



Carmella Sabaugh

Macomb County
Clerk/Register of Deeds

Todd Schmitz
Deputy Clerk

Betty A. Oleksik
Deputy Register of Deeds

NOTICE OF SPECIAL MEETING

MACOMB COUNTY APPORTIONMENT COMMISSION

Macomb County Court Building
40 North Main St.
Jury Room – 5th Floor
Mount Clemens, MI
(586) 469-5209

The Macomb County Apportionment Commission will meet at 8:00 a.m. on Monday, November 23, 2009 in the Jury Room, 5th Floor, Macomb County Court Building, 40 North Main St., Mount Clemens, Michigan.

Carmella Sabaugh
County Clerk/Register of Deeds

Posted: November 13, 2009

Clerk's Office
40 N. Main St.
Mount Clemens, MI 48043
586-469-5120
Fax: 586-783-8184

<http://www.mcombcountymi.gov/clerksoffice>
clerksoffice@macombcountymi.gov

Fax-on-Demand
Michigan 1-888-99-CLERK
Out-of-State: 310-575-5035

Register of Deeds
10 N. Main St.
Mount Clemens, MI 48043
586-469-5175
Fax: 586-469-5130

<http://www.mcombcountymi.gov/registerdeeds>
registerdeeds@macombcountymi.gov



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MACOMB COUNTY APPORTIONMENT COMMISSION SPECIAL MEETING

Macomb County Court Building
40 North Main, Mount Clemens, Michigan
Jury Room - 5th Floor
November 23, 2009
8:00 a.m.

AGENDA

1. Call to Order
2. Adoption of Agenda
3. Public Participation
4. Election of Officers
 - a) *Chair*
 - b) *Secretary*
5. Adoption of Rules of Procedure
 - a) *Robert's Rules of Order*
6. Receive and File Article IV, Section 4.1 and Article V of Macomb County Charter and MCL 45.505 as Macomb County Apportionment Commission Guidelines
7. Receive and File Request for Authorization to Review Information Regarding Activities of the MCAC form
8. Receive and File Format and Information Required of Apportionment Plans Submitted
9. Receive and File Plan Review Procedure
10. Other Business
11. Public Participation
12. Adjournment

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**HOME RULE CHARTER
OF
MACOMB COUNTY, MICHIGAN**

Approved by the Macomb County Charter Commission
June 17, 2009

ARTICLE IV

LEGISLATIVE

Section 4.1 Commission

The Commission is created and the legislative power of the County is vested in the Commission. The Commission consists of 13 members elected for terms concurrent with State Representatives on a partisan basis from single member districts established by the County Apportionment Commission as provided in Article V.

Section 4.2 Qualifications of a Commissioner

A person who is a registered and qualified elector in the Commissioner district where the person resides as of the deadline for filing to run for the office of Commissioner is qualified to serve as a Commissioner for that district, unless the person is otherwise prohibited by law from holding the office of Commissioner.

Section 4.3 Meetings, Rules, and Procedures

At the first meeting of each new term, the Commission shall elect a chairperson and its other officers and establish its rules of procedure and its regular monthly meeting schedule. A Majority of the Commission constitutes a quorum.

Section 4.4 Powers and Duties

In addition to other powers and duties prescribed in this Charter, the Commission may:

- (a) Adopt, amend, or repeal ordinances or resolutions;
- (b) Establish committees of the Commission necessary to efficiently conduct the business of the Commission;
- (c) appropriate funds, levy taxes, fees, and other charges, and authorize borrowing as provided by this Charter and applicable laws;
- (d) Approve contracts of the County;
- (e) Approve or reject appointments by the Executive as provided by this Charter;
- (f) Override a veto by the Executive within 30 days by at least 2/3 of the Commissioners serving;
- (g) Subpoena individuals, compel the production of records, and administer oaths;
- (h) Appoint, approve, and remove members of committees, boards, and commissions as provided by this Charter or law;
- (i) Submit tax and ballot proposals to the electorate; and
- (j) Exercise any power granted by law to charter or general law counties unless otherwise provided by this Charter.

attorneys licensed to practice law in Michigan. The independent counsel shall not be an Employee of the County.

