

MEETING MINUTES
2021 PA LEGISLATIVE REAPPORTIONMENT COMMISSION

Date and time of meeting: May 26, 2021 4:00-5:00 p.m.

Location: Senate Hearing Room #1, North Office Building

AGENDA

1. Call to Order and Welcome
2. Resolution Regarding Appointment of Deputies
3. Selection of Chief Legal Counsel
4. Selection of Executive Director
5. Selection of Stenographer
6. Future Staff Appointments
7. Administrative Resolutions
 - a. Resolution Adopting the Financial Operating Rules of the Senate
 - b. Resolution Regarding Right-to-Know Law
 - c. Resolution Regarding Official Minutes
 - d. Resolution Authorizing Remote Participation in Meetings
8. New business/Discussion
9. Adjournment

Chair Mark Nordenberg called the meeting to order at 4:00 p.m.

He then recognized the other members of the Commission in attendance:

- House Majority Leader Kerry Benninghoff
- Senate Democratic Leader Jay Costa
- House Democratic Leader Joanna McClinton

Senate Majority Leader Kim Ward was unable to attend but was being represented by Senator Kristin Phillips-Hill.

Chair Nordenberg thanked the citizens of Pennsylvania in attendance at the meeting or watching the live stream telecast. Before dealing with the resolutions, he asked for comments from any of the Commissioners.

Commissioner Benninghoff congratulated Chair Nordenberg on his appointment and stated that he looked forward to working with the Chair and the other members of the Commission. He also endorsed the use of various technologies to allow the maximum participation possible by the members of the Commission as well as the public at large.

Commissioner Costa expressed words of appreciation to Chair Nordenberg on his appointment and stressed the importance of the redistricting work of the Commission. He also endorsed the value of using technology to assure a fair, transparent and inclusive process.

Commissioner McClinton thanked Chair Nordenberg for taking on this assignment, citing there are 13 million citizens across the Commonwealth who are eager to engage and participate in the redistricting process.

Senator Phillips-Hill extended the best wishes of Senator Ward to Chair Nordenberg. She also noted that Senator Ward is wanting a fair and transparent redistricting process.

Chair Nordenberg noted that the resolutions listed on the agenda had been previously distributed to the Commissioners and posted on the Commission's website.

Resolution #1A – Appointment of Deputies

It is hereby resolved that Commission Members shall be authorized, pursuant to Article II, Section 17 (b) of the Pennsylvania Constitution, to deputize another Member of the House or Senate to participate and vote in their stead when necessary; however, no individual other than a Member of the Pennsylvania Legislature shall be authorized to serve as a Deputy with voting privileges. The Chairman of the Commission shall in no instance be authorized to deputize an individual to vote in his stead.

- Motion by Commissioner McClinton to adopt the resolution

- Second by Commissioner Costa

- All Commissioners voted Aye

Senator Phillips-Hill did not vote on this resolution but once it passed, she voted on other matters.

Resolution #1B – Selection of Chief Legal Counsel

It is hereby resolved that Robert L. Byer be appointed Chief Legal Counsel for the Commission.

- Motion by Commissioner Benninghoff to adopt the resolution

- Second by Deputy Commissioner Phillips-Hill

- All Commissioners and the Deputy Commissioner voted Aye

Resolution #1C – Selection of Executive Director

It is hereby resolved that G. Reynolds Clark be appointed Executive Director of the Commission.

- Motion by Commissioner Costa to adopt the resolution

- Second by Commissioner McClinton

- All Commissioners and the Deputy Commissioner voted Aye

Resolution #1D – Selection of Stenographer

It is hereby resolved that Ann-Marie Sweeney be appointed stenographer for the Commission.

