ATTACHMENT NUMBER 2:

DETAILED DESCRIPTION

OF THE RATIFICATION DECISIONS PURSUANT

TO A.R.S. SEC. 38-431.05(B)(3)
ATTACHMENT NUMBER  3 re:

AGENDA ITEM IX A. 1.

JUNE 7, 2001, TRANSCRIPT, PAGES 5-6
Are there members of the public wishing to be heard? If not, there will be another opportunity later in the meeting.

Moving to approval of the minutes for May 15th and 18th.

MR. OCHOA: I put review of minutes as opposed to approval. We've been reviewing. I included in the packet a listing of just about all of the minutes of various meetings that we have had. What I propose we do is table that you have a chance to review it. I got it from the court reporter. We should have a better counting --

CHAIRMAN LYNN: Like I'd like to do, once the minutes are circulated and the Commissioners have had a chance to comment on the minutes, circulate and comment on them for circulation.

We'll table that.

Item IV, A.R.S., pursuant to 38-431, for those keeping track.

MR. RIVERA: Executive Session.

CHAIRMAN LYNN: Counsel request Executive Session. Is there a motion?

COMMISSIONER ELDER: So moved.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: All those in favor say
"aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, say "no."

(Vote taken.)

CHAIRMAN LYNN: Ladies and gentlemen, we need to go into Executive Session. I don't know, I'd guess a half hour to 40 minutes. Those that may not have gotten coffee might want to do that or have breakfast.

COMMISSIONER MINKOFF: Bring some back for us.

MS. HAUSER: Maybe we could let them know. Tell them we'll send somebody over to the lobby to let them know.

CHAIRMAN LYNN: We'll send somebody over to the lobby, main lobby, to let you know.

A VOICE: I'd like to speak against this Executive Session.

(Whereupon, the Commission recessed Public Session and went into Executive Session.)

(A recess was had.)

(Whereupon, Commission the resumed Public Session at approximately 9:15 a.m.)

CHAIRMAN LYNN: Let's call the meeting back to order.

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Phoenix, Arizona
ATTACHMENT NUMBER 4 re:

AGENDA ITEM IX A. 2.

JUNE 7, 2001, TRANSCRIPT PAGES 7–9
EXEMPLARY FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 7

1 To the members of the public, I would like
2 to apologize to the public. Legal counsel was in
3 Washington for a lengthy meeting that needed to be
4 shared.

COMMISSIONER ELDER: Chairman, I'd like to
5 make a motion we review the rules prior to reviewing the
6 grid plan or grid.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: It's been moved and

seconded we the review grid rules prior to review of the

gird.

Discussion?

Ms. Leoni.

MS. LEONI: I have discussion. If the

Commission would like to review discussions with us,

review discussions to us, also, not just the rules but

discussion, also.

COMMISSIONER HUNTWORK: Mr. Chairman, once

we discuss the rules, and assuming we approve the rules

that are stated, we then -- and if the the map is simply

generated by the rules, not necessarily the map, the

grid, is that where we are headed?

CHAIRMAN LYNN: Mr. Elder, your intent?

COMMISSIONER ELDER: I believe so. Make

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sure the rules are known and we discuss them. When the grid is presented, just based on that, nothing else.

CHAIRMAN LYNN: Further discussion?

MS. LEONI: Yes. Let me point out something else prior to the Commission's discussion on this particular motion.

The rules involve a small degree of discretion that had to be applied to promote equal population and/or grid-likeness.

So when you say that the approval of the rules automatically generates a map, to a very large extent, probably approaching 95 percent, that is accurate. But as you will see in the rules, there are areas where discretion is applied to balance equal population as nearly as possible and to avoid a situation where territory is isolated from the grid.

Ms. Minkoff.

COMMISSIONER MINKOFF: I'd like to suggest when dealing with the issue we're dealing with today, it is not a map. It's a grid.

MS. LEONI: Thank you. It is not a map.

It's a grid.

CHAIRMAN LYNN: It is a grid.

Further discussion on the motion?

COMMISSIONER ELDER: Call the question.

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Phoenix, Arizona
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CHAIRMAN LYNN: Those in favor, signify "aye."

(Vote taken.)

(Motion carries.)

DR. ADAMS: Mr. Chairman, Commissioners, we have a brief Power Point that demonstrates the directions and rules given, the rules discussed in two previous meetings that have now been boiled down into six rules.

Okay. So we are continuing the quest for equal population.

This is the sequel to the sequel.

The language of Proposition 106 on the grid. The commencement of the mapping process for both the Congressional and Legislative Districts shall be creation of districts of equal population in a grid-like pattern across the state.

So the controlling principles of Proposition 106 are, one, population equality, and, two, a grid-like pattern.

In the case of conflict with Commission instruction or rules of aggregation, these rules control.

The Commission gave us a number of instructions. The first instruction, grid the state

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ATTACHMENT NUMBER 5 re:

ITEM IX A. 3 on the Agenda

JUNE 7, 2001, TRANSCRIPT PAGES 9–24
CHAIRMAN LYNN: Those in favor, signify "aye."

(Vote taken.)

(Motion carries.)

DR. ADAMS: Mr. Chairman, Commissioners, we have a brief Power Point that demonstrates the directions and rules given, the rules discussed in two previous meetings that have now been boiled down into six rules.

Okay. So we are continuing the quest for equal population.

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So the controlling principles of Proposition 106 are, one, population equality, and, two, a grid-like pattern.

In the case of conflict with Commission instruction or rules of aggregation, these rules control.

The Commission gave us a number of instructions. The first instruction, grid the state
according to its townships as defined by the U.S. Geological Survey survey.

Divide the state into quadrants defined by the Gila Meridian and the Salt River Baseline.

Commence districting in the Northwest quadrant at the axis point.

Move in a counterclockwise motion through the quadrants.

Commence aggregation of Census tracts in each quadrant at the axis point.

Move in a counterclockwise motion through the townships, township grids, intermediate grids, and super grids, to aggregate population by Census tract.

This motion may be reversed as necessary to comply with the controlling principles.

Those were the rules for equal population and grid-likeness or grid-like pattern.

Now, I would be happy to answer any questions at this point before we proceed to the rules for aggregation.

Mr. Elder.

COMMISSIONER ELDER: Ms. Adams, when you made the statement four, five points, back "based on rules of aggregation," based on aggregation, rules township, a different rule?
MR. ADAMS: Same rule of aggregation, the selection was made to move in counterclockwise motion for aggregation. That was the instruction given by the Commission.

COMMISSIONER MINKOFF: Motion being reversed, in some cases you have to move clockwise rather than clockwise?

DR. ADAMS: In some instances, I believe we have a demonstration, in some instances a strand a territory, in order to not leave a territory stranded a from territory, in that instance a stranded territory, we moved in the opposite direction.

MS. LEONI: In addition to a stranded territory, an isolated territory or one tenuously attached to the next grid, a grid-like district, the motion was reversed, also, in addition to that, which is also consistent with the desire to achieve a grid that is grid-like; where if we did not reverse ourselves within a cul-de-sac we'd end up with a very nongrid-like looking section of a grid.

DR. ADAMS: Going back to the controlling principles, equal population, grid-like pattern.

CHAIRMAN LYNN: Any other questions, before the rules of aggregation?

Dr. Adams.
DR. ADAMS: We have a schematic to show you the quadrants and show you the point of beginning in the northwest moving to northeast, to southeast and then to southwest, the counterclockwise motion as instructed by the Commission.

Rules of aggregation, rule one.

All similarly coded Census tracts shall be aggregated prior to including a similarly coded Census tract group.

Now, Census tracts do have a unique code. They have a status in the Census. And with this unique code gives us the ability to aggregate in such a way that it promotes grid-likeness. Because similarly coded Census tracts tend to be in an area that -- and already in a grid-like pattern. So that is rule number one.

COMMISSIONER ELDER: Are you saying then a 4042 is somewhat in a grid-like, but we look like 4041, it doesn't like very it's grid-like.

CHAIRMAN LYNN: Those are counties.

COMMISSIONER ELDER: We're talking first the four digits are coded. Census tracts shall be aggregated before the first census tract group.

DR. ADAMS: Actually it's a five-digit code group.

MR. HUTCHISON: First digit represents the

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 13

1 state, is alphabetically assigned by the state. It's a
2 five-digit code.

3 MS. LEONI: If I may go on, it's the basic
4 building block, and it will perhaps be clarified in the
5 rules.

6 It's so basic to what we were doing, it
7 appears to me we didn't write it down. We built by
8 Census tract. Sometimes we completed a Census tract,
9 sometimes we didn't. It depended on if we got to equal
10 population or didn't.

11 Here we were with concerned getting by a
12 tract group to get to equal population. We were
13 concerned with building by tract in order to be able to
14 calculate accurately by the 2000 Census.

15 We found when we built by tract within a
16 quadrant without regard to tract group, the end result
17 was a grid which wasn't very grid-like. The tract
18 sometimes was very large in rural parts of the state,
19 very, very large.

20 We tested not using the tract group, and
21 the ending grid was far less grid-like than aggregating
22 by tract group.

23 COMMISSIONER HALL: Tract groups are
24 always counties.

25 MS. LEONI: Tract groups are always

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associated with Counties. The fact we're grouping was always associated with counties. We moved from tract number, used the tract number, and then use similarly coded numbers as a portion of the building block to achieve the grid.

DR. ADAMS: May I add one thing before your question, Commissioner Huntwork. The controlling was always the following township, though. Townships followed as we added townships.

Yes, Commissioner Huntwork.

COMMISSIONER HUNTWORK: Aggregating townships, as you pick up a group, aggregating --

MS. LEONI: Let's go on.

DR. ADAMS: Another rule shows that.

Shall we go on.

CHAIRMAN LYNN: Please.

DR. ADAMS: Rules of aggregation rule two, if a census tract straddles a township boundary, it is included or excluded from a township on the basis of the share of the Census tract group's population within that quadrant. If a majority of the population of the tract group is within the tract, the tract is included.

MR. HUTCHISON: I can describe that. What we're looking at is a single township blue square. What we accommodate for is a single township, what is a

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 15

Census tract in a township. If a Census tract goes over the line, is it in this one or the next one. We thought the best way to do that was to see where the population is within the tract, looking at population within the tracts. We didn't aggregate, didn't independently or break, didn't see where population was predominantly within the tract and aggregate within the tract.

MS. LEONI: The basis of division, we did not subdivide the tract, the whole Census tract. In no instances was a Census tract divided. In instances we were determining a Census tract be grouped on the basis of of majority or minority of population.

MR. HUTCHISON: Same example as on the Power Point, Commissioner Lynn and Hall were not here, were present by phone. It was the same example in the Power Point two weeks ago.

See the population, the Census tract have designated DD, predominantly south of the line, don't have lines in there, see density.

Another example, CC, put those lines up, see population is north of the line.

Just gives example of either case.

DR. ADAMS: Rules of population aggregation three:

If a tract group straddles a quadrant.

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EXEMPLARY FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 16

boundary, it is included or excluded from a quadrant on
the basis of the share of the Census tract group's
population within that quadrant. If a majority of the
population of the tract group is within the population.
This rule does not apply to Census tract groups 04013
and 04019 both on the legislative and congressional grid
plans or to census group 04021 on the legislative grid
plan because each have a population greater than an
ideal district for the respective grid plans. Hence,
these grids must be divided.

MS. LEONI: If I can explain this a bit.

By entering a Census tract group that straddles a
boundary, in order for it to stay principally into the
boundary, we designed a rule to proceed counterclockwise
or substantially comply with the procedure
counterclockwise.

Do we have example?

MR. HUTCHISON: We do. This is an
example. It's the line between the northwest northeast,
that is the meridian behind. As you see, it goes
straight three census groups 02045, 02045. When you
look at the population in, 4,500, the majority, 02045,
the vast majority, 02045, goes around census the tract
group and divides that way. See where the northeast
portion is and northwest portion is?
EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 17

1 MS. LEONI: Enables the gridding to remain
2 primarily where the work is being done and not lose the
3 counterclockwise motion.
4
5 CHAIRMAN LYNN: Okay.
6
7 DR. ADAMS: Questions on this?
8
9 CHAIRMAN LYNN: I think we're okay.
10
11 DR. ADAMS: Rules of aggregation rule four.
12
13 If the population of a census tract group
14 included within the area within a quadrant constitutes,
15 by itself, more than 75 percent of the population for an
16 ideal district, legislative, 171,021; congressional,
17 641,329, and adjacent areas of the same census tract
18 group remain to be gridded in a neighboring quadrant,
19 than the area of the census tract group within the
20 quadrant will be held over as an unassigned remainder to
21 be included within the gridded area of the same tract
22 group in the next quadrant.
23
24 COMMISSIONER MINKOFF: Could you explain
25 that a bit?
26
27 CHAIRMAN LYNN: Probably give an example.
28
29 MR. HUTCHISON: No.
30
31 DR. ADAMS: We actually do have an
32 example.
33
34 We're putting him on the spot here.
35
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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 18

1  COMMISSIONER HUNTWORK: Are we going to
2    end up seeing --
3  MS. LEONI: It's a little bit of a concern
4    we may be into the final product. This particular
5    example is not complete.
6  COMMISSIONER HUNTWORK: Then I'd prefer
7    not to see it.
8  MS. LEONI: It does take it --
9  COMMISSIONER HUNTWORK: I'd ask you to
10    stop here a minute. It's inconsistent with the motion.
11    We did not want to see the final product.
12  COMMISSIONER MINKOFF: Is there any other
13    way?
14  MR. HUTCHISON: I can explain it from a
15    theoretical standpoint.
16  COMMISSIONER MINKOFF: Help us understand
17    it.
18  MR. HUTCHISON: Here. I'll put up the
19    number four back up on the screen.
20  COMMISSIONER HUNTWORK: Legal pad, a low
21    tech solution.
22  MR. HUTCHISON: The purpose of the rule,
23    the reason we made the rule, if you didn't have
24    something like this, it could throw off the
25    counterclockwise path you were on. Grids wouldn't look

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like grids.

What this does is says if in a census tract group, any census tract group for that matter, that census tract group has enough population to constitute very large population. In this case we have 75 percent. We, instead of going off into the next census tract group, when in the next neighboring group to be gridded, let's hold off to the next quadrant, use it there where it's more logical.

CHAIRMAN LYNN: Go to the next logical, and hold the chunk.

COMMISSIONER MINKOFF: Rule three, if the tract group straddles a quadrant, you look where the most population is and move completely into that quadrant.

DR. ADAMS: Actually not it's straddling a quadrant. Here it's not straddling a quadrant. This is entirely within a quadrant.

MR. HUTCHISON: It only applies when a census tract group borders a quadrant.