ARTICLE V

APPORTIONMENT AND ELECTIONS

Section 5.1 Apportionment of County Commission Districts

The County Apportionment Commission shall establish Commission districts in the manner required by law within 60 days after the most recent final decennial census figures are certified by the United States Government. The districts shall be contiguous, compact, and as nearly square as practicable, depending on the geography of County area involved, without regard to partisan political advantage. The districts shall be drawn so that each city and township has the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district. All districts shall be single member districts and as equal in population as practicable. Townships, villages, cities, and precincts shall be divided only if necessary to meet the population standard.

Section 5.2 County Apportionment Commission

Unless otherwise required by law, the County Apportionment Commission consists of the County Clerk, the County Treasurer, the Prosecuting Attorney, and the statutory County chairperson of each of the 2 political parties whose candidates for Secretary of State received the most votes in the last election for that office. If the County does not have a statutory chairperson of a political party, the 2 additional members shall be a party representative from each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last preceding general election and appointed by the chairperson of the state central committee for each of the political parties. The County Clerk convenes the Commission and the County Apportionment Commission shall adopt rules of procedure. Three members of the County Apportionment Commission shall constitute a quorum. All action is by Majority.

Section 5.3 Apportionment Procedure

Unless otherwise required by law, the County Apportionment Commission shall file an apportionment plan with the County Clerk, at which time the plan shall become effective. If the County Apportionment Commission has failed to submit a plan for the County within 60 days but not less than 30 days after the latest official published census figures are available or an extension granted by the Court of Appeals, any registered voter may submit a plan to the County Apportionment Commission for approval. From the plans submitted, the County Apportionment Commission shall choose a plan meeting the requirements of law. The plan chosen by the County Apportionment Commission shall be filed with the County Clerk within 30 days of the initial or extended deadline for filing its plan, at which time the plan shall become effective.

Section 5.4 Appeal of an Apportionment Plan

Unless otherwise provided by law, any registered voter of the County may, within 30 days of the filing of the plan with the County Clerk, petition the Court of Appeals to determine if the plan complies with the law and this Charter. A decision of the Court of Appeals may be appealed to the State Supreme Court as provided by law.

Section 5.5 Final Apportionment Plan

A final apportionment plan is effective until a new plan is adopted after release of the next United States official decennial census figures.

Section 5.6 Elections

The election of Countywide Elected Officials and Commissioners shall be conducted at the times and in the manner required by this Charter and law.

ARTICLE VI

DEPARTMENTS HEADED BY COUNTYWIDE ELECTED OFFICIALS

Section 6.1 Sheriff

The department of sheriff is created. The head of the department is the elected sheriff.

6.1.1 The powers and duties of the department are those provided by law for a county sheriff.

6.1.2 The department may contract with units of government within the County to provide services to such units upon approval of the Executive and the Commission.

Section 6.2 Prosecuting Attorney

The department of prosecuting attorney is created. The head of the department is the elected prosecuting attorney.

6.2.1 The powers and duties of the department are those provided by law for a prosecuting attorney.

Section 6.3 County Clerk and Register of Deeds

The departments of county clerk and register of deeds are created and shall remain combined as they existed at the effective date of this Charter. The head of the combined departments is the elected county clerk.

CHARTER COUNTIES (EXCERPT)
Act 293 of 1966

45.514 County charter; mandatory provisions; subsection(1)(d) inapplicable to certain counties; staggered terms of office.

Sec. 14. (1) A county charter adopted under this act shall provide for all of the following:

(a) In a county having a population of less than 1,500,000, for a salaried county executive, who shall be elected at large on a partisan basis, and for the county executive's authority, duties, and responsibilities. In a county having a population of 1,500,000, or more, a county charter adopted under this act shall provide for a form of executive government described and adopted under section 11a.

(b) The election of a legislative body to be known as the county board of commissioners, whose term of office shall be concurrent with that of state representatives, and for their authority, duties, responsibilities, and number which shall be not less than 5 nor more than 21 in counties of less than 600,000, and not less than 5 nor more than 27 in counties of 600,000 or more. The county board of commissioners shall provide by ordinance for their compensation and may increase or decrease their compensation. A change in compensation shall not be effective during the term of office for which the legislative body making the change was elected. The charter shall also provide for the partisan election of members of the legislative body from single member districts to be established by the county apportionment commission as created in section 5 and pursuant to the standards and guidelines established in section 5 for reapportionment based upon the last official federal decennial census, effective at the first regular general election of the members of the legislative body occurring not less than 12 months after the completion and certification of the federal census. Each city and township shall be apportioned so that it has the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district.