- Motion by Commissioner McClinton to adopt the resolution
- Second by Deputy Commissioner Phillips-Hill
- All Commissioners and the Deputy Commissioner voted Aye

As this time, Chair Nordenberg noted the agenda had listed the subject of Future Staff Appointments. Chair Nordenberg stated that there was no action needed to be taken on this matter at this time. He knows the Commission will be receiving the official census data much later than the normal schedule for previous Commissions, thus putting the Commission under some very significant time pressures.

Also, Chair Nordenberg is anticipating that citizen participation via correspondence along with a much higher volume of map submissions will probably require further additions to the office staff including securing technical expertise.

Chair Nordenberg then introduced Item 7 on the agenda, Administrative Resolutions:

Resolution #1E – Adopting the Financial Operation Rules of the Senate.

It is hereby resolved that the Commission shall adopt in full the current Financial Operating Rules of the Senate to govern expenses, personnel policies and other administrative matters.

Commissioner Benninghoff asked for a clarification as to how the distribution of funds to pay the Commission's staff will be handled. Chair Nordenberg stated that funding would come through the Office of the Clerk of the Senate. Chair Nordenberg then asked for a motion.

- Motion by Commissioner Costa to adopt the resolution
- Second by Commissioner Benninghoff
- All Commissioners and the Deputy Commissioner voted Aye

Resolution #1F – Regarding Right-to-Know Law

It is hereby resolved that the Legislative Reapportionment Commission is subject to the Right-to-Know Law as a legislative agency. It is further resolved that, until such time as the Commission has a staff member to fill this role, the open-records officer for the Legislative Data Processing Center shall serve as the open-records officer for the Commission.

- Motion by Commissioner McClinton to adopt the resolution
- Second by Deputy Commissioner Phillips-Hill
- All Commissioners and the Deputy Commissioner voted Aye

Resolution #1G – Regarding Official Minutes

It is hereby resolved that the Executive Director shall be authorized to prepare Official Minutes on behalf of the Commission, which Minutes shall be ratified, with appropriate amendments, at the next public meeting of the Commission. Copies of such official minutes shall be made available to the public, after ratification, in accordance with the Right-to-Know Law.

- Motion by Deputy Commissioner Phillips-Hill to adopt the resolution
- Second by Commissioner Costa
- All Commissioners and the Deputy Commissioner voted Aye

Resolution #1H – Regarding Remote Meetings and Remote Participation in Meetings

It is hereby resolved that the 2021 Legislative Reapportionment Commission shall be authorized to conduct in-person, remote and hybrid hearings and Members of the Commission or their designated Deputies shall be authorized to participate remotely in any such hearings; and

It is further resolved that the 2021 Legislative Reapportionment Commission shall be authorized to conduct remote meetings for the purpose of discussion and to make decisions on administrative matters, such as matters relating to scheduling, personnel and budget and that Members of the Commission or their authorized Deputies shall be authorized to participate remotely in any such Commission meetings; and

It is further resolved that, for purposes of this resolution, the terms “remote” and “remote participation” shall be defined in ways that are consistent with the Rules of the Pennsylvania Senate as of the date of the adoption of this resolution.

- Motion by Commissioner Benninghoff to adopt the resolution
- Second by Commissioner Costa
- All Commissioners and the Deputy Commissioner voted Aye

Chair Nordenberg then opened the meeting for Commission discussion. Commissioner McClinton introduced the subject of prison gerrymandering. She presented a draft resolution and cited that nearly 40,000 constituents across the Commonwealth are not counted by the census at their home addresses. She urged the Commission to address this matter during the current redistricting process. Commissioner Costa supported Commissioner McClinton’s statements and stated that prison gerrymandering is an item that is worthy of consideration by the Commission. Chair Nordenberg noted that matters like prison gerrymandering should be considered in a fair and deliberative manner, and everyone should have the opportunity to review all materials, both pro and con. He also suggested that this would be best if done before the Commission receives the census data.

Chair Nordenberg urged the Commissioners to continue to reach out to him with matters that are specifically important to each of them.

With there being no further business, Chair Nordenberg adjourned the meeting at 4:48 p.m.