I have rule three up now. We exclude three from both plans.

Rule four was essentially used on only those Census tract groups. We experienced, working --

CHAIRMAN LYNN: Densely populated areas?
EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 20

1 MR. HUTCHISON: Exactly.

2 CHAIRMAN LYNN: Other questions about this

3 rule?

4 DR. ADAMS: Rules of aggregation five:

5 When approaching a rule's ideal

6 population, include or exclude adjacent Census tracts

7 without regard to Census tract group number to reach

8 ideal population in the manner most consistent with the

9 principles.

10 This is the rule, what Ms. Leoni spoke to

11 when we began the presentation.

12 MS. LEONI: This is the discretion on

13 population where we attempted to reach equal population,

14 the highest priority, to reach gridding. This rule

15 allows the griddrer search Census tracts wherever they

16 may be and choose one to get in a grid to get closest to

17 equal population while remaining as faithful as possible

18 in appearance.

19 You can look yourself and say: I would

20 have chosen that one. We understand that.

21 Our purpose in the grid, that was the cut

22 we made. We can identify each one of them for you. It

23 was a cut we made in order to, with our eyes, what

24 indicated was the best darn population and to our eyes

25 looked like the best grid-likeness. We lifted those

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 21

1 constraints.

2 CHAIRMAN LYNN: Regardless of the rules in

3 May, at this point, not only that, it's only equal

4 population, achieves nothing else.

5 MS. LEONI: This is the only point where

6 the rules were suspended.

7 DR. ADAMS: Mr. Chairman, members of the

8 Commission, we have a hypothetical situation. It's a

9 hypothetical.

10 MR. HUTCHISON: We're okay with that.

11 Hypothetical. This doesn't actually add up to an ideal

12 district.

13 Taking the geography out of the state.

14 It's not one we faced. Let's say this is a district,

15 almost a district. Hypothetically. If we needed 65

16 people to reach an ideal population, the next place --

17 in this case let's say we started in the southwest

18 corner and moved counterclockwise. Let's say we started

19 in the northwest corner, moved counterclockwise,

20 northwest, northeast, southeast, southwest, take the

21 next tract, take in this one, compromises grid-likeness,

22 even though equal population. Whoops, it's not there.

23 Point to it. This one, 6,584 people, square, doesn't

24 fly out like a flag, equal, not the same amount of

25 people.

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 22

1 CHAIRMAN LYNN: Where discussed, the
2 situation came up as gridding, the opportunity presented
3 itself, you chose that method of aggregation.
4 COMMISSIONER MINKOFF: How often did that
5 occur?
6 MS. LEONI: We provided, assuming at this
7 point the Commission is satisfied with the rules we
8 applied, we have prepared a description of the progress
9 through each quadrant. And when this rule is applied,
10 it is indicated specifically.
11 That's it, very simply.
12 CHAIRMAN LYNN: Very simple.
13 Is there discussion on the rules as
14 presented and as apparently were applied?
15 COMMISSIONER MINKOFF: Yes.
16 I think that what we were looking for was
17 something that dealt only with population; that injected
18 no bias; that was structured; that was a formula. That
19 that while there could have been a whole other bunch of
20 rules that you could have used, I think this does the
21 job.
22 I don't have any serious problems with
23 this. I think you followed the instructions you were
24 given.
25 COMMISSIONER HUNTWORK: I think I saw a

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couple of embellishments on previous rules, that is the
use of the groups, the tract groups was not something
that caught my attention previously.

DR. ADAMS: Commissioner Huntwork --
COMMISSIONER HUNTWORK: I would like to
say it seems a logical extension of things.

DR. ADAMS: We discussed that Census
tracts had groupings. We did not discuss certain
grouping, that they had status in the sense, had that
status.

COMMISSIONER HUNTWORK: I remember tracts
do not cross, tracts do not cross certain jurisdictional
boundaries.

COMMISSIONER ELDER: I remember the tract,
but the groups -- those groups tended to follow
geopolitical boundaries, things I did not perceive when
we talked about Census tracts would come into play. It
appears if we keep census groups, we'll have boundaries
I did not perceive we'd have.

MS. LEONI: Commissioner Elder, you are
correct. It was not those boundaries that influenced
our decision to make that rule. I'll explain how that
decision was made. Initially we commenced without
Census grouping of our own tracts. And the other result
of that product was not, quote, grid-like. It was far

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less grid-like with far fewer boundaries that you would recognize as geometrical. And we found this as a tool to promote grid-likeness. A subsidiary, to some extent, of certain jurisdictional boundaries happen to -- not happen, that you coincide with boundaries. The purposeness had nothing to do with boundaries, had to do with grid-likeness.

COMMISSIONER HALL: I make a motion we accept the rules.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Ms. Leoni?

MS. LEONI: No. I'd like to be heard after.

CHAIRMAN LYNN: All in favor?

(Vote taken.)

(Motion carries.)

COMMISSIONER HUNTWORK: Mr. Chairman -- Have you generated a grid of the state based on these rules?

MS. LEONI: We have.

COMMISSIONER HUNTWORK: Is that available to show us?

MS. LEONI: We have, Commissioner Huntwork.
ATTACHMENT NUMBER 6 re:

AGENDA ITEM IX A. 4.

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(Vote taken.)

(Motion carries.)

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based on these rules?

MS. LEONI: We have.

COMMISSIONER HUNTWORK: Is that available
to show us?

MS. LEONI: We have, Commissioner
Huntwork.

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COMMISSIONER HUNTWORK: Have we already in fact approved that by accepting that?

MS. LEONI: Except with regard to the areas of discretion. You have except for the areas of discretion.

CHAIRMAN LYNN: Except for one matter. It's not a map. It's a grid. It has only one criteria with respect to the Census, only one with respect to geography, it's grid-like, as square or regular as possible, and, two, has equal population. It has no other characteristic with it. With that caveat well in mind, Mr. Huntwork.

COMMISSIONER HUNTWORK: Thank you.

In making these discretionary assignments in the few cases it was done, would you describe who did that and how it was done?

MS. LEONI: It was done by your consultants.

COMMISSIONER HUNTWORK: It was not done by any other factor except geometry and no other factor?

DR. ADAMS: That is correct.

MS. LEONI: Let me say the grids are somewhat incomprehensible because there is is nothing on them other than the Census tracts and township boundaries. And the decisions were made exclusively
based on equal population and the test called the intraocular test. The intraocular test can be second-guessed. That's where discretion lied. There was, though, other information relied on in these tests.

COMMISSIONER HUNTWORK: Out of curiosity, did one person apply the intraocular test or more?

DR. ADAMS: Several sets of eyes including, Dr. Hardy.

COMMISSIONER HUNTWORK: I believe that will probably be the most --

We're looking for something as -- done with as mathematical an approach as possible without being affected by any other considerations. Any -- I just want to make the point any of us looking at this would probably apply more information than the consultants who did it in a vacuum. I'm going to be very reluctant to second guess those decisions.

COMMISSIONER HALL: Is that a motion?

CHAIRMAN LYNN: Not yet.

I want to be clear to that.

Let me ask the consultants to respond to these questions. To characterize what we'll see as anything but a starting point, as anything other than a starting point is an error, correct?

DR. ADAMS: That's my understanding,
correct.

CHAIRMAN LYNN: The application as anything other than Census data is incorrect, to impute any other meaning to what we'll see is incorrect, correct?

MS. LEONI: I do believe the only criteria against which these grids can be measured is, number one, equal population and are they sorta grid-like.

CHAIRMAN LYNN: Based on the rules of gridding.

MS. LEONI: That's the only consideration. That's the only way they can be judged.

CHAIRMAN LYNN: And of that, because what we may see, this cannot be subjected to any other information or criteria, any other information from the public, any other point of view from the public, any mischaracterization that it may look anything like what we may end up with.

MS. LEONI: I agree, Mr. Chairman. This is a starting point as defined in Proposition 106.

COMMISSIONER HALL: Is it your opinion that what we will see is illegal?

CHAIRMAN LYNN: Or immoral or fattening?

MS. LEONI: I would at this point like to defer to your counsel on that.
EXEMPLARY FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 28

1     CHAIRMAN LYNN:  For all three --
2     COMMISSIONER HALL:  Is it safe to say it
3     does not in some way violate the laws --
4     MS. LEONI:  Let me say it has not at this
5     point been measured against the requirements for a
6     legal, final map.
7
8     Let me tell you further that I would be
9     surprised if a process as random as this would end up to
10    be a final, legal product.
11
12     MS. HAUSER:  Mr. Chairman, Commissioner
13     Hall, it is legal, perfectly legal in the sense that it
14     complies with the Constitutional requirement that the
15     first step be a grid-like, equal population map, if you
16     will.  But in the sense that none of the other rules has
17     been applied to it and there are legal requirements both
18     under the Constitution and the Voting Rights Act that
19     may need to be applied, those have not yet been applied.
20
21     CHAIRMAN LYNN:  Mr. Hall?
22
23     COMMISSIONER HALL:  I move we look at it.
24
25     COMMISSIONER MINKOFF:  I'll second that.
26
27     CHAIRMAN LYNN:  Discussion?
28
29     COMMISSIONER ELDER:  Call the question.
30
31     CHAIRMAN LYNN:  All those in favor,
32
33     signify by saying "aye."
34
35     COMMISSIONER MINKOFF:  Can I move for a
36

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 29

1 drum roll?

2 But again, there are enough caveats

3 floating about, let's take a look at where we're going

4 to start looking at redistricting.

5 Ms. Leoni, Dr. Adams.

6 CHAIRMAN LYNN: All those in favor,

7 signify by saying "aye."

8 (Vote taken.)

9 CHAIRMAN LYNN: Opposed, "no."

10 (Motion carries.)

11 COMMISSIONER ELDER: While getting

12 started, we were having meetings two weeks ago, three

13 weeks ago, and there was a comment to Dr. Hardy, the

14 mathematician, that another rule to fix something needs

15 to be fixed in the process. He was up to 14, stopped

16 counting. Now we're down to five or six. Made

17 progress.

18 CHAIRMAN LYNN: Myra, if you'd grab the

19 lights.

20 MR. HUTCHISON: We have zooms in on the

21 metropolitan areas later. I didn't put tracts or

22 anything else. It wouldn't have been easy to see in the

23 metropolitan areas.

24 MS. LEONI: I want to add it does not have

25 districts. This is not a map. It will focus comment.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
ATTACHMENT NUMBER 7 re:

AGENDA ITEM IX A. 5.

JUNE 7, 2001, TRANSCRIPT PAGES 29-34
EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 29

1    drum roll?
2                  But again, there are enough caveats
3    floating about, let's take a look at where we're going
4    to start looking at redistricting.
5                  Ms. Leoni, Dr. Adams.
6                  CHAIRMAN LYNN:  All those in favor,
7    signify by saying "aye."
8                  (Vote taken.)
9                  CHAIRMAN LYNN:  Opposed, "no."
10                  (Motion carries.)
11                  COMMISSIONER ELDER:  While getting
12    started, we were having meetings two weeks ago, three
13    weeks ago, and there was a comment to Dr. Hardy, the
14    mathematician, that another rule to fix something needs
15    to be fixed in the process.  He was up to 14, stopped
16    counting.  Now we're down to five or six.  Made
17    progress.
18                  CHAIRMAN LYNN:  Myra, if you'd grab the
19    lights.
20                  MR. HUTCHISON:  We have zooms in on the
21    metropolitan areas later.  I didn't put tracts or
22    anything else.  It wouldn't have been easy to see in the
23    metropolitan areas.
24                  MS. LEONI:  I want to add it does not have
25    districts. This is not a map. It will focus comment.
These are the underlying township lines.

COMMISSIONER MINKOFF: Can you go back to the earlier one? I'm missing something.

CHAIRMAN LYNN: A microcosm up the Phoenix area, if you recognized that as the Phoenix area.

MR. HUTCHISON: Sorry about the line there.

Two areas yellow.

Two lines that are yellow.

COMMISSIONER HALL: Map overlay?

MR. HUTCHISON: I didn't put that on this one.

The meridian literally goes down the left side of the blue gray district, literally straight down that.

MS. MINKOFF: And gray line?

MR. HUTCHISON: Cuts down through the blue and red, rule four, unassigned remainder.

COMMISSIONER ELDER: Bottom of purple.

MR. HUTCHISON: If I go to the next slide, I can pinpoint it for you.

The meridian, comes right down this line, this township line. The tracts do not follow it. This inlet goes in, population in this tract, I'm outlining, goes here. One of our rules. Starting point is here.
Baseline is this line. Meridian is this line. I had those darkened on our map. On our print-outs, we had that.

CHAIRMAN LYNN: And that's Tucson.

MS. LEONI: This very one grid-like line is the result of following Census tracts. You can see how they follow generally along the townships.

MR. HUTCHISON: After that I have some preliminary data on total population.

MS. LEONI: Look at the total population slide. Total deviation on Congressional Districts, not defined in any legal sense except to legal criteria for grid, Prop 106, following those criteria, were less than one percent deviation on Congressional.

CHAIRMAN LYNN: Target is much more precise than this.

MS. LEONI: Target will be much more precise than this and it is achievable.

CHAIRMAN LYNN: Okay.

MS. LEONI: This is the Legislative grid.

MR. HUTCHISON: The same scales on the next two maps, too.

Once again, you can see the Meridian line is right here and baseline is right here. You can see much more clearly this time right here.
CHAIRMAN LYNN: Okay.

Now on this issue there were some issues on the size of the tracts and shapes thereof.

You can see there is shapes of -- this is all one census tract. You can get a feel for why they are the shape they are.

COMMISSIONER MINKOFF: Are the lines on the map Census tracts?

MR. HUTCHISON: Yes, Census tracts.

MS. LEONI: Blue lines on the map are townships.

CHAIRMAN LYNN: So some work to do there as well.

MS. LEONI: This is somewhat greater.

We felt that in order to bring this down, we would need to start going to the block level group and block level.

We at this pointed determined not to do that because of the rules and instructions as we understood them. So the deviation is 7.45 percent. It can be brought lower. But it is within legal tolerance. Our goal was totally legal population. But this is within legal tolerance for a statewide plan.

CHAIRMAN LYNN: All right. Thank you.

I think what is important is we now have a

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basis to begin a very important part of the process which is public outreach, which is going to begin next week, to hear from communities of interest and others in the state as to how they see their recognition of similarity, likeness, affinity with respect to how they would be positioned within a final mapping.

And I think now we are embarking on taking that information and applying it to the same principles in terms of putting something together of not only 106 but all the criteria that has been set forth of the process. We now have a beginning.