(c) The partisan election of a sheriff, a prosecuting attorney, a county clerk, a county treasurer, and a register of deeds, and for the authority of the county board of commissioners to combine the county clerk and register of deeds into 1 office as authorized by law.

(d) Except as provided in subdivision (c), the continuation of all existing county offices, boards, commissions, and departments whether established by law or by action of the county board of commissioners; the performance of their respective duties by other county offices, boards, commissions, and departments; or for the discontinuance of these county offices, boards, commissions, and departments. Notwithstanding this subdivision in relation to existing county offices, boards, commissions, and departments, a county charter shall insure the following:

(i) Except as otherwise provided under subsection (2), in a county having a population of less than 1,500,000, the charter shall not be in derogation of the powers and duties of the county road commission in the exercise of their statutory duties concerning the preservation of a county road system. The charter for these counties shall provide for the creation of a commission consisting of not fewer than 3 or more than 5 members. Not less than 1 member of the commission shall be a resident of a township within the county.

(ii) Except as otherwise provided in subsection (2), in a county having a population of 1,500,000 or more, the charter shall provide for the continuation of a county road system within the county. Notwithstanding any other provisions of this act, the charter described in this subparagraph shall provide that responsibility for the determination of the expenditure of all funds for road construction and road maintenance, and for carrying out the powers and duties pertaining to a county road system as provided in sections 9 to 32 of chapter 4 of 1909 PA 283, MCL 224.9 to 224.32, shall be vested in a commission consisting of not fewer than 3 or more than 5 members. The charter shall provide that 1 member of the commission shall be a resident of the most populous city in the county, 1 member shall be a resident of a city other than the most populous city within the county, and that 1 member shall be a resident of a township within the county. The charter shall provide that the commission shall be appointed by either the elected county executive or the chief administrative officer. Appointment to the commission shall require advice and consent by a majority of the county board of commissioners elected and serving not more than 60 days after the appointment. If the county board of commissioners does not vote on the appointment within 60 days, the appointment shall become final. The charter may provide for the number of members and a fixed term of years for the members of the commission, but the charter shall provide that the members of the commission may be removed at the pleasure of the elected county executive or the chief administrative officer. The charter shall specify duties and procedures to assure that administrative decisions made for road construction shall be coordinated with administrative decisions made for other programs which relate to roads. As used in this subparagraph, "road construction" means all of the following:

(A) The building of a new road or street and the improving of an existing road or street by correction

History: 1966, Act 293, Eff. Mar. 10, 1967;—Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980;—Am. 1982, Act 300, Imd. Eff. Oct. 11, 1982;—Am. 2005, Act 208, Imd. Eff. Nov. 14, 2005.

CHARTER COUNTIES (EXCERPT)
Act 293 of 1966

45.505 Partisan election of charter commission; nomination of candidates; petition or filing fee; primary election; composition and convening of county apportionment commission; rules of procedure; quorum; majority vote; establishment of charter commission districts; requirements for districts; use of census figures; apportionment; division; date of primary; election of charter commission; filing and availability of apportionment plan and copies thereof; judicial review; appeal; submission and filing of plan by registered voter; official apportionment plan; duration; election of 1 charter commissioner for each district; limitation on representation.

Sec. 5. (1) The resolution shall provide for a partisan election of a charter commission, for the nomination of candidates for the charter commission by petitioning or filing a fee, and for a primary election of charter commission candidates. A charter commission candidate who elects to pay a filing fee shall pay the fee not less than 3 days before the final day upon which petitions may be filed. The resolution shall provide for the election of charter commissioners from districts established by the county apportionment commission. The county apportionment commission shall consist of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected. If a county does not have a statutory chairperson of a political party, the 2 additional members shall be a party representative from each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected and appointed by the chairperson of the state central committee for each of the political parties. The county clerk shall convene the county apportionment commission and the county apportionment commission shall adopt the rules of procedure. Three members of the county apportionment commission are a quorum sufficient to conduct its business. All action of the apportionment commission shall be by majority vote of the apportionment commission.

