

Court of Appeals, State of Michigan

ORDER

In Re Apportionment-Marquette County-2011

Docket No. 304414

LC No. 00-000000

Michael J. Kelly
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

Pursuant to MCR 7.206(D)(3), the Court orders that the petition for review is DISMISSED for lack of merit in the grounds presented.

Petitioner's assertion that the plan was drawn to effect partisan political advantage, contrary to MCL 46.406(h), is not supported by the record. Petitioner did not meet his burden of presenting actual evidence that partisanship was a prominent consideration in the adoption of the plan, or that the adopted plan unfairly alters the existing allocation of political power vis-vis voting strength. *In re Apportionment of Clinton Co - 1991 (After Remand)*, 193 Mich App 231; 483 NW2d 448 (1992).

The adopted apportionment plan meets the requirements of the laws of this state. MCL 46.404, MCL 46.406. The population divergence under the plan is less than the 11.9% allowed by *Apportionment of Wayne Co Bd of Comm'rs-1982*, 413 Mich 224, 263; 321 NW2d 615 (1982). The other plans considered had greater population variances, and were not superior to the adopted plan. All districts in the plan are contiguous. Given the population distribution in the county and the township boundaries, the districts are reasonably square and compact. The division of Marquette Township and combination with portions of the City of Marquette was reasonable given the population of those areas. The adopted plan is a "reasonable choice in the reasoned exercise of judgment." *Id.*, at 264.

Petitioner has not presented evidence demonstrating a violation of the Open Meetings Act, or that the rights of the public were impaired. *Nichols v Meridian Twp Bd*, 239 Mich App 525, 532; 609 NW2d 574 (2000). There is no evidence that the commissioners engaged in any private deliberations contrary to the act.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 12 2011

Date

Larry S. Royster
Chief Clerk