COMMISSIONER HUNTWORK: Mr. Chairman, I think based on the previous discussion, I think it is appropriate for us to make a motion to approve this grid for the purpose of acknowledging that this complies with the rules that we approved previously. I think we need something affirmatively to say that we are approving this as our grid.

CHAIRMAN LYNN: Are you making that motion?

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER MINKOFF: I'll second it.

CHAIRMAN LYNN: Discussion?

Hearing none, all those in favor of the motion, signify by saying "aye."

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EXEMPLARY FROM JUNE 7, 2001, TRANSCRIPT, PAGE:  34

1  (Vote taken.)

2  CHAIRMAN LYNN:  Opposed, "no."

3  Motion carries unanimously.

4  So we have a grid, and we'll move forward

5  from that point.

6  Dr. Adams, is there more in your report?

7  Another item in the agenda, Commissioner.

8  That has to do with citizen kits?  Are you

9  prepared to do that now?

10 DR. ADAMS:  Yes.

11 CHAIRMAN LYNN:  Power Point also?

12 DR. ADAMS:  A very brief Power Point and

13 some questions, Mr. Chairman, and Commissioners, to ask,

14 after we finish this.

15 What we have, what we have developed are

16 area citizen kits.  The area citizen kits are for the

17 purpose of developing information about areas,

18 communities of interest, or Arizona units of

19 representation.

20 So the materials in the kits will have

21 maps that will assist citizens in identifying certain

22 landmarks, possibly major streets and highways, et

23 cetera, et cetera.

24 But let's just go through this.  You've

25 all seen the citizen input form.  It will be on the

ATWOOD REPORTING SERVICE
Phoenix, Arizona
ATTACHMENT NUMBER 8 re:

AGENDA ITEM IX A. 6.

JUNE 7, 2001, TRANSCRIPT PAGES 34–42
EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 34

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Motion carries unanimously.

So we have a grid, and we'll move forward from that point.

Dr. Adams, is there more in your report?

Another item in the agenda, Commissioner.

That has to do with citizen kits? Are you prepared to do that now?

DR. ADAMS: Yes.

CHAIRMAN LYNN: Power Point also?

DR. ADAMS: A very brief Power Point and some questions, Mr. Chairman, and Commissioners, to ask, after we finish this.

What we have, what we have developed are area citizen kits. The area citizen kits are for the purpose of developing information about areas, communities of interest, or Arizona units of representation.

So the materials in the kits will have maps that will assist citizens in identifying certain landmarks, possibly major streets and highways, et cetera, et cetera.

But let's just go through this. You've all seen the citizen input form. It will be on the

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website. This will be part of the form.

There are a couple other things.

As you know, on the citizen input form, it has name, address, major concern, boundary lines you'd like to see in your area, what area or groups should absolutely not be divided and why, and then an actual listing in number five of the kinds of possible issues that could be raised by citizens in regard to the development of districts, keeping a community intact, keeping neighborhoods intact, neighborhood associations, man-made, natural boundaries, whole cities, as much of a city as size permits, using keeping Census tracts from being split, using transportation boundaries whenever possible, drawing compact, contiguous districts.

Just move forward, Chris.

We have instructions about the form and to complete them and hand them in at the meeting, mail them in, use the website, that there is an interactive form on the website which I've reviewed and given feedback to Tim on.

So if a citizen wishes to provide geographic detail as regards citizen input on the form, a citizen input form can be requested.

We move forward.

Then the citizen,
EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 36

1 Contents would be with an English and
2 Spanish introductory sheet. You actually have a copy
3 that has been passed to you.
4 It would have local area maps depicting
5 counties, cities, towns, cities, Indian reservations,
6 water areas, landmarks, national parks, et cetera, major
7 transportation, landmarks, communities, racial ethnic
8 groups as aggregated by the office of management budget
9 guidelines for use in redistricting and the citizen
10 input form.
11 The maps are provided to remind you of
12 major features that may affect the community, city,
13 county boundaries, freeways, major highways, Indian
14 reservations, national state parks, mountain ranges,
15 river boundaries, these may be things you find
16 important, homeowner parks. You can make notes. You
17 may wish refer to them on the maps, follow instructions
18 on the bottom of the form to submit to the Commission,
19 National Demographics, the consultant to
20 the Redistricting Commission, will respond to all
21 comments and inquiries.
22 In the initial form we reiterate, Arizona
23 must redistrict the Legislative and Congressional
24 Districts following the April 2000 Census and that it's
25 very important Arizona Redistricting, those citizens

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play a crucial role in the process.

We emphasize with the creation of the
Independent Redistricting Commission, it's to be
responsible for a new kind of redistricting process.

Proposition 106 states "The Independent
Redistricting Commission shall establish Legislative and
Congressional Districts. The commencement of the
mapping process for both the Congressional and
Legislative Districts shall be the creation of districts
of equal population in a grid-like pattern across the
state." The grid is just the beginning. We state that
very clearly. The grid is just the beginning.

The proposition further states six goals
of regridding. Districts comply with the United States
Constitution; the Voting Rights Act; equal population,
to the extent practical; districts be geographically
compact and contiguous to the extent practicable;
districts shall respect communities of interest to the
extent practicable; to the extent practicable, district
lines shall use visible geographic features, city, town,
and county boundaries, and undivided tracts; and to the
extent practicable, competitive districts should be
favored where to do so would create no significant
detriment to the other goals."

Is that where you stopped?

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 38

MR. HUTCHISON: No.

DR. ADAMS: There's one other thing that can be considered, and that's only after the initial mapping process. Party registration and voting history. This is what 106 provides. Party registration and voting history shall be excluded from the initial phase of the mapping process but may be used to test maps in compliance with the above goals.

One thing that may not be considered by the Redistricting Commission is incumbency. Proposition 106 states places of residence of incumbents or candidates shall not be identified or considered.

What we wanted to do was state very clearly what Proposition 106 says as we proceed having adopted equal districts in a grid-like pattern. And we have a sample of the locality maps.

You can see it. It's not very well seen here. It's a large map. Take a look at it, see the highways identified. When you bring it into the Power Point, you can't see it as clearly.

Chris, talk a bit about the layers included.

MR. HUTCHISON: There are a number of layers. You can see the townships, obviously; also Indian reservations, in the light red transparent there.

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You can also see in yellow city boundaries all throughout state. In green, there are Interstate Highways; red, routes, US routes, state routes. Also a lot of features you can't see on the Power Point, air routes, Air Force bases. The topography map shows elevations.

DR. ADAMS: Do you have --

MR. HUTCHISON: A zoom in of Mesa and school districts?

DR. ADAMS: Meridian, see the baseline and meridian on this map so you know the starting point. Do have school districts to see that?

MR. HUTCHISON: Don't have to have all on at one time. If you just want one map, if becomes to confused, if a citizen is confused.

CHAIRMAN LYNN: Overlays.

MR. HUTCHISON: Overlays, make them transparent, and so on.

DR. ADAMS: We have a big copy of that map.

Mr. Chairman, members of the Commission, my question to you now is now that we do have the equal population grids, should they be included in the citizen kit for citizens to look at?

CHAIRMAN LYNN: It's public information,

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EXCERPT FROM JUNE 7, 2001, TRANSCRIPT, PAGE: 40

1 public information, so certainly.

2 DR. ADAMS: Okay. We'll provide them in
3 the citizen kits as well.

4 COMMISSIONER HUNTWORK: I agree with that.
5 I think public information will focus, if not rebut, the
6 grid. Talk about community of interest, not rebut the
7 grid.

8 CHAIRMAN LYNN: It's important, as I
9 mentioned before, if and when we post the grid, or if
10 and when the grid is represented, try as best we can,
11 talk about what the grid is and more importantly what
12 the grid isn't. It's a starting point and more
13 generally a boundary. What it isn't, all the rest we
14 have to do. It certainly is not a map, not something
15 we're submitting in its current form, at least in my
16 opinion, in its current form.

17 COMMISSIONER MINKOFF: I think we should
18 include the grid. It's public information. It's an
19 important part of Prop 106.
20 I'm very concerned people might look at
21 that grid and say this is where I have to start to tell
22 you what is important to me. And it's not where they
23 have to start. So I think it's very important if we put
24 it in, wherever we it we this grid is some kind of
25 information and accompany it with that, the reason for

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this grid is to comply with first requirement of Prop 106. That it is not a draft plan. That it is not a map. That it is only a division of the state into eight and 30 districts, or essentially 30 districts, for citizens to give feedback, to somehow explain what we want is feedback, not reaction to a grid. We want reaction from them. That's the only way to get the reaction we need.

COMMISSIONER ELDER: My reaction to Ms. Adams, should it be shown on the Power Point, or on a screen, not in the citizen kit, or package, so we don't have it seeming like a map, people saying where's my boundary? I don't like that one. Jim said, testing the grid, rebutting the grid. This is a grid, not a map. Do verbalization. Not the grid in package.

CHAIRMAN LYNN: Especially when the public will have ample opportunity to react to the maps once they are created.

Mr. Elder, just for clarity, would you make that in the form of a motion, give Dr. Adams specific direction?

COMMISSIONER ELDER: I move we do not include the grid as part of the citizen kit, as part of the citizen kit be to be included in public mediums for input only.
1  CHAIRMAN LYNN: Discussion?

2  COMMISSIONER HALL: I'll second.

3  CHAIRMAN LYNN: Discussion?

4  All in favor?

5  (Vote taken.)

6  CHAIRMAN LYNN: Motion carries.

7  Like to ask NDC to Power Point the grid

8  and any other -- the rules?

9  Yes, the rules, it should follow from the

10  rules.

11  DR. ADAMS: We'll add that to the

12  presentation, end of the presentation.

13  COMMISSIONER ELDER: The end of the

14  presentation, slide 43 at the end of the formal

15  presentation, slide 43 is the rules and --

16  CHAIRMAN LYNN: Dr. Adams, anything else

17  from NDC at this time?

18  MS. LEONI: Those.

19  CHAIRMAN LYNN: I, too, Dr., as

20  Mr. Huntwork said earlier, want to thank you for your

21  very timely work on this assignment. We note that it

22  was time intensive and labor intensive to get this done

23  in the time frame we had available. We appreciate it

24  very much.

25  It was a good place to begin, and we

ATWOOD REPORTING SERVICE
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ATTACHMENT NUMBER 9 re:

AGENDA ITEM IX B. 1.

MAY 25, 2001, TRANSCRIPT PAGES 11-12
Excerpt from Transcript of May 25, 2001:  

1 I'm Rudolfo Perez. I represent the  
2 Mexican American Legal Defense and Educational Fund.  
3 I'm here this morning to formally request  
4 the Commission to provide simultaneous translation at  
5 all public hearings. The technology exists. I urge the  
6 Commission provide at all public hearings translation  
7 services for all Spanish speakers and Native American  
8 communities.

9 CHAIRMAN LYNN: Thank you, Mr. Perez.  
10 Are there other members of the public  
11 wishing to be heard at this time?  
12 COMMISSIONER MINKOFF: There do not seem  
13 to be any, Mr. Chairman.

14 CHAIRMAN LYNN: Without objection, we'll  
15 close this portion of public comment and have another  
16 opportunity at the close of the meeting.

17 (Commissioner James Huntwork arrives.)  
18 COMMISSIONER ELDER: I'd like the record  
19 to show Mr. Huntwork is now in attendance.

20 CHAIRMAN LYNN: Thank you, Mr. Elder.

21 Item III, approval of minutes. I believe  
22 all Commissions have received copies of the May 4  
23 minutes.  
24 Are there additions or corrections to the  
25 records that have either been submitted or need to be
Excerpt from Transcript of May 25, 2001:

COMMISSIONER MINKOFF: There don't appear to be any, Mr. Chairman.

CHAIRMAN LYNN: Good. If not, may we have a motion to approve?

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: It's moved and seconded to approve the May 4th minutes.

All in favor, say "aye."

(Vote taken.)

Chairman Lynn: Those opposed, say "no."

Motion carries. The minutes are approved.

Legal counsel. Is there anything legal counsel wishes to discuss with the Commission?

MS. HAUSER: No, Mr. Chairman.

CHAIRMAN LYNN: Item V, Presentation by consultants. Let me know and Mr. Hall know which consultants are present this morning.

MR. OCHOA: Mr. Chairman, Dr. Florence Adams is here, Dr. Heslop, and a gentleman.

DR. HESLOP: Dr. Hardy.

MR. OCHOA: Dr. Hardy is with them. They brought a gentleman to help with the technical presentation.

DR. HESLOP: A technician.

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Phoenix, Arizona
ATTACHMENT NUMBER 10 re:

AGENDA ITEM IX B. 2.

MAY 25, 2001, TRANSCRIPT PAGES 13–67
Excerpt from Transcript of May 25, 2001:

CHAIRMAN LYNN: Dr. Heslop, will you lead?

DR. HESLOP: There are points in the presentation I'll call on Dr. Hardy and Dr. Adams, and since Mr. Hutchison developed some animations, I'll call on him, too, at times during the animations as well.

CHAIRMAN LYNN: If you could, be as forceful in carrying to the microphone as you can. It's very difficult to hear.

DR. HESLOP: Yes, sir.

Mr. Chairman, members of the Commission, I'm going to begin perhaps appropriately in the subject of redistricting by turning out the light.

I'm going to address the Power Point we've developed.

You will recall that on the last occasion of the Commission's meeting we made a Power Point presentation to initiate our quest on the equal population grid. Today is the sequel for that Power Point. It is a progress report, a progress report on what we've been doing on the creation of the equal population grid.

I'm going to remind members of the Commission who perhaps need no reminder, and members of the public, too, language of Proposition 106 requires we create districts of equal population in a grid-like
Excerpt from Transcript of May 25, 2001:

1 pattern across the state.
2 As we determined last time, most
3 definitions require squares or an area regular, or some
4 form of aerial or geometric regularity.
5 What about equality? How do we decide
6 equality? We must use Census tracts. That's the logic
7 of Proposition 106. It's the only measure we have of
8 population equality.
9 Now, there are some challenges in
10 developing an equal population grid. It would be a very
11 good thing if Arizona were to recreate it's county
12 structures into squares. That would solve a problem.
13 But counties are not regular in shape, nor are cities
14 regular in shape. Census geography is not regular.
15 Indeed, some Census tracts are most peculiar in shape
16 indeed.
17 The great advantage of Census tracts is
18 they do fit, all fit within county boundaries.
19 And, of course, there's a final problem.
20 The western boundary of the state itself is far from
21 regular preventing square gridding of the state.
22 In addition to geography, there's the
23 problem of population. Arizona population is not evenly
24 distributed across the state. It's most unevenly
25 focused in a couple of areas.