(2) The county apportionment commission, within 30 days after the adoption of the resolution by the county board of commissioners, shall establish charter commission districts equal to the number of charter commissioners to be elected. All districts shall be single member districts and as equal in population as practicable. The latest official published figures of the United States official census shall be used in this determination, except that in cases requiring a division of official census units to meet the population standard, an actual population count may be used to make the division. Other governmental census figures of total population may be used if taken after the last decennial United States census and the United States census figures are not adequate for the purposes of this act. The secretary of state shall furnish the latest official published figures to the county apportionment commission within 15 days after publication of subsequent United States official census figures. A contract may be entered into with the United States census bureau to conduct a special census if the latest United States decennial census figures are not adequate. Each district shall be contiguous, compact, and as nearly square in shape as is practicable, depending on the geography of the county area involved, and shall be drawn without regard to partisan political advantage. Each city and township shall be apportioned so that it shall have the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district. Townships, villages, cities, and precincts shall be divided only if necessary to meet the population standard.

(3) In a county having a population of less than 1,500,000, the date of the primary election for charter commissioners may be the same as the date for the submission of the question as provided in section 3. Otherwise, the date of the primary election for charter commissioners shall be the same as the date for the submission of the question as provided in section 3. The election of the charter commission shall be at the next primary or general election occurring not less than 60 days after the primary election for charter commissioners. If a regular primary or general election does not occur within 180 days after the date of the primary, the county board of commissioners shall provide, in the resolution, for a date on which the final election of the commission shall be held.

(4) The apportionment plan approved by the apportionment commission shall be filed in the office of the county clerk at which time the plan shall become effective, and copies of the plan immediately shall be forwarded by the county clerk to the secretary of state for filing. The plan shall be made available at cost to any registered voter of the county.

(5) Any registered voter of the county, within 30 days after the filing of the plan for his or her county, may

petition the court of appeals to review the plan to determine if the plan meets the requirements of the laws of this state. A finding of the court of appeals may be appealed to the supreme court of this state as provided by law.

(6) If the apportionment commission has failed to submit a plan for its county within 60 days but not less than 30 days after the latest official published census figures are available or within an additional time as may be granted by the court of appeals for good cause shown on petition from the apportionment commission, any registered voter of the county may submit a plan to the commission for approval. The apportionment commission shall choose, from among those plans submitted, a plan meeting the requirements of the laws of this state and shall file the plan in the office of the county clerk as provided in this section within 30 days after the deadline for filing of the apportionment commission's own plan or any extension granted on the filing of the plan.

(7) Once an apportionment plan has been found constitutional and not in violation of this act and all appeals have been exhausted or, if an appeal has not been taken, when the time for appeal has expired, that plan shall be the official apportionment plan for the county until the next United States official decennial census figures are available. When the next United States official decennial census figures are available, a new apportionment plan under this act shall be established by the county apportionment commission.

(8) The electors of each district established pursuant to this act shall elect 1 charter commissioner. There shall not be representation other than that set forth by this act.

History: 1966, Act 293, Eff. Mar. 10, 1967;—Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980.



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REQUEST FOR AUTHORIZATION TO REVIEW INFORMATION REGARDING ACTIVITIES OF THE

MACOMB COUNTY APPORTIONMENT COMMISSION (MCAC)

In addressing its responsibilities to develop an apportionment plan for Macomb County Commissioner Districts based on the 2000 U.S. Census, the MCAC has adopted the following procedures for information requests concerning its activities:

- ◆ In the development of a proposed plan, information will be available through the Macomb County Department of Planning and Economic Development at cost.
- ◆ Information requests by an individual member of the MCAC or any other person will be made through and must be authorized by the Chairperson of the MCAC.
- ◆ Copies of information received and copies of this record will be provided to all members of the MCAC.

