved that this

body retain Mr. Metzger from Data Driven Detroit to provide statistical analysis to us; and request from the State of Michigan access to the software and other technology that they have available to assist us in our deliberations. After discussion regarding the secretary's responsibility to negotiate an agreement, Commissioner Runco suggested that Mr. Metzger submit a proposal and the commission would vote on retaining someone. In addition it was stated that Mr. Metzger could submit a proposal indicating what his fees would be and then we could decide whether or not that would be acceptable. Discussion ensued regarding negotiating the proposal by a designated person or the commission, it was suggested that Janet Anderson-Davis negotiate for the commission if needed. Friendly amendment by Commissioner Runco supported by Commissioner Wolfson that Janet Anderson-Davis could negotiate the agreement for the commission if it is needed and strike the portion of the motion that authorized the secretary to negotiate the agreement. A roll call vote was taken, as follows:

YEAS: Commissioners Garrett, Runco, Wolfson and Chair Wojtowicz. NAYS: None. ABSENT: Commissioner Worthy.

Discussion ensued regarding scheduling the next meeting of the apportionment commission, the number of meetings anticipated, and selecting a day and block the day and time for future meetings, it was determined that the commission would meet on Fridays at 10:00 a.m. The next meeting of the commission will be held on Friday, March 25, 2011 at 10:00 a.m. and the commission requested that Mr. Metzger attend the meeting.

Chair Wojtowicz indicated that the next item on the agenda was Public Comment. Felicia Johnson, Counsel for the Wayne County Commission requested a copy of the Rules of Procedure that the commission just adopted and a copy of the legal opinion received from Janet Anderson-Davis regarding whether a deputy can serve as a substitute for the statutory members. Ms. Anderson-Davis indicated that she would e-mail the rules, however the legal opinion is attorney-client privilege and it would be up to the commission to waive the privilege and release the opinion.

Discussion ensued as to whether or not to waive attorney-client privilege and release the opinion. Moved by Commissioner Wolfson, supported by Commissioner Garrett that the commission does not waive the privilege on the advice of corporation counsel. A roll call vote was taken, as follows:

YEAS: Commissioners Garrett, Wolfson and Chair Wojtowicz. NAYS: Commissioner Runco. ABSENT: Commissioner Worthy.

Discussion ensued as to when the minutes of the commission meetings will be available for public review. It was determined that they would be available before the next meeting.

There being no further business to come before the commission, Chair Wojtowicz, by acclamation, declared the meeting adjourned at 10:59 a.m.

Respectfully submitted,
Delphine G. Oden, Secretary