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Excerpt from Transcript of May 25, 2001:

1      Now, the last time we decided that there
2      were certain desirable features in a grid. We were
3      pleased that the Commission endorsed this approach.
4      What are these features? Well, population equality,
5      meaning the use of Census tracts. A square is possible,
6      if you relate it in some basic way to the goals of
7      representation, consistent with Arizona history and
8      geography. It's intrinsically logical for its
9      construction, not just us putting it together. So if
10     they have rules, they can be followed by others. And,
11     of course, it needs to be useful, useful in the
12     development of the final redistricting plans.
13
14      We canvassed a whole range of different
15     alternatives. And I began with the conclusion of the
16     presentation, to move toward the use of building blocks.
17
18     What are the building blocks? Wouldn't it
19     be great if we had some geographical building blocks
20     consistent with jurisdictional boundaries or traditional
21     units? If we had, they would be meaningful. The
22     problem is there aren't all that many building blocks
23     that fit that definition.
24
25     But in the proposal we made and the
26     Commission accepted at its last meeting, we made a
27     proposal, a proposal that we believe does capture the
28     existing grid, like geography and population units, does
Excerpt from Transcript of May 25, 2001:

have aerial regularity, and will result in the use of
equal population units, is rooted in Arizona history,
and does contain internal rules for its construction
and, finally, will be a useful redistricting tool.
And I spoke last time about Arizona
township grids and how the state is, the preponderant
portions of the state, are townshipped.
We spoke to you about aggregating
townships. And we spoke about intermediate township
grids and supertownship grids.
And we spoke also of the requirement that
Census geography be used to overlay this grid in order
to provide the checks for population.
We made the claim and we're here to
restate it here today if you use townships plus Census
geography, you get an equal population grid that
preserves the integrity of Arizona; provides a
redistricting tool with slight adjustments. When you
make Census overlays, they serve to unify counties, will
unify counties. Census tracts have within them
counties. No counties cut across Census tracts.
Now what I want to do is move into a new
presentation and tell you exactly where we are.
Remember, to accord with 106 we must where
we can use whole Census tracts. Use of whole Census
Excerpt from Transcript of May 25, 2001:

tracts has the subsidiary advantage of preserving county boundaries.

Census tracts I twice mentioned now are always wholly contained within a county. What about the numbering of squares within township grids? The general principle is to move an equal distance one way, an equal distance another direction, to produce a square. That's our aim. Squares can be grouped into larger squares. Get the idea? We're talking about the development of a grid-like pattern based on squares.

How do we number? How do we build?

Well, squares within a township grid are numbered according to the direction of movement, indicated here by arrows. So, now, remember we're trying to develop a grid here that is based on consistent internally logical rules. Here is a rule.

First rule, let's assume we're beginning in the southeast corner of the state. Southeast corner would then become one. Southwest square becomes two, northwest square becomes three, northeast square becomes four. In other words, number two, southwest, and number three, northwest, are opposite directions from the initial southeast beginning. That would be the pattern of building squares.

The second rule here, when the direction
Excerpt from Transcript of May 25, 2001: 18

of movement shifts, so does the numbering system. The
aim is to assure that the result is always the creation
of a square. So let's say we're beginning in the
southwest. The southwest corner square becomes one,
southeast becomes two, northeast square becomes three,
northwest square becomes four. And in similar fashion,
beginning in the northeast and the northwest corners
would have the same systematic numbering or accumulation
approach.

Census tracts and townships. Township
grids are used to guide the grouping of Census tracts in
order to accumulate population. We have to have
population accumulation if we're going to build equal
population districts. So the township grids are square,
and they are organized as we've shown. Census tracts,
as I've several times emphasized, are not square, are
rarely square, and they are very often very contorted in
their boundaries. So overlaying one on the other, even
though there are differences, the grouping of a Census
grid can follow the pattern to get to regularity, the
geometric regularity we see.

And we have a demonstration, animation.

Chris will take us through it.

MR. HUTCHISON: What this demonstrates,
it's an animation of a township hierarchy as
demonstrated earlier. A single township, as seen there, goes around a single township until it's a township grid; township grids go around to an intermediate grid; intermediate grids go around to a supergrid. Three other supergrids are put around to a corner. After that, again, this describes, see where we came from, passing this, you'll see how the Census tracts, which are the small thin lines inside, the grids there aggregate accordingly.

DR. HESLOP: We have some at the top of the diagram.

What are you illustrating there?

MR. HUTCHISON: That is one of the townships, irregular in shape due to the Mexican land grants before the state.

DR. HARDY: Indian reservations.

DR. HESLOP: There's a little problem.

There's a huge majority, regular grid like a square, like units, but in a couple instances they are not.

Go on, Chris.

MR. HUTCHISON: Following this, Census tracts aggregate according to this, do it in colors where aggregating this. That, that Census tract, that township, then add areas.

Notice the first township grid included
Excerpt from Transcript of May 25, 2001:

with that, move to intermediate grid, includes that area.

Now, there are still parts of the supertownship grid, that area, finishing out the county right there. That shows how Census tracts are overlaid on top of township grids.

DR. HESLOP: Go back. Census tracts have a nice straight line. What are we looking at?

MR. HUTCHISON: The County boundary.

DR. HESLOP: Where it's a County boundary, Census tracts are wholly included within it. And the advantage of so concentrating Census tracts within a county is so a county isn't split.

Let's go on, please.

Metropolitan areas. A huge majority of Arizona's population is in metropolitan areas. Can this approach work in metropolitan areas? Can you group squares in the same way?

Well, the grid works but the rules have to differ because you have a much denser population.

Outside metropolitan areas, in rural areas, you can group these townships into intermediate and supertownship grids. Within the metropolitan areas, you have some townships that are astonishingly dense.

In fact, Leroy, you were telling me of one
Excerpt from Transcript of May 25, 2001:

township you discovered in Maricopa, one single
township, that has population sufficient for a
legislative district. I mean this is real density.
So in the case of the metropolitan areas,
you are going to have to talk about binding townships.
Townships are divisible, six miles long, six miles wide,
and are able to divide into sections, 36 sections,
grouping principles, with grouping principles for
population equality.
Rules to govern population of the Census
tracts in order to assure your grid regularity, we've
got two illustrations, one grouping of Census tracts
outside the metropolitan area and a second, a grouping
of Census tracts within the metropolitan area.
So, Chris, what are we looking at here?
MR. HUTCHISON: A map of Arizona, the
southeastern corner, including Cochise County and its
bordering counties, the yellow areas on the border, red
border, are cities, and also some Census tracts.
DR. HESLOP: Okay. Let's go on.
So let's talk about Arizona's southeast
corner. We're going to begin with the consolidation of
four townships in the southeast corner of the state.
The extreme southeast corner becomes one, and according
to the rotation that we discussed, two, three, four.
Other townships, just the same way, are grouped in fours. And then the township grids are grouped into intermediate township grids, again according to the squaring principle. And subsequently the intermediate township is grouped into supertownship grids, again, according to the squaring approach, the principle.

And we've seen that in the preceding animation.

When you lack sufficient population for a Legislative District, you have to find the additional population. This normally requires movement to the remaining portions to the supertownship grid. But you have two rules that will govern.

Okay. Let's look at rule number three.

Before you can move to the townships in the next county, you have to group together all the Census tracts in the initial county. Why do you do that? Well, because we're using whole Census tracts, because we need to assure accuracy in population counts. We have a sequence that demonstrates this.

Take it away, Mr. Hutchison.

MR. HUTCHISON: What this sequence is showing, the sequence to the west, you're seeing an aggregation of intermediate grids contiguous with the
boundary of the first super grid, the first two, then
third and fourth. Then notice over to Santa Cruz and
Pima Counties. You see the red areas are taken out of
the grid until the areas to the north of what you see in
the green are included, the other areas of the county.

DR. HESLOP: Okay. Let's go on. Rule
number four. If small portions of other counties are
included in the initial supertownship grid, fragments,
parts of other counties, go back, revert to their
original counties. They get attached to later
supertownship grids. They become part of county
specific Census tracts.

Again, notice what is happening here:
Grid, Census tracts overlay. We have to make the two
function together.

Want to comment on this, Chris?

MR. HUTCHISON: Just demonstrating once
again how it works.

DR. HESLOP: Okay. Let's go on.

Number five, the rule. If, when you are
finished gridding the first county, there's not
sufficient population for a Legislative District, the
next supertownship grid must be included, parts of two
counties and two supertownship grids are involved here.
And that brings up another rule. We're trying to
Excerpt from Transcript of May 25, 2001:

1 illustrate these rules via problems in the development
2 of the township grid. Here is rule number five.
3
4 When part of a county is included in the
5 supertownship grid, the remaining portions will be
6 included within that supertownship grid.
7
8 Again, this assures that whole Census
9 tracts are being incorporated as you do the building.
10
11 Go on, please.
12
13 Well, now, we're putting a lot of emphasis
14 on population being equal here. And that's because the
15 law, Proposition 106, emphasizes it.
16
17 When you need additional population, it's
18 because the ideal legislative district size has not been
19 reached with the incorporation of your supertownship
20 grids. And so the movement in this case is to the
21 southeast corner of the remainder of the second
22 supertownship grid. You have a fair number of people we
23 need here, approximately 20,000 people, and we're going
24 to have to split the next county. Split the county.
25 This means we have to have two further rules.
26
27 Rule six. When you have to divide a
28 county -- and we're not going to divide a county unless
29 we have to in terms of population equality -- when a
30 county has to be divided, the adjacent Census tracts
31 will be included in grid-like fashion to the adjacent
Excerpt from Transcript of May 25, 2001:

1. boundary with the adjacent area. It's really not when
2. you see it on the map.
3. A metropolitan area. I referenced the
4. great difference between rural and metropolitan areas.
5. As soon as you move into more densely populated areas,
6. you're dividing townships, not aggregating, dividing
7. areas. Subdivisions of townships have to be grouped,
8. have to be grouped in the same way, have to be grouped
9. in order to achieve the self same goals, equal
10. population and grid-like regularity.
11. You get to rule seven, too big, I believe,
12. populated counties. The first step is to accumulate
13. townships with sufficient population for the districts
14. to which they are entitled.
15. Rule eight. We need to establish an axis.
16. We need to establish an axis that will allow us to
17. divide these populous areas in a coherent and rational
18. way.
19. So here is our proposed axis. Would that
20. the City Fathers of Phoenix had observed a little more
21. carefully the needs of our equal population grid,
22. because we could have then started an axis, let's say,
23. at the State Capitol, or Washington and Central. But
24. the truth of the matter is that that starting point is
25. disruptive of your townships.
Excerpt from Transcript of May 25, 2001:

1 The starting point that preserves township
2 regularity in Maricopa is McDowell and 19th. I went
3 down there. It's a big, empty area, I have to say. But
4 the State Fair Grounds are there, a freeway sort of
5 zooms over, and a railroad line. And it's a good
6 starting point from the point of view of the township
7 grid. It creates four areas that maintain our grid-like
8 regularity.
9
10 Okay. So now we're down to the detail
11 problem of using these townships in the metropolitan
12 area. We have 36 equal sections, and there is a state,
13 indeed there's a national numbering section for sections
14 within townships. And you can establish four sections
15 in the same square motivated regular fashion as we did
16 with the townships themselves. You begin in the
17 southeast, proceed in just the same fashion that we've
18 previously described in the nonmetropolitan areas.
19
20 Now, this is Christopher's concept of
21 diagramming. I was a little uncertain of that when
22 looking at it last evening. I'll challenge Chris to
23 tell us.
24
25 MR. HUTCHISON: A single township in the
26 metropolitan area, there are boxes, you're seeing Census
27 tracts within the township. This just shows how Census
28 tracts are distributed within the township, and also,
Excerpt from Transcript of May 25, 2001:

1 have them lettered as you see right now according to
2 southeast, southwest, northeast, northwest designations.
3 And they go in alphabetical order.
4
5 DR. HESLOP: So at the bottom, the
6 principle I'm trying to diagram, regular use of Census
7 tracts and sections to achieve the same squareness that
8 we had in the rural areas.
9
10 And Chris has now told us how those Census
11 tracts get divided.
12
13 Now, this presents a problem, rule number
14 nine. Each of these rules is an answer to a problem.
15 And our aim with these rules is that if someone other
16 than Dr. Hardy, or Dr. Adams, or myself, or Chris,
17 someone other than those of us in NDC who have been
18 laboring on these approaches for the state, they will
19 find the same problems; and our rules, if they are
20 applied in the way that we have laid out here, are rules
21 that will result in the same grid-like pattern of equal
22 population districts.
23
24 Here's rule nine. If a Census tract has
25 crossed a district line and the population is
26 preponderantly in the district moving rather than the
27 previous township, then that Census tract is regarded as
28 part of that section. Makes sense, doesn't it? Seems
29 to us to make sense. And it solves a problem. But
maybe, just maybe, our Census tracts have to be divided.
Indeed, Professor Hardy was telling me he discovered one
Census tract with 12,000 people in it. You know, you
can't go building equal population districts with giant
Census tracts of that sort. It may be necessary to
divide Census tracts into component parts, block groups,
or something. This is something we do only in extremes.
Okay. The reverse of that. If a Census
tract has crossed the township line and its population
is preponderantly in the next township, the one it's
going into, then you have that Census tract as part of
the next township. Sounds sensible to us. Seems to
work. That's rule number 10.
Go on, please.
Now, we've been talking a lot about Census
tracts crossing township lines. But most of them,
townships are joined, division of townships isn't a
problem. So those rules we believe aren't going to be
much used. But since there is the problem, since we
know there is the problem, we have the rules.
Onward, please.
DR. HARDY: That example we just had where
we have the Census tracts crossing the township, almost
inevitably the two townships are going to be grouped
together; in other words, take that first township and
then move to the next township, so the division of the
Census tracts, either more in one or more in the other,
doesn't make any difference because we're putting the
two townships together. And that is a typical situation
that will prevail.

DR. HESLOP: Right.

So we were instructed today to make a
progress report, tell you where we are in the
development of the grid that the Commission instructed
us to pursue. We're going to continue unless instructed
otherwise in our line of march.

As we encounter problems, we're going to
develop rules.

Our basic aims we've stated clearly, it's
regularity and equal population.

We need to satisfy fully the language of
provisions of 106, creation of equal population and
grid-like districts, equal population across the state.
We're well on the way.

We do not know what further problems may
lurk in the geography as we conclude the undertaking.
At this point I'm not going to make any commitments set
in concrete with regard to completion. I will tell you
that we're going to work as hard as we can. And I'll
tell you further while Chris puts on the light that

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Excerpt from Transcript of May 25, 2001:

Leroy Hardy has been working day and night on this process and that he told me if I gave him a full introduction, he'll say something very rude about me. I will say he knows more about this business than anyone I know.