NAME/AFFILIATION: _____

ADDRESS _____

PHONE _____

EMAIL _____

REQUEST: _____

RESPONSE: _____

AUTHORIZATION: _____

DATE: _____

Chairperson, Macomb County Apportionment Commission

cc: Macomb County Apportionment Commission Members

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FORMAT AND INFORMATION REQUIRED OF APPORTIONMENT PLANS SUBMITTED

MACOMB COUNTY APPORTIONMENT COMMISSION

All plans submitted for consideration to the Macomb County Apportionment Commission should contain the following information (Exhibits from the 2001 Plan are offered as examples):

- 1) Countywide map of districts
(detailing the boundaries of each district)
EXHIBIT 1
- 2) Written description of boundaries of each district (districts must be contiguous and include the entire county)
(Commonality to bordering districts)
EXHIBIT 2
- 3) Population of each district (the total of all district must include every person in the 2000 U.S. Census). (Tract, Block or Voting Precinct Populations detailed)
EXHIBIT 3

Clerk's Office

40 N. Main St.
Mount Clemens, MI 48043
586-469-5120
Fax 586-783-8184

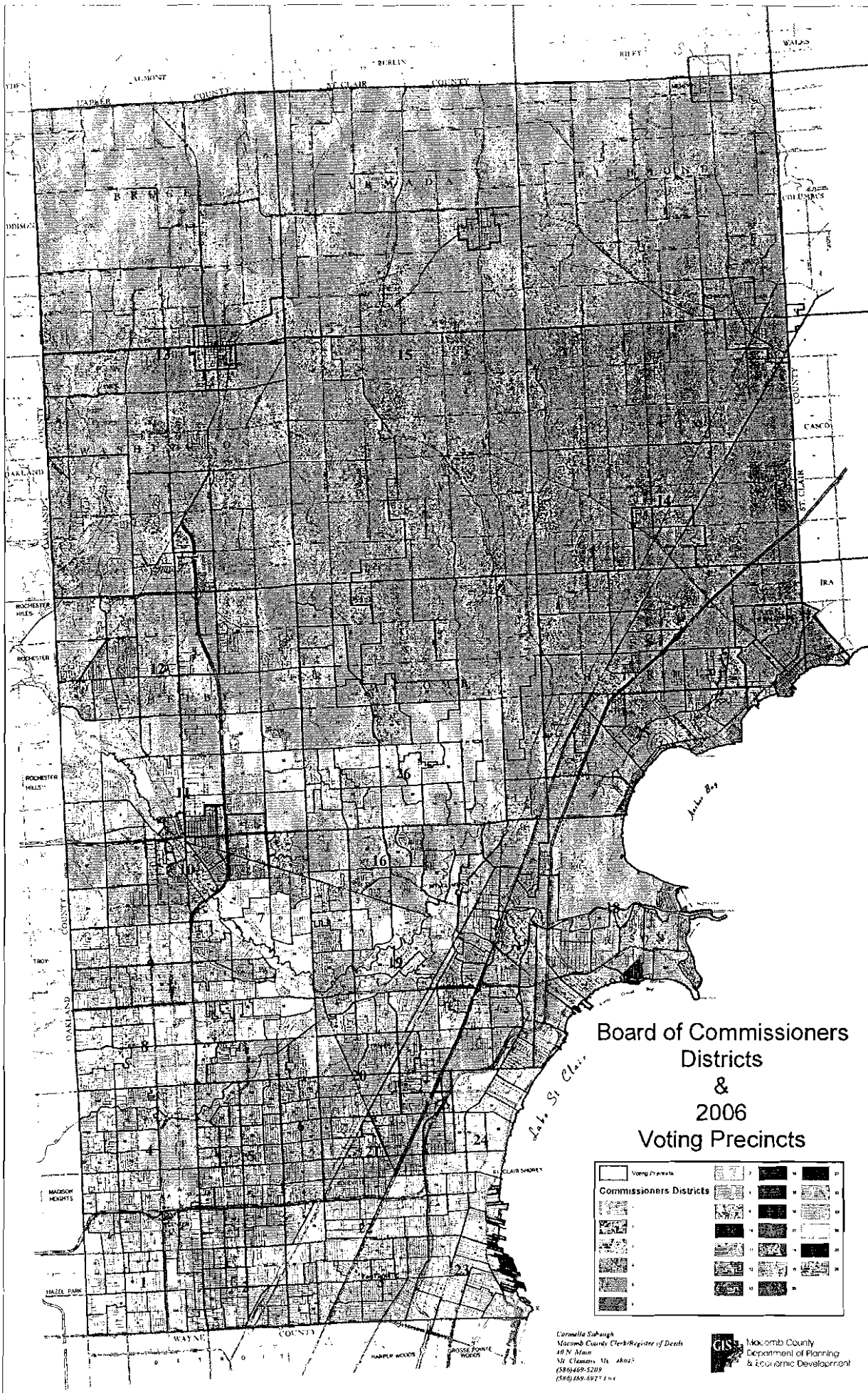
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Board of Commissioners
Districts
&
2006
Voting Precincts

