

CLINTON COUNTY APPORTIONMENT COMMISSION

Meeting Minutes October 18, 2021

DATE 10/18/2021 CALL TO ORDER	The Clinton County Apportionment Commission met on Monday, October 18, 2021 at 7:00 p.m. with Chairperson Spagnuolo calling the meeting to order pursuant to MCL 46.403(1).
PLEDGE OF ALLEGIANCE AND ROLL CALL	<p>The pledge of allegiance was given to the flag of the United States of America. Roll was called and a quorum reported.</p> <p>Clerk Zuker introduced the members present: Tina Ward, County Treasurer Diane Zuker, County Clerk Tony Spagnuolo, Prosecuting Attorney Jenell Leonard, Republican Party Chairperson Eric Schlenkerman, Democratic Party Chairperson</p>
OTHERS PRESENT	Adam Stacey and Zach Rudat.
APPROVAL OF AGENDA	<p>The agenda was reviewed.</p> <p>ACTION: Member Ward moved, seconded by Member Leonard to approve the agenda as printed. Motion carried.</p>
APPROVAL OF MINUTES	<p>The October 5, 2021 meeting minutes were presented for review and approval.</p> <p>ACTION: Member Leonard moved, seconded by Member Ward to approve the minutes as printed. Motion carried.</p>
PUBLIC COMMENTS	<p>Chairperson Spagnuolo called for public comments.</p> <ul style="list-style-type: none">• Adam Stacey, reiterated his previous comments made at the October 5, 2021 meeting outlining MCL 46.404 and 413 Mich. 224 (1982). He believes case• law validates the legislation and the commonsense approach to drawing plans. He believes Map #3 presented by Member Leonard best meets the statute and case law. All plans have a reasonable number of divisions, but he feels Map #3 achieves all guidelines and deviation the best. He quoted and underscored the following from 413 Mich 224 (1982):<ol style="list-style-type: none">a) <i>"It is true that in the hierarchy of the guidelines in the statute the consideration of having districts '<u>as nearly of equal population as is practicable</u>' is given <u>primacy</u>"</i>b) <i>"It is apparent that the legislative plan of apportionment makes <u>equality of population the controlling consideration in the apportionment of commissioner districts</u>. The words and structure of the statute place population equality first, but do require that all of the guidelines are to be considered and followed without excluding any, but observing the stated order. Thus, the duty of the apportionment commission is to consider and apply the guidelines as mandated by statute."</i>c) <i>"<u>Compactness and squareness is not an end in itself</u> but rather a means of avoiding gerrymandering."</i>d) <i>"There is <u>no scheme of township and city representation with a viable constitution base which demands virtually unyielding adherence to boundary lines</u>."</i> <p>Based on his reading of the statute and case law he believes population deviation is the number one priority.</p>

LEGAL
OPINIONS/DISCUSSION

Chairperson Spagnuolo introduced discussion regarding legal matters related to apportionment. The Commission at their October 5th meeting adopted a Resolution to Petition the Court of Appeals for an extension. The Petition was filed with the Court of Appeals on October 6th. The Court of Appeals granted the Petition and entered an Order Extending the deadline for completion of the Clinton County apportionment plan until 12 p.m. on November 15, 2021.

PLANS, ETC.

Chairperson Spagnuolo called for submission of any additional plans. There were none.

Clerk Zuker advised the members that the commission is required to take action to adopt a Resolution approving a plan. Upon approval, the plan must be submitted to the County Clerk for filing. The Clerk is then required to send the Resolution signed by the County Apportionment Commission approving the new county commissioner district boundaries, a map of the districts, district counts, written description of the districts and a shapefile to the Michigan Bureau of Elections.

ACTION: Member Zuker moved, seconded by Member Spagnuolo to adopt the Resolution approving the 2021 Clinton County Apportionment Plan presented by Member Tina Ward for the following reasons:

- Although the law as written speaks to the order of importance when applying the guidelines under MCL 46.404, case law has determined otherwise.
 - The deviation in this plan is 8.93%, which is below the target of 11.9%, noting that pursuant to the 1982 Michigan Supreme Court Ruling reversing a Court of Appeals decision in 413 Mich. 224, the justices held that commissioner district lines must follow township, city, village and precinct boundaries if it can be done without violating the current federal standards of a maximum population difference of 11.9% between districts and can be achieved at the least cost to the federal principle of equal population between the election districts, consistent with the maximum preservation of such lines; further when there are two or more alternate plans that meet the standard, the court held that “compactness and squareness in shape to the extent practicable shall govern”; Although, we have plans that have been presented within the 11.9% deviation, the plan presented by Member Ward maintains these standards above the other plans presented;
 - Districts are contiguous.
 - Districts are compact and of as nearly square shape as is practicable as previously mentioned.
 - Townships and Cities have been combined into single districts only to meet the population standard; this was unavoidable.
 - Townships have been divided only to meet the population standard.
 - 2 Precincts were divided to meet the population standard in Bath Township Precinct #5 and Greenbush Township.
 - Finally, districts have not been drawn to effect partisan political advantage.
- Spagnuolo called for discussion on the motion.

- Member Ward noted that the supporting documentation has been updated to indicate that this plan has two precinct splits, those being in Bath Precinct #5 and Greenbush Township, as well as 3 Townships being divided by different Commissioner Districts (DeWitt, Bath, Greenbush Townships), which is less than the splits and divisions in Map #3 presented by Member Leonard.
- Member Schlenkerman stated that he believes we only have 2 viable plans, those being Plan #2 presented by Member Leonard and Member Ward’s plan. Member Ward’s is more compact. He cannot justify splitting more locations to achieve the smaller deviation of 4.55% in Member Leonard’s Plan #3.
- Member Spagnuolo spoke specifically regarding the Appeal of Apportionment of Wayne County, County Commissioners-1982/Appeal of Apportionment of Ingham County, County Board of Commissioner-1982, which was a deciding factor for him, quoting the following:

“We reject such a rigid reading of “stated order” because so read:

- a) *It would introduce a unique concept of apportionment; one which we are persuaded has not yet achieved political acceptance.*

- b) *It would impose a concept of apportionment for counties generally that this is radically different than required for charter counties; we do not think that the Legislature intended such a rigid set of criteria for counties generally and no such constraint on charter counties.*
- c) *It would give no effect whatsoever to criteria (d) through (f) (In MCL 46.404) concerning the preservation of township, city, village and precinct lines, and thereby make meaningless those provisions.*
- d) *The stated order of criteria would be violative of the Michigan Constitution which provides a "scheme of township and city representation in county boards"*

Voting on the motion by roll call vote, those voting aye were Ward, Schlenkerman, Leonard, Zuker and Spagnuolo. Five ayes, zero nays. Motion carried.

ADDITIONAL PUBLIC
COMMENTS

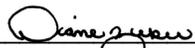
Chairperson Spagnuolo called for additional public comments. There were none.

OTHER BUSINESS

Chairperson Spagnuolo called for any other business. There was no other business to be conducted.

ADJOURNMENT

ACTION: With no further business to come before the Commission, Member Leonard moved, seconded by Member Schlenkerman to adjourn at 7:24 p.m. Motion carried.



Diane Zuker, County Clerk

NOTE: These minutes are subject to approval at the next meeting of the Commission.