If there are questions, I'll suggest they be addressed to Dr. Hardy who has been working with the maps and whose understanding of the problems is far greater than my own.

I will, at this point, however, answer any questions you think I'm competent to answer, limited, though, to the presentation; and if they are technical questions, Mr. Chairman, members of the Commission, I suggest they be addressed to Dr. Hardy.

CHAIRMAN LYNN: Thank you, Dr. Heslop.

Any questions to Dr. Hardy, Dr. Heslop?

COMMISSIONER MINKOFF: I have questions, Dr. Heslop, Dr. Hardy.

Dr. Heslop, when is best guess when you believe the grid, first grid, will be created?

DR. HESLOP: We had considerable discussion near midnight last evening about that. We believe it is possible that we could have it within a week. But since there are so many unknown problems, since we have not completed the geographic work for the
whole state, I think it unwise to write that in blood at
this point. But believe me it is our aim to finish this
thing as fast as we can.

COMMISSIONER MINKOFF: So approximately a
week.

DR. HESLOP: Yes.

COMMISSIONER MINKOFF: Second question,

Dr. Hardy, may be better answered by you.

We understand, especially for the
congressional districts. That they have to be exactly
equal in population, and the population of the state is,
marked by the last Census, is exactly divisible by
eight. So we will have eight congressional districts
that have the same population. If you have to divide
Census tracts, you can go down to the Census blocks,
from what I understand.

DR. HARDY: Yes.

COMMISSIONER MINKOFF: I am also given to
understand Census blocks should not be further divided,
that there is not further information below that level.

How are we going to get exactly equal
eight congressional districts and 30 legislative
districts without dividing Census blocks?

DR. HARDY: It is impossible to divide
Census blocks. That's the last aggregate of population

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unless you went into actual returns in each block, which
we can't do. Although the statement is that they have
to be absolutely equal, there has to be some flexibility
in that interpretation. For example, we go along, we're
dividing a Census tract. We need another 50 people to
get exact. We go along the edge of the adjacent Census
tract. We find one that is 52 in population. Well,
that's, from my point of view, that's the block you
would include to make a near perfect congressional
districts. Now, someone will say you haven't achieved
it. I say yes, I haven't achieved. I couldn't, with
the block information. All I can do is apply the block
information to achieve the goal as best I can. And
there has to be some flexibility. Now, if someone in
the court, or the Department of Justice, or the state
legislature, whoever, objects to that, I can see the
reason for their objection; but I don't know an
alternative answer other than to be flexible enough to
accomplish as near the goal as you possibly can.

DR. HESLOP: The language of the court in
regard to congressional districts has been that they
should be as nearly equal as is practicable, "as is
practicable." There's the hook on which we'd hang our
hat.

COMMISSIONER MINKOFF: I notice the

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redistricting plan approved in 1990 had exactly equal
congressional districts except three had one more person
than the other three because the population didn't
divide. So apparently in 1990 the court insisted on
that. So I'm wondering if we can do this and get it
approved.

DR. HESLOP: I believe that we can. Quite
often this insistence on perfect equality is a cover for
manipulation. Since the language of 106 refers to the
use of whole Census tracts where possible, I think that
we can meet the federal standard which was set out a
long time ago in Westbury, "as nearly equal as
practicable with the use of block population."

MS. HAUSER: Mr. Chairman?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Isn't it possible, if we had
to, I'm not saying it would necessarily be the case, at
the creation of the grid level, making adjustments to
the grid later on, if we need to achieve equality, could
we receive from the Census splits of Census blocks? I
understand it's a fairly expensive process, and I
understand it takes a couple weeks to get each split;
but if we're in a situation where it's needed to do that
down the road, it's possible, is it not?

DR. HESLOP: Dr. Adams is the expert on

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Excerpt from Transcript of May 25, 2001:

DR. ADAMS: Mr. Chairman, members of the Commission, and Ms. Hauser, it is indeed possible to go to the Census Bureau. I've had that experience in the past. It does, takes more than a couple of weeks, usually. I would be surprised if you could get it done in a couple of weeks. And it is quite expensive. I couldn't give you a quote right now. They'll quote you a price and give you a time frame. It is possible to divide Census blocks. It's not recommended. If we can manage not to divide them, I'd recommend not.

COMMISSIONER ELDER: Mr. Chairman.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I don't want to get anal about this thing, but one vote, two votes, it appears in my research on the other states under the mandate for DOJ review, that they have approved up to a half percent variation if, based on communities of interest, the county lines, the various things that give a sense of equality.

Either counsel or NDC, do you know if there is a reasonable guideline that says we can be 20 off, 50 off, a hundred off, and that's still within the meaning and sense of the Voter Rights Act?

DR. HESLOP: The Department of Justice,
Mr. Chairman, Commissioner Elder, will not give you a deviation that they regard as permissible. There is a history of court cases where deviations much greater than absolute equality have been permitted in the case of congressional redistrictings. So I would defer to the attorneys on this matter. But my reading of the cases is that if we were to get within a block of population equality, that the challenge, if there is one that would be made against us, would likely not be sustained. There's certainly precedence for congressional districts that vary by the small amounts typical of block populations.

CHAIRMAN LYNN: Are there other questions for NDC?

COMMISSIONER ELDER: Yes, there are. This is Commissioner Elder.

It seems as though in the making of the rules, that the county boundaries take on a priority. Is there a reason or background why county boundaries do take on priority?

DR. HESLOP: The principle reason, Mr. Chairman, Commissioner Elder, is Census tracts contain their own logic. They are contained within a county boundary. Indeed, Census tracts are numbered within a county. And so the use of census geography to
which we're obliged by commitment to population
equality, plus the fact that Census tracts do achieve
the county boundary, is -- it seemed to us, a subsidiary
advantage of the grid-like approach. That's the reason
for emphasis on county boundaries that you heard here.

COMMISSIONER ELDER: You mentioned in the
presentation you had taken some areas affected by
Spanish land grants as well as tribal properties. It
would seem that extending the grid, even though it may
not be designated as a legal description, but extending
that grid through, for example, the Santa Maria tract
down near Nogales and Santa Cruz, is a very distinct
property but it contains probably 15 townships. Why not
just arbitrarily extend that grid over the whole state
so we're not making, in effect, anomalies? This sticks
up here, sticks down here, Spanish land grant, and we're
just making another rule?

MR. HARTDEGEN: Basically, in terms of
developing an overall pattern, that's what I did. I
projected township lines across the Indian reservations,
the land grant areas, which are very few, national
parks, other areas that are not townshipped. The reason
they are not townshipped is they are nonpublic lands not
available for sale.

Township, the whole concept of township
Excerpt from Transcript of May 25, 2001:

came in as a result of making public lands available to citizens. Therefore, they created townships and gave them to the citizens, certain sections in a township. In areas that were not going to be open for ownership, such as Indian reservations, parks, et cetera, you didn't have to township them because they're not going to be put up for public sale. So that's why you have those areas. And in most cases, particularly in terms of the national parks, there's no population there anyway.

So in terms of creating the grid, the perfect grid, you can use these hypothetical township extensions, if you want.

COMMISSIONER HALL: It would seem to me that that it would probably be appropriate across the state, because I don't know, and I probably can be shown to be wrong, I don't know of a single land grant still functioning as a land grant area. They're all in private and state local management. That would seem to be something we shouldn't take into account, because it biases or changes the way we process the grid, in my opinion.

DR. HARDY: Again, it doesn't really create a problem in terms of the townshipping. In terms of the land grants, I'm not an expert on this, but
Excerpt from Transcript of May 25, 2001:

although it is -- property has passed from the land
grant, it is still written in the name of the land
grant. So that's why you don't have townships in that
area. But this is relatively a minor consideration in
the overall pattern.

COMMISSIONER ELDER: Okay. In the point
of beginning, were you just using the Southwest quadrant
as an arbitrary for demonstration purposes?

DR. HARDY: For demonstration purposes,
yes.

COMMISSIONER ELDER: Is it my
understanding of the way the rules worked, it appeared
you in -- started counterclockwise with the first grid
to supergrid, then move counterclockwise from that and
then go clockwise, it appeared? Is that the way the
rule works? One where you started off at the lower
right, upper right, upper left, lower left, next
example, upper left, upper right, and reversed in a
clock-generated direction?

DR. HARDY: Well, the same numbing system
prevailed in terms of in the first grouping of townships
you go from one; to two; to north, three; to east,
that's four, as the first square. Now, when you take
those larger intermediate units and put them together,
you take the first intermediate, you go to the second
Excerpt from Transcript of May 25, 2001:

1. one, which is to the west, and then to the east. When
2. you go to the super grids, you do the same thing, go
3. first to the super grid, then to the southwest super
4. grid, northwest, and northeast. Now, in the
5. demonstration, if we made a reversal of that, it will be
6. corrected.

7. COMMISSIONER ELDER: Okay. It will take
8. on the same geometry, same order.
10. COMMISSIONER ELDER: I guess where I
11. keep -- I wrote down "point of beginning."
12. It seemed to be a presentation of
13. orientation from an urbanized area and rural or nonurban
14. areas.
15. Are we going to start off at a single
16. point of beginning and work off from that or start and
17. do one overlay as rural and one overlay as urban and see
18. where the interface is?
19. DR. HARDY: We're going to have to --
20. actually have three areas of beginning. We find the
21. ideal population in Maricopa County is entitled to
22. whatever number of districts they have. When we have
23. that area identified, we begin to grid it and to create
24. districts. So we start someplace in Maricopa County.
25. That's one of the reasons why we suggest the axis in

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terms of Maricopa County. You have a southeast section, southwest, and so on. Now, if the Commission wanted to, they could tell us that in Maricopa County you start in the northwest section, or the southeast section. I've used the example in the hypothetical southeast. I don't know why I chose that. To be consistent, that's where I started my examples, in both the metropolitan and nonmetropolitan.

Come to Tucson, accumulate population you need for the metropolitan districts, then you have to decide where do we begin in Tucson. And you will again have an axis there. And the Commission can say begin in the north.

For example, you might say begin in the northwest corner of the Tucson metropolitan area and begin in the southeast corner of the Maricopa complex. Now, when you come to the nonrural areas, you could say let's start in the southeast, or any of the other designations, or maybe you would say let's start with the last, let's say, to -- let's say that we wind up with eight districts that are going to be in the nonrural area. Okay. You could direct us to start the beginning of two districts in the southeast, two districts in the northwest, and two in the northeast. Or you could tell

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Excerpt from Transcript of May 25, 2001:

us start in the northeast. I mean it --

COMMISSIONER HUNTWORK: Could I interrupt

with a question here? I'm trying to visualize. There

isn't anything that is defined as the Phoenix

metropolitan area or Tucson metropolitan area. We can't

say start in the southeast corner of that area. It

seems as though we have to pick a spot in the area and

work outward from there.

DR. HARDY: If you want to start at the

State Capitol, or some other designated point, we can do

it. I mean you direct us where to begin, if you want.

COMMISSIONER ELDER: Doctor, is there a --

let me go back.

Did you test what we started with a week

or two ago, the Gila Salt River Base Line Meridian,

state plane zero zero, and attempt either to do a

clockwise or counterclockwise aggregation with block

Census tracts until you got a district, and when you got

to an urban area, yes, they would be smaller, but set up

a rule to start aggregating those blocks, and maybe you

in effect had five, six, districts before you filled out

the quadrant of the super block that had been happening

in the rural areas, and go around and pick up another

rural series and pick up a rural area, maybe smaller,

one starting point? One point -- the point was

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arbitrary the first time. After that, 12 rules that
way, rather than come up with three, four points at the
beginning that are potentially troublesome in my mind?

DR. HARDY: I don't know if someone else
did that process. It could be attempted. But I have
operated on the basis of different beginning points in
the different areas. Again, it's up to the Commission
to decide.

COMMISSIONER ELDER: That is a decision.

DR. HARDY: You see the problem, and why
the rules develop is it's easy to talk about the Census
tracts and the townships. But when you start
accumulating, with good intent, to the equal population,
you run into problems, as you go through. And you have
to establish some kind of a rule. That means if you
come to a common situation again, you will do the same
thing. Or as Alan said earlier, anyone else who comes
and does this, following the rules that are established,
would come up with the same districts we come up with.
That's what we are attempting to do.

COMMISSIONER MINKOFF: Let me make -- ask
a couple of questions, following up on Mr. Elder's
comment.

I'm concerned that once we get the grid,
we know that we are going to have to make adjustments to
the grid according to the other criteria listed in
Proposition 106. It seems to me that if we adopt
different starting points instead of just the one
starting point Commissioner Elder suggested, we might
minimize the adjustments that we need to make because we
will have districts that are wholly urban in character
in the Phoenix area and Tucson area and may come a
little bit closer to including the various communities
of interest that exist in those areas.

And the other communities of interest that
I would ask a question about is the Indian reservations.
In the past, those reservations traditionally have not
been split. And I would imagine that when the lines are
finally adjusted, that none of those reservations will
be split unless they are so large they cannot be
contained within one district. I'm not aware any of
them are.

So when you do the initial grid, is it
possible to take that into consideration and to draw a
grid that doesn't bisect an Indian reservation?

DR. HARDY: It's possible, but -- number
one, I agree with your idea if you follow different
beginning points, you probably will accommodate the
other factors you are going to have to consider at a
later date. Now, I came to what I assumed was an Indian

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1 pop -- Indian reservation because of the configuration.
2 But as I was telling Commissioner Elder earlier, I have
3 instructed, and the staff has followed this instruction,
4 I have instructed them to not tell me anything about a
5 Census tract other than the total population. That is
6 my sole consideration in creating the initial grid
7 system and the plan.

8 Now, I am well aware of the fact that
9 there must be some areas that are Indian reservations.
10 I can tell those because -- I have a good idea because
11 of the blank area, the nontownship. In terms of the
12 other Census tracts, I don't know whether they are
13 black, green, or red in population. I only want the
14 total population.

15 So you could direct us to consider Indian
16 reservations at this point. And we could. But I think
17 we are getting ahead of ourselves and that the
18 accommodation has to come at a later stage in the
19 operation. That's my reaction.

20 CHAIRMAN LYNN: Mr. Hall had a question.
21 COMMISSIONER HALL: Thank you,
22 Mr. Chairman.

23 I think both Commissioner Elder and
24 Commissioner Huntwork made points I want to speak to.
25 I was of the understanding also at the

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last meeting we voted the Gila and Salt River Meridian
was the starting point. I guess I visualized we'd take
that point and move in four different directions.

My concern is when we speak about starting
in a metropolitan area, as one already stated, I think
Commissioner Huntwork, for example, how far is the
metropolitan area there in the Phoenix area? Does it go
to Queen Creek or not?