	Voting Precincts
	1
	2
	3
	4
	5
	6
	7
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	23
	24

Carmelle Stalough
Macomb County Clerk/Registrar of Deeds
40 N. Main
100 Clearwater, MI 48106
(586) 469-5209
(586) 469-6977 fax

GIS Macomb County
Department of Planning
& Economic Development

EXHIBIT 1

DISTRICT 1

STARTING AT THE INTERSECTION OF EIGHT MILE ROAD AND DEQUINDRE ROAD PROCEED NORTH ON DEQUINDRE ROAD TO ELEVEN MILE ROAD; THEN EAST TO JAMES STREET; THEN NORTH TO MARTIN ROAD; THEN EAST TO RYAN ROAD; THEN SOUTH TO ELEVEN MILE ROAD; THEN WEST TO EL CAPITON; THEN SOUTH TO ELEVEN MILE ROAD; THEN WEST TO WEXFORD; THEN SOUTH TO FRAZHO ROAD; THEN EAST TO RYAN ROAD; THEN NORTH TO FRAZHO ROAD; THEN EAST TO CRYSTAL AVENUE; THEN NORTH TO I-696; THEN EAST TO MOUND ROAD; THEN SOUTH TO BEAR CREEK DRAIN; THEN SOUTHWEST ALONG CENTER LINE OF BEAR CREEK DRAIN TO OFF RAMP I-696; THEN SOUTHEAST ON OFF RAMP TO MOUND ROAD; THEN SOUTH TO RINKE; THEN EAST TO WESTERLY BORDER CITY OF CENTER LINE; THEN SOUTH TO SOUTHWEST CORNER OF BORDER CITY OF CENTER LINE; THEN EAST TO VAN DYKE; THEN SOUTH TO EIGHT MILE ROAD; THEN WEST TO INTERSECTION OF EIGHT MILE ROAD AND DEQUINDRE.

EXHIBIT 2

District 1 (Warren)

30,808

<u>VTD</u>	<u>Population</u>
2720	1,693
2730	1,985
2740	1,437
2750	2,385
2760	1,304
2770	1,891
2780	2,509
2790	1,154
2800	1,344
2810	1,871
2820	1,510
2890	2,232
3000	1,149
3010	1,060
3020	1,223
3030	1,469
3040	1,807
3240	1,755
3280	<u>1,030</u>
	30,808

EXHIBIT 3



Carmella Sabaugh

Todd Schmitz
Deputy Clerk

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Deputy Register of Deeds

PLAN REVIEW PROCEDURE

MACOMB COUNTY APPORTIONMENT COMMISSION (MCAC)

1. Members of the MCAC may develop proposed plans
2. Plans are to be filed with the Macomb County Clerk's Office – Election Department
3. In the development of the proposed plan, information will be available through the Macomb County Department of Planning and Economic Development at cost.
4. Information requests by an individual member of the MCAC will be made through and must be authorized by the chairperson of the MCAC.
5. Information made available to any one member will also be made available to other members of the commission.
6. Verification of the proposed plans will be the responsibility of the Macomb County Department of Planning and Economic Development.
7. The Macomb County Department of Planning and Economic Development will verify only those proposed plans as authorized by the MCAC through the chairperson.
8. Proposed plans will be verified to determine their consistency with official figures available from the United States Census Bureau for 2000.
9. The verification results of a proposed plan will be presented to the MCAC.

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