And so I guess -- I thought that's what we
agreed we'd do is start at one point and move in a
logical fashion from that point in four different
directions. If --

I want to speak. I agree, Dr. Hardy, I
think at this point I agree with Dr. Hardy. I agree
that the only thing we can consider is population.

CHAIRMAN LYNN: Dr. Hardy, I want you to
speak to that point, starting at the Gila and Salt River
Base Line Meridian and moving in four different
directions.

DR. HARDY: Quite frankly, I'd have to
work with it and see the complexity and how it would
work out.

I'd have to point out in defining the
metropolitan area, the way I define it is the densely --
the densely populated areas within, for example,

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Maricopa County. If you are talking in terms of the metropolitan area, my definition is you take the townships that are densely populated and you accumulate enough of them systematically to get the population for whatever the number of districts would be for -- for Maricopa County. Then you proceed to divide them.

Now, undoubtedly, the meridian beginning would be part of that accumulation. And if you want us to begin with that, we'll try it and see what happens.

CHAIRMAN LYNN: If I may also jump in and echo what I think Mr. Hall's concern is, and it would also be mine, if we are talking about producing the grid with respect to the population only, and I believe that is not only our charge but that's really the only way we can proceed, the minute you introduce one other variable, you must introduce all other variables, to be fair. If introducing the grid with equal population as the sole criteria, you produce a grid and don't make other determinations along the way, that might affect creation of the district.

To Mr. Hall's point, I think, Mr. Hall, correct me, if we use a single point, such as the Gila and Salt River Meridian as a starting point and move systematically by the rules in four directions simultaneously, pick an arbitrary point and applied the

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rules in an arbitrary fashion in those directions, if, however, we choose a point in urbanized areas one could construe the choice of that point as altered in some way, as having influenced the manner in which those districts are drawn. One could draw the inference from that choice, it being something other than population driving the choice.

COMMISSIONER HALL: I agree with that.

DR. HESLOP: Mr. Chairman, members of the Commission, I should perhaps at this point state that the emphasis I gave in the initial presentation to the Gila Salt Meridian had to do with my effort to describe the township system as it exists in Arizona rather than suggest that we use it as a starting point.

And now I suppose I'm going to turn to Dr. Hardy and ask him to respond to the idea of an arbitrary starting point, whether it be, for example, the State Capitol, or the Gila Salt Meridian.

DR. HARDY: Well, you can begin anywhere. And you can assert that the beginning point was arbitrary or by design. That's certainly not my intent. If the Commission wants to establish a beginning point in Maricopa County, or in the state, and they specify it, then we will attempt to work it out within that context. But to say that when I pick out a
Excerpt from Transcript of May 25, 2001:

beginning point in Maricopa County it is going to
produce some ultimate result that I have no intent to
accomplish is destroying my role in this thing. I am
only interested in creating equal populations as a
beginning point by where you judge them as to whether
arbitrary actions are taken, whether voting rights or
any other factor you want to bring in.

CHAIRMAN LYNN: Dr. Hardy, let me ask a
question another way to get at the answer we're looking
for or I'm looking for. Assuming we have a choice of
two points in Maricopa County at which to begin the
process, one of the points in southwest Maricopa County
or southeast and the other is northwest, having
designated one or the other as the beginning point and
having then used the rules as we've understood them to
create the districts, how different would those two maps
look starting at one point versus starting at the other?

DR. HARDY: I can't tell you until it's
worked out.

CHAIRMAN LYNN: Precisely my point. There
would be some difference.

DR. HARDY: Right.

CHAIRMAN LYNN: The inference of that
difference is my point. Whatever the inference might be
is what the inference might create.
Excerpt from Transcript of May 25, 2001:

1   COMMISSIONER HALL:  Mr. Chairman,
2   Dr. Hardy, do you see a problem, am I correct in sensing
3   some resistance to utilizing the Gila Salt Base Line
4   Meridian as a starting point or do you foresee a
5   problem?
6   DR. HARDY:  I'd have to look at the map.
7   My impression is it's way over in the southwest corner
8   of the Maricopa area and, in effect, you are saying
9   start at the southwest part of the Maricopa metropolitan
10  area. If that's what you want, that's fine with me.
11  COMMISSIONER HALL:  I think the strength
12   of that, as I understood it, as we first had the whole
13   concept, is the historical basis of that point is it's
14   the point for establishing all the legal descriptions
15   for the whole state; therefore, it could, there would be
16   a very difficult argument for anyone to make that
17   somehow that point picked some preconceived agenda in
18   mind that we picked a point with a historical basis for
19   a description that all land descriptions started there.
20   Because it's so arbitrary and because of the historical
21   basis, go from there and no one can argue that hey, we
22   were trying to accomplish some goal other than just
23   creating an equal population grid.
24   DR. HESLOP:  Commissioner Hall,
25   Mr. Chairman, members of the Commission, I think we're
Excerpt from Transcript of May 25, 2001:

1 hearing from all of you a desire that we return to our
2 maps and begin at the Gila Salt River Meridian beginning
3 point. I happen to know or have some sense of the
4 amount of work that that is going to entail, but I think
5 it important that we do that. And although it's
6 primarily Leroy Hardy's effort, not mine, going into it,
7 I think, Leroy, we better do it.

8 DR. HARDY: That's fine. There's no
9 problem with doing it. It's going to be more
10 complicated and it's going to take more time.
11 I might add another way to solve this
12 would be to simply take a township, or a Census tract,
13 and draw it out of a pool. I mean the Commissioners
14 could -- the Commissioners could vote we want to begin
15 in township X, Y, and Z in Maricopa County. You tell us
16 that's the beginning point. We'll do it. Now, if you
17 tell us to do the meridian base, we'll do it, and see
18 what happens.

19 COMMISSIONER HALL: Mr. Chairman --
20
21 CHAIRMAN LYNN: Mr. Hall.
22
23 COMMISSIONER HALL: Dr. Hardy, what I
24 heard Dr. Heslop say, I heard you say it was more
25 difficult and complex to utilize the Gila and Salt River
Base Line Meridian. I'm deferring to your expertise.
Is it extensive, way beyond any of the hours, beyond any
of this? Maybe you can help me understand why it's more
difficult to start at that point than to start at Osborn
and Central.

DR. HARDY: Well, as I said earlier, you
don't understand the implications. When I say you don't
understand, I'm including myself in that category. You
don't understand the complexity until you get into the
actual accumulation of Census tracts and townships. And
I can't really predict how much different it's going to
be or how much more difficult it's going to be. All we
can do is do it and take as much time as is necessary to
follow whatever the Commission wants.

CHAIRMAN LYNN: I guess the point we're
trying to make is we understand that you believe, you
all believe, that it is somehow more time consuming and
difficult to start with a single point at the Gila Salt
than it would be to start in population centers, in
particular, in Maricopa and Pima County, additional
points to begin the process. Is that a fair statement?

DR. HARDY: Uh-huh.

CHAIRMAN LYNN: If that's a fair
statement, then, what you've asked of us is to try to
figure out a point at which you could begin that process
within Maricopa and Pima counties.

One alternative, I'm not sure that answers
the question, I'm not sure relatively speaking how
difficult one is than the other, I'm not sure you know
until you get into it, one way to do it, and to maintain
arbitrariness, is there is a point in both places that
bears no relationship to where population is now, the
zero zero point in Phoenix and the zero zero point in
Tucson? In Phoenix, it's Central and Washington. Give
or take, in Tucson, it would be at Stone and Congress.
And those are historically central points of town at
which all addresses and east, west, north, south was
determined. If we're looking for arbitrary points,
those would serve. I don't know if choosing those would
make those harder versus easier.

DR. HARDY: Let me answer in terms of
Maricopa County. That was my point in creating an axis,
Central and Washington. When I went to Washington or up
Central, I immediately began to discover that a larger
number of townships were split and Census tracts were
split by using those streets whereas by picking McDowell
and 19th, I believe, you are basically following
township lines which means that your townships are not
going to be split in terms of the axis you've
established. And since most of the townships correspond
with Census tracts, you have a much easier accumulation
of data than you are going to have than if you go to the
Excerpt from Transcript of May 25, 2001:

Washington Central system.

CHAIRMAN LYNN: Would you suspect there's a similar point in Tucson that would achieve the same --

DR. HARDY: I suspect -- I know there has to be a township grid in Tucson. I haven't determined that, or I haven't gotten into Tucson. I can't really speak to that. I haven't really gotten into the numbering system. When I get to Tucson, I am sure that the numbering system is going to split more townships and more Census tracts than a -- than an axis established on the basis of townships. And again, it's more difficult when you divide these units, but it can be done.

CHAIRMAN LYNN: In your opinion, is 19th Avenue and McDowell unique in that regard in the Phoenix area?

DR. HARDY: Not unique as long as you could -- you could move it over. I'm not sure what the next township line over from 19th would be. You could move it over to another numbered street, if you wanted to, or move it down from McDowell. But if you follow township lines, you are not going to be splitting townships.

COMMISSIONER ELDER: Mr. Chairman, this is Commissioner Elder.
CHAIRMAN LYNN: Commissioner Elder.

COMMISSIONER ELDER: If we are proposing this route, taking the section of townships closest to the zero zero grid, 19th and McDowell or Broadway and something in Tucson, doesn't that doesn't fit zero zero, arbitrariness of taking one, the closeness to that address, make it a random selection?

DR. HARDY: If I may interject there, I think that's exactly what I did.

MS. MINKOFF: I think you did.

DR. HARDY: I think, I have to interject --

COMMISSIONER MINKOFF: You did.

DR. HARDY: I think that's the closest I could get to Central and Washington so I'd have a standard township grid.

COMMISSIONER MINKOFF: Having to go six miles in any direction to get six miles, any township corner, that's the closest, Central and Washington.

CHAIRMAN LYNN: We want to be sure that any point we start at is truly arbitrary, has no aura to it other than the most convenient point to begin the process.

DR. HARDY: If that's the intent, let's have a lottery. Put all the township numbers in
Excerpt from Transcript of May 25, 2001:

Maricopa and Tucson, and the Commission, one of the members draw out a number and give it to me and I'll create the districts in the respective counties. And there's no arbitrary, from my point of view, nothing but an arbitrary factor involved.

COMMISSIONER ELDER: Mr. Chairman, I'd like to discuss a little more about the concept of working with urban and rural from a conceptual standpoint. I have questions in my mind if you start in an urban area and start aggregating out and collecting these, at what point do you decide you are now into an urban area? It just seems like we're complicating things. And it's probably not fair.

From what I'm seeing, you've done a tremendous amount of work and tremendous amount of thought. From a design profession, if you have to sign the entry, you've failed in your design. I really -- we're up to rule 9 or 10. It appears if we start with multiple points at the beginning, another rule on how to select them, another rule about the interface between the rural and metro, it seems like we're making it more complicated and sort of the old adage, keep it simple stupid. If it's a complex animal, it's not working right.

Is there some way, take one point, an
arbitrary point, base line meridian, or something, and have rules that work all the way through the state where it's not a -- let's decide whether rural first or urban first, at what point, a chosen metropolitan county, Pima County, why not Sierra Vista, or Douglas, why not urban, seems like we're opening a whole bunch of criteria that's hard to justify.

DR. HARDY: Really, the only urban areas we're recognizing is the metropolitan portion of Maricopa County, which includes several cities that are urban, and likewise in Tucson. You get to an urban area when you come to Tucson City limits.

Now, there's no reason why I couldn't begin at some point in Pima County and let's start in some rural part, southeast, et cetera. And as soon as I got to Tucson, start accumulating urban population, start to throw in with the rural part. I began, or if you told me to begin in Central Tucson and work out, the first district or two will be predominantly urban. Now, when I get to the last one, I'm going to have to start taking in some rural area. If that's the way you want me to proceed, I will. I could have two points, one in Maricopa, one in Tucson, or we could start everything at the meridian. That's fine with me, too. Just give me directions where to begin.
COMMISSIONER ELDER: Okay.

DR. HARDY: Or again, have a lottery, draw a number, say this is where we're going to begin in Maricopa, or this is where we're going to begin in the county or specific areas.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Thank you, Mr. Chairman.

I agree with Mr. Elder. It seems with me, two points metropolitan, we'd have the same problem working with rural we'd have coming the other way. I, at the risk of beating a dead horse, feel it's simpler to start, begin somewhere in the southeast portion there. As you move to the northeast, I'm sorry, to the northwest, northwest quadrant of the state, and I'd just as soon it be in a metropolitan area. My feeling, Mr. Chairman, is start with the Gila and Salt River Base Line Meridian.

COMMISSIONER HUNTWORK: I'd like to ask one purely geometrical question here.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: The rules we were looking at in the presentation, one starting point we were looking at in the southeast portion of the state, to start at a point in the middle of the state you have
Excerpt from Transcript of May 25, 2001:

1 to have four sets of rules, mirror images of each other,
2 but you can't -- you can't start to the north when you
3 are working in the southwest quadrant. So -- and so on.
4 So you would have to have variations of that rule.
5
6 To the extent you were to pick a spot in
7 Maricopa County and a spot in Pima County, you'd have
8 four sets of rules in each place, and then you'd have
9 two have different sets of rules for how you interacted
10 with the rural areas outside of those metropolitan
11 areas. And then I don't know if you start the rural
12 areas at the southeast corner of the state or northeast
13 corner of the state, which is, I might point out, the
14 only place in the United States there are four straight
15 lines that intersect, not to complicate the question any
16 further.
17
18 If you started in the northeast corner of
19 the state, you could proceed with one set of rules from
20 the point which is squarest of all in our state. So
21 that's the geometry for the moment, I think.
22
23 COMMISSIONER MINKOFF: Mr. Chairman, one
24 procedural point. We're going to have to take a break
25 soon for the court reporter. We need to take a break.
26
27 CHAIRMAN LYNN: Thank you, Ms. Minkoff.
28
29 It would be about this time we would break.
30
31 I would like to know just the sense of the
Excerpt from Transcript of May 25, 2001:

Commission, how many more questions we might have for NDC at this point. Is there a consensus in terms of a starting point?

COMMISSIONER ELDER: I think we need to have a little more discussion on it, maybe another 15 minutes or so. At the break, I'd like to see if we can get something, either a sketch draw, or something conceptually to talk about direction, to be given to NDC.

CHAIRMAN LYNN: I don't know we'll all benefit from that, Mr. Elder. If you want to draw something. By all means do so.

COMMISSIONER ELDER: Mr. Chairman, I believe we have a quorum on this side of the table.

CHAIRMAN LYNN: I see how it's going.

COMMISSIONER MINKOFF: Yes, we're talking coup over here.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think at this point we're talking hypothetical.

COMMISSIONER ELDER: Yes.

COMMISSIONER HALL: I hope, speaking to Mr. Elder's point, I don't know if any of us have a particular preference. I just personally feel more comfortable with one starting point, the Gila Salt River.
Excerpt from Transcript of May 25, 2001:

Meridian, northeast corner, whatever. My feeling is that we need to give NDC some direction so they can move. Certainly there will be a hundred more directions with respect to the impact of that direction. I hope we give them direction, give them a point and say, "Let's go."

COMMISSIONER MINKOFF: The sentiment I'm sensing from my fellow commissioners is that the particular starting point isn't as important as much as that it be one starting point and that it be an arbitrary starting point. And if the Gila Salt creates problems, we have to move more directions at once than we want, start at the southeast corner, northeast corner. I think that would be sufficient, wouldn't be injecting bias into the final result.

DR. HARDY: I might suggest from the suggestions that have been made that we put in a hat three beginning points, northeast, the meridian point, southwest, southeast, or put all four corners into the hopper, meridian, and have a drawing, and tell us, and we will do it. No problem with that. But we have to have some direction as to what is to be done so we will not be accused of being arbitrary in the matter.

COMMISSIONER MINKOFF: My question was because the Gila Salt is in the middle of the state and

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required you to move out in four directions, if that
creates more problems. Then we could limit it to the
four corners of the state if that makes the task a
little bit easier.

DR. HARDY: We could try it.

COMMISSIONER MINKOFF: Does it create more
problems to begin in the middle of the state than it
does to create in one of the four corners of the state?

DR. ADAMS: Very likely it does just
because you are moving in four directions.

COMMISSIONER MINKOFF: If you wanted to do
something like you suggested, maybe limit it to the four
corners area than also include the Gila Salt, if that
creates additional problems. It doesn't seem like it
creates that much additional benefit in terms of
arbitrariness.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I make a motion we
start in the northeast corner of the state.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: I'll second it.

CHAIRMAN LYNN: It's been moved and
seconded to start in the northeast, or what is called
the four corners corner of the state, to begin the
Excerpt from Transcript of May 25, 2001:

1    process.
2                  Discussion.
3                  Mr. Elder?
4                  COMMISSIONER ELDER: Yes.
5                  I disagree. We want to select a point.
6                  If we're going to do that, I think I have to follow
7                  Dr. Hardy's suggestion, be arbitrary, pull one out of a
8                  hat rather than start at the northeast, or northwest,
9                  specifically.
10                  CHAIRMAN LYNN: Well, it seems to me
11                  there's no practical difference between drawing one out
12                  of a hat and designating the Gila Salt or putting all
13                  townships in a hat. We're just as likely to draw out
14                  the Gila Salt than anything else; therefore, if we said
15                  that's an arbitrary starting point, might as well start
16                  there.
17                  I guess we're back to the question asked
18                  by Mr. Huntwork. I don't know that I heard an answer,
19                  Dr. Hardy. If you start in middle of the state and
20                  movie essentially in four directions from that starting
21                  point, do you then need four sets of rules or would the
22                  rules apply regardless of the direction in which you
23                  moved?
24                  DR. HARDY: The only rule --
25                  You could start at the four points, four

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different directions from the meridian.

I think when you get in to applying the
standard rules to the different areas, you are going to
run into some problems I cannot anticipate at this point
that are going to require rules you will have to follow
in subsequent cases that you run into.

The only thing I can say is we can start
at that point in going four different directions and see
what happens. I can't promise you what the results
would be.

I can't promise you any more in terms of
the northeast beginning or any of these other points.

I will point out, however, in terms of the
northeast, although I'm very glad to apply that, if you
start in the northeast where the population is sparse,
you are going to wind up with -- this is a guess on my
part -- four legislative districts in northern Arizona,
and then you will get into the metropolitan area of
Maricopa and start applying the principles to the urban
area. And then you get into the rest of the state. In
terms of the Congress, if you start in the northeast
corner and grid it, you'll wind up with all of northern
Arizona as one congressional district, because it has
640 some thousand people. And there's nothing -- I have
no objection to that. That's one of the things that you
Excerpt from Transcript of May 25, 2001: 

1 run into when you begin in the northeast. Now, if you
2 apply it to the southwest, you may wind up with another
3 set of problems even more difficult to live with than
4 the northeast. I don't know.

5 CHAIRMAN LYNN: One second, Mr. Hall.
6 From my standpoint, given the choices, I'd
7 prefer not to support the motion on the northeast and
8 prefer going back to the Salt River and Gila Meridian
9 starting point and see what happens when we see it.

10 COMMISSIONER HALL: Mr. Chairman, I'd
11 amend my motion, amend the motion to start with the Salt
12 River Gila Basin.

13 CHAIRMAN LYNN: Mr. Huntwork, you are the
14 second.

15 COMMISSIONER HUNTWORK: I accept that.
16 CHAIRMAN LYNN: The motion is to amend the
17 motion to start with the Salt River Gila River Basin
18 Meridian as the starting point.

19 COMMISSIONER MINKOFF: I'm not sure we
20 need it. I think we had that motion last meeting.

21 CHAIRMAN LYNN: To give the consultants
22 the direction they asked for, let's proceed.

23 All in favor, signify "aye."

24 (Vote taken.)

25 CHAIRMAN LYNN: Opposed, "no."

ATWOOD REPORTING SERVICE
Phoenix, Arizona
(Motion passes.)

(Recess taken from 10:44 until 11:04 a.m.)

CHAIRMAN MINKOFF: Ladies and gentlemen,

if we can ask you to sit down, please, we need to
reconvene the meeting.

CHAIRMAN LYNN: Are we ready to proceed?

CHAIRMAN MINKOFF: We are almost ready to
proceed. Commissioner Elder is momentarily out of the
room.

CHAIRMAN LYNN: Let's go, then.

COMMISSIONER MINKOFF: Okay. All right.

Looks like everybody is quiet.

Commissioner Elder is not back yet, but I will notify
you when he is, which is right now.

We're all here.

CHAIRMAN LYNN: Mr. Huntwork has requested
some time. I assume Mr. Elder would also like some time
with the consultants.

COMMISSIONER HUNTWORK: Mr. Chairman,
that's incorrect. I asked my questions. I'm satisfied.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I have no
questions at the moment.

CHAIRMAN LYNN: I'm sorry. I thought you
wanted some time.
COMMISSIONER HUNTWORK: No. Thank you.

CHAIRMAN LYNN: Are there other questions for the consultants?

COMMISSIONER ELDER: Commissioner Elder. I'd like to try to determine or solidify what types of rules we need to make our decision on or if Dr. Hardy has enough to go on with what we've given him this morning.

CHAIRMAN LYNN: Mr. Elder, I can't hear you, either. Have we moved the phone or did you move?

COMMISSIONER ELDER: Nope.

COMMISSIONER MINKOFF: We are moving the phone.

CHAIRMAN LYNN: Thank you.

COMMISSIONER MINKOFF: Okay. This should be better.

COMMISSIONER ELDER: I'll restate it. I wanted to ask Dr. Hardy if he has enough direction to go on or do we need to make decisions on rules or rules of aggregation or methodology before he can proceed.

CHAIRMAN LYNN: Dr. Hardy, would you respond, please.

DR. HARDY: Yes. If you've given me the direction of the two rivers, I can proceed. I will
Excerpt from Transcript of May 25, 2001:

1   proceed on the basis of the rules that we have talked
2   about in relationship to the southeast, although they
3   have to be applied to the four quadrants that we have
4   established.
5   We're going to wind up with basically the
6   same rules being applied in a slightly different way
7   from the different beginning point. And it's possible.
8   Again, I don't know how complicated it's going to be in
9   terms of applying this, but we'll try it.
10   CHAIRMAN LYNN: All right.
11   COMMISSIONER ELDER: Could I ask that if
12   you get into it, after a couple, three days, whatever it
13   may be, and you see I see a couple inherent problems,
14   run it by Dr. Heslop, Dr. Adams, Ms. Leoni, you see some
15   problems, don't go down the alley, run into a wall.
16   Call Enrique. He can get to the rest of the
17   Commissioners. We can establish a meeting, get to the
18   rest of the Commissioners, and we can have a meeting to
19   address that. We don't want to lose time to have --
20   DR. HARDY: As soon as I go back and have
21   a more adequate map than the one I have here, I'll begin
22   to proceed as directed. If I do run into problems that
23   I don't foresee at this point, I will follow your
24   directions and we will get back as soon as possible.
25   CHAIRMAN LYNN: Other questions for the
ATTACHMENT NUMBER 11 re:

AGENDA ITEM IX B. 3.

MAY 25, 2001, TRANSCRIPT PAGES 71–88
Excerpt from Transcript of May 25, 2001:

1 Director's report.
2 First item under that, outreach, public
3 information plan, review and approval.
4 Mr. Hall, did you receive a fax with the
5 outline of the public hearing schedule?
6 COMMISSIONER HALL: Yes.
7 CHAIRMAN LYNN: You have that in front of
8 you?
9 COMMISSIONER HALL: Yes, sir.
10 CHAIRMAN LYNN: May we ask if there is
11 additional information on that item from Mr. Ochoa or
12 staff?
13 MR. OCHOA: Yes. We've been working on
14 organizing, trying to come up with a schedule for
15 hearings to be held throughout the state. It's been
16 extensive, but it's been fun.
17 I think we've come up with at the very
18 least an almost final one with, of course, the
19 understanding that if it doesn't fit the Commissioners'
20 desire, schedule, some conflict, we can still make some
21 changes.
22 I'd ask Mr. Echeveste, our outreach
23 coordinator, and Ms. Amy Rezzonico, to speak to that
24 end. If you have any questions, if you have any
25 concerns, they can make necessary adjustments.
MR. ECHEVESTE: Thank you.
You did receive in your packet the revised recommendations for the hearing schedule. I want to emphasize number seven, and that is that while I utilized the terms team one and team two, it does not imply that there would be rigidity to those teams. It was merely a way to schedule and schedule through to the public hearing process.

In essence, there is full flexibility for anyone on the Commission, any and all Commissioners, to move from one, one hearing to another. So you don't, don't feel that you have to say: Well, I'm on team one or I'm on team two and I'm ridgidly stuck to that. We can work on that throughout the hearings. I think that's very important to clarify that.

I guess I would ask at this point, before I continue with my, with my presentation, whether there are any questions or comments. And then I will continue with the presentation.

MR. OCHOA: Mr. Echeveste, Mr. Chairman, if I might interrupt, to make sure all are talking about the same one, we had three, four drafts of this, I'm not sure we had -- I'm not sure everybody had the same one.

MR. ECHEVESTE: Thursday, May 24th, was the latest draft. And since, if I may interject a
Excerpt from Transcript of May 25, 2001:

little bit of humor here, which is my trademark under a pressure situation, I would like to outline some rules.

Rule Number 1 is the utilization of the KISS formula: Keep It Simple Stupid.

And under the KISS formula, we want to utilize an organic planning process, which is it evolves as needs arise.

Therefore, Rule Number 3 is full flexibility.

And, finally, Rule Number 4 that overrules all the other rules is use common sense.

With that, I will give you, if there are no comments, I will give you a brief overview of the thought processes here.

Well, actually, I've gotten through seven. If there are no comments on those, I won't belabor the point.

Let's just go to the back page with schedules.

CHAIRMAN LYNN: Let's take them one at a time.

Mr. Echeveste, let's first, are there any comments from the Commission on the first page of the memo outlining the seven sort of principles at work in putting the schedule together?
Excerpt from Transcript of May 25, 2001:

COMMISSIONER MINKOFF: Yes. Mr. Lynn --
CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: One comment under
item four where it talks about the six proposed sites in
the Greater Phoenix area. On the final schedule there
were only five sites included. So we have to deal with
probably adding an additional site.
Number three, Paradise Valley Community
College did not get to the final schedule. When we get
to the final schedule, I'd like to suggest moving that
particular location.
CHAIRMAN LYNN: Other comments on the
final schedule?
COMMISSIONER ELDER: First one through
seven?
CHAIRMAN LYNN: If not, let's move to the
schedule itself, page two.
MR. ECHEVESTE: Let's move -- I do have --
perhaps I should preface it by bringing the two
Commissioners hereby phone up to date on the latest part
of our organic planning process.
As Commissioner Hall mentioned, in the
movement of sites and adding Holbrook to the mix, the
Paradise Valley site was inadvertently overlooked,
although I could say I did it on purpose to see if you
Excerpt from Transcript of May 25, 2001:

1 were paying attention; but I won't do that at this time.
2 But -- so what we -- what I propose, then, is that we
3 extend to Wednesday, June 27, at the tail end. And I
4 had reinstituted team one and team two, which would -- I
5 had originally put down Bullhead City. Instead of
6 Paradise Valley, included Glendale Community College.
7
8 Now, having said that, I understand that
9 Commissioner Elder very definitely wants to pursue the
10 original concept of having a grand finale with all five
11 Commissioners at the last hearing. To accommodate that,
12 I would propose that we simply move and have the last
13 hearing on the 28th of June and have it at your
14 pleasure, either in Central Phoenix, at Phoenix
15 Community College, or Glendale Community College,
16 whichever you prefer. I would suggest we just stay with
17 the plan and avoid confusion by just moving the Glendale
18 Community College event over to the 28th.
19
20 COMMISSIONER MINKOFF: And just have one
21 session on the 27th?
22
23 MR. ECHEVESTE: The Grand finale.
24
25 COMMISSIONER MINKOFF: The 27th, a meeting
26 in Bullhead City or nothing on the 27th?
27
28 MR. ECHEVESTE: A meeting in Bullhead City
29 unless there are any comments or other suggestions from
30 Commissioners or attorney advisers' comments.
Excerpt from Transcript of May 25, 2001:

CHAIRMAN LYNN: I'd like to hear, if you said, Mr. Echeveste, if you said Mr. Elder wanted a grand finale, this is part of a much larger process. I'm not sure a finale is important at this juncture, because it's the final part of information gathering. I'd like to know what Mr. Elder had in mind.

COMMISSIONER ELDER: Two intents, Chairman Lynn, I guess it is. I was going to say Ms. Minkoff.

CHAIRMAN LYNN: Mr. Elder, I cannot hear you.

COMMISSIONER MINKOFF: You shouldn't have heard what he just said.

COMMISSIONER ELDER: I was thinking it would be appropriate and work well for us, number one, we're going to have scheduled a meeting on Friday, the 29th. It would be very easy for the entire Commission to come up the night before, have a meeting on the 28th, in Phoenix, and have all five Commissioners there for that so that we could get a common sense of how the hearings had gone in that context. I believe it was just a twofold approach to where we have that and meet the next day for our regular Commission meeting. I was not anticipating on having something on Wednesday, you know, but that was -- that would make it a Monday, Tuesday, Wednesday, Thursday, Friday, and we would have
entirely wiped out the whole week. But I think my
preference would be to lose Wednesday and reschedule
those meetings sometime earlier in the process.

CHAIRMAN LYNN: I guess I'm not
understanding. You are saying reschedule the proposed
Wednesday meeting to some other time? Then have a
Thursday night Friday combination?

COMMISSIONER ELDER: That is correct.

CHAIRMAN LYNN: It's certainly not my
preference to do that.

COMMISSIONER ELDER: Your preference is to
do Monday to Wednesday, skip Thursday and meet Friday?

CHAIRMAN LYNN: I was actually hoping for
one day of that week to actually do some work.

COMMISSIONER ELDER: Well, that's
Wednesday.

COMMISSIONER MINKOFF: That could be
Wednesday, and actually part of Thursday. There
wouldn't be anything Thursday until the evening.

CHAIRMAN LYNN: I want to do whatever is
appropriate to accommodate the schedule to get public
input with respect to our meetings. That's a different
point for me in terms of work we need to get done. I
don't know that the finale is a finale. It's part of a
process. I don't accord it that much more than just an
Excerpt from Transcript of May 25, 2001:

1 initial process. We still have to take information
2 we've gotten from all these meetings, give the
3 consultants and staff sufficient time to digest and make
4 appropriate comments about it. And I don't know that
5 the next day or two days after is sufficient time to do
6 all that.

COMMISSIONER ELDER: I'd amend my comments
7 to not say finale and move the Wednesday meeting to
8 Thursday so it combines with the meeting on Friday.

CHAIRMAN LYNN: Asking for the last public
9 outreach meeting, whichever day, wherever it turns out
10 to be, be Thursday instead of Wednesday, attend that and
11 come up and attend that and then have the Friday
12 meeting?

MR. ECHEVESTE: Mr. Chairman, if I may,
13 some feedback, some feedback from our Director regarding
14 adding a Bullhead City to the plan which the intent was
15 the Wednesday, including Bullhead City and Glendale
16 Community College. Having all Commissioners together
17 would be very easy by moving the Glendale hearing to the
18 28th. If we eliminate Wednesday, if we eliminate
19 Wednesday, then we -- we're not able to include the
20 Bullhead City site.

CHAIRMAN LYNN: No. You can still have
21 Bullhead City on Wednesday. If the Commissioners wish
Excerpt from Transcript of May 25, 2001:

to be present there, you know, we can accommodate that.

MR. ECHEVESTE: Okay. All right.

CHAIRMAN LYNN: There's no need not to do that.

MR. ECHEVESTE: Okay. That's fine. That works out fine.

Mr. Hall?

COMMISSIONER HALL: It's my feeling that we have Window Rock at the very first of this setting. I think of all of these locations, that's probably one of our most difficult areas to really get the word out given the limited public outreach resources in some of that area. And, therefore, I was -- would propose that we move that further down into the equation allowing a little more lead time to try and garner some enthusiasm and get the word out with respect to that.

MR. ECHEVESTE: Mr. Chairman.

CHAIRMAN LYNN: Mr. Echeveste.

MR. ECHEVESTE: That can be accommodated very easily. If having Bullhead City on Wednesday the 27th, flip flop that around, put Window Rock to the 27th, giving plenty of time and put Bullhead City to the 11th.

CHAIRMAN LYNN: One thought. If some of us are trying to drive to some of these things, the
other choice is to flip flop Lake Havasu on Monday, give
us the weekend to get to the locations which are rather
remote.

MR. ECHEVESTE: That's another option.

COMMISSIONER HALL: Flag. You are saying
you prefer a Monday date?

CHAIRMAN LYNN: Tucson it's tougher to get
to both of those, debating cost versus time to get
there.

COMMISSIONER ELDER: What happens if you
move Pima County to June 21st, which is very close to
the June 26, and having both meetings in Pima County
being very close together, move Window Rock down to June
21st and Pima County, one of them, up to the June 12th
range?

CHAIRMAN LYNN: Well, here again, if all
five of us are suggesting changes, we'll probably have a
moving target here. We're not going to get it done.
Let's leave it to Mr. Echeveste to make a shift.

COMMISSIONER HALL: To Mr. Lynn's point,
Mr. Echeveste, if you move to Monday the 18th, if for
dexample Chairman Lynn wanted to go to Flagstaff, coming
up the hill makes more sense.

MR. ECHEVESTE: I agree with that. We
need to put the long distant trips on the Mondays so you
Excerpt from Transcript of May 25, 2001:

1    have the weekend to travel. So if --

2    I would certainly ask the Commission to

3    make a motion that this schedule be adopted with moving

4    Window Rock to the 18th, to the 18th; moving Lake

5    Havasu, then, to the 11th.

6    CHAIRMAN LYNN: Is there a motion to that

7    effect?

8    COMMISSIONER MINKOFF: Before a motion, I

9    have a question.

10   In terms of the meeting we're having on

11   the 27th in Bullhead City, how far is Bullhead City from

12   Lake Havasu? Do we really need to add that additional

13   meeting or can people from Bullhead City easily make it

14   to Lake Havasu?

15   MS. REZZONICO: 85 to 90 miles. Lake

16   Havasu --

17   MR. ECHEVESTE: It's a separate catchment,

18   kind of a basin, pulls in people, Kingman, parts --

19   MR. RIVERA: If you see the Xs on the map,

20   there's one section you're not hitting in the public

21   meetings.

22   COMMISSIONER MINKOFF: Close to Kingman.

23   MR. ECHEVESTE: With that change, adding

24   to the memo I sent you, Wednesday, June 27th, team one

25   at Bullhead City -- see, we make sure we don't get
Excerpt from Transcript of May 25, 2001:

1    this -- yes, then Thursday, Thursday June 28, at
2    Glendale Community College. And that is what I would
3    ask you to approve today. And it is absolutely
4    essential that we do that, today, so that we can go in
5    immediately and lay out the program for the hearings.
6    And I will have, after any motion, one final comment on
7    outreach.
8                  CHAIRMAN LYNN: Is there a motion to that
9    effect?
10                  COMMISSIONER MINKOFF: I'd like to move we
11    adopt the schedule as amended.
12                  CHAIRMAN LYNN: Is there a second?
13                  COMMISSIONER HALL: Just a point.
14                  CHAIRMAN LYNN: Let me get a second.
15                  COMMISSIONER HUNTWORK: Second.
16                  CHAIRMAN LYNN: Mr. Hall.
17                  COMMISSIONER HALL: Monday, June 25th,
18    Show Low, needs to come off.
19                  MR. ECHEVESTE: Yes.
20                  COMMISSIONER HALL: Maybe you don't have
21    it amended.
22                  MS. REZZONICO: Hon Dah. Show Low, Hon
23    Dah, Pinetop, Lakeside area.
24                  MR. ECHEVESTE: Show Low catchment area.
25    Hon Dah area. Just Hon Dah.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
Excerpt from Transcript of May 25, 2001:

1  COMMISSIONER HALL: All right.

2  MR. RIVERA: Chairman.

3  CHAIRMAN LYNN: Mr. Rivera, good morning.

4  MR. RIVERA: I've been trying to keep
5    quiet.

6  CHAIRMAN LYNN: You've been doing a good
7    job.

8  MR. RIVERA: Based on the conversations
9    Mr. Elder and I had looking at the map right now and
10   Ms. Hauser and I discussed looking at this, I hate to
11   add somebody else, but you really are missing the Globe
12   area, the whole Central mining community area. If
13   looking at the excuse that you want to bring in Bullhead
14   City because it brings Kingman in, Globe is a bigger
15   catchment area, historical area --

16   CHAIRMAN LYNN: I'd be available on the
17   27th for Globe.

18   MR. ECHEVESTE: I was going to say, 27th
19   for the Globe area.

20   CHAIRMAN LYNN: Ms. Minkoff, is that
21   acceptable?

22   COMMISSIONER MINKOFF: Fine.

23   CHAIRMAN LYNN: Mr. Huntwork, is that
24   fine?

25   COMMISSIONER HUNTWORK: Yes.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
Excerpt from Transcript of May 25, 2001:

1. CHAIRMAN LYNN: We've amended the motion. Further discussion?

2. MS. HAUSER: Mr. Chairman.

3. CHAIRMAN LYNN: Ms. Hauser?

4. MS. HAUSER: One of the things I do have concern about, from the standpoint of logistics, I'd ask some consideration be given to, I realize the team one, team two designations are somewhat arbitrary. I certainly think from the standpoint of staff, within a given week, I would expect that the same attorney and same staff person are going to be assigned to a particular team all the way through. So we ought to at least make sure it flows from the standpoint of just traveling from location to location in that team one and team two during a given week, you know, it just makes logistic sense.

5. CHAIRMAN LYNN: I think we tried to do that. Do you see an instance where that doesn't work?

6. MR. ECHEVESTE: I think she was --

7. MS. HAUSER: Pardon me?

8. MR. ECHEVESTE: I wasn't anticipating --

9. For clarification, attorneys stay with a specific team and staff stay with --

10. MS. HAUSER: As a preliminary remark, it was said, "Place no significance on who team one, team
two should be, at least within a given week."

CHAIRMAN LYNN: The point was with respect
to Commissioners' presence, no particular assignment.
Commissioners should be free to join either team at any
time.

MS. HAUSER: I can give an example,
Mr. Chairman, where it might not make a lot of sense.
June 18th, June 19th, team one is in Lake Havasu,
Flagstaff; team two, Prescott and Nogales.

COMMISSIONER HALL: Window Rock, Nogales.
CHAIRMAN LYNN: Prescott and Nogales is a
four-and-a-half-, five-hour trip, depending on traffic.
So traveling at a reasonable speed during the day, you
certainly can get to that location by 6:00, 7:00 in the
evening to have the meeting.

MR. ECHEVESTE: Mr. Chairman, I was hoping
we could get past the detail of logistics and get the
schedule approved. Then we can go into phase two which
is working out logistics both with Commissioners and
staff which could incorporate, also, utilization of air
travel, as needed.

CHAIRMAN LYNN: If necessary, that's
correct.

MR. ECHEVESTE: I'd rather -- I would
respectfully ask that that discussion be put off and as
Excerpt from Transcript of May 25, 2001:

1. we plan this out, we will overcome those obstacles.
2. For example if a Commissioner for one reason or another is faced with not being able -- a very tight time frame, if we find that out, if we're informed ahead of time, perhaps we can work out some air arrangements to accommodate the Commissioner. The same thing can be worked out with staff.

3. CHAIRMAN LYNN: I understand.
4. COMMISSIONER HALL: I think it would be beneficial if the Commissioners gave him a tentative idea of which meetings we were going to attempt to attend.

5. MR. ECHEVESTE: Yes.
6. CHAIRMAN LYNN: We'll do that on our own individually.

7. MR. ECHEVESTE: That then opens up the whole issue of travel and the accommodations at the facilities, and so forth. That I plan to work out logistically after we get this initial approval.

8. CHAIRMAN LYNN: Not a problem.
9. There is a motion on the floor.
10. Further discussion on the motion?
11. COMMISSIONER ELDER: Yes.
12. CHAIRMAN LYNN: Mr. Elder.
13. COMMISSIONER ELDER: All three for Pima
Excerpt from Transcript of May 25, 2001:

1 County are in one week. One is in another week.
2 Changing one Pima County with Holbrook, Yuma to Pima
3 County to Yuma, whatever, they're all grouped right at
4 the end. I don't agree with that.

5 COMMISSIONER MINKOFF: It makes a problem
6 driving from Prescott to Nogales, Pima County, Holbrook,
7 or Pima County, Holbrook, makes a travel nightmare for
8 whoever is doing that circuit.

9 CHAIRMAN LYNN: What I'd like to do, a
10 suggestion, is all three in Pima County be broken up.
11 I'd like to defer to Mr. Echeveste to get
12 an answer rather than suggesting an answer.

13 MR. ECHEVESTE: If you approve this plan,
14 if finetuning, get a consensus, we'll take care of that.
15 If there's issues, logistics for travel, we'll deal with
16 that issue. If I need to get you to clear a jet, as I
17 mentioned during the interview, we'll do that.

18 CHAIRMAN LYNN: Let me suggest some
19 switches. Sierra Vista to Pima County, that's a
20 reasonable switch, same part of the state, not that
21 unreasonable in terms of teams getting to it in terms of
22 where we were before.

23 Discussion on the motion?
24 All those in favor, signify by saying
25 "aye."

ATWOOD REPORTING SERVICE
Phoenix, Arizona
(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

(Motion passed.)

CHAIRMAN LYNN: Mr. Echeveste, the schedule is approved with the caveat I'd like you to look at Pima County the three in the second week, and look at it for the third week.

MR. ECHEVESTE: Yes.

This is a very aggressive schedule, got even more aggressive today. I need to let you know the issue of resources is important, not only with regard to the air travel and logistics for the Commissioners and staff for the travel to the hearings, but the issue of outreach into these communities is one where I need some green light for staffing, some central staff, and then some temporaries, for example, up north, or down south, take a number of examples, Tohono O'odham Reservation, White Mountain Apache, I can go on, that we be authorized and approved temporary staffing so when we go into, let's say, the Navajo area, we can bring some people on board, let's say, for four days prior to the hearing, or seven days, I don't know how many days, prior to it, that reach into that community where it's difficult to access that community for outreach purposes.
ATTACHMENT NUMBER 12 re:

AGENDA ITEM IX B. 4.

MAY 25, 2001, TRANSCRIPT PAGES 90–91
appropriate for the sensitivity and outreach throughout
the state.

MR. ECHEVESTE: Very good. As we dot the
Is and cross the Ts, we'll bring this information to
you.

CHAIRMAN LYNN: Thank you.

Any more for Mr. Echeveste?

COMMISSIONER HUNTWORK: Mr. Chairman,
taking the point just made and looking at the calendar,
I don't think we can wait until our next meeting to
begin to implement something. And I think we should try
to authorize, if we can, a procedure for making
decisions as soon as a plan can be put together. So I'm
going to make some sort of a motion here off the top of
my head and you can all take potshots at it. But I
think the motion will be that Mr. Echeveste and
Mr. Ochoa work together to produce a plan and a budget,
at least for the initial stages of implementing this
until our next meeting, and that it be subject to
approval by the Chairman.

CHAIRMAN LYNN: Is there a second to the
motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

All those in favor say "aye."
Excerpt from Transcript of May 25, 2001:

(Vote taken.)

Opposed say "no."

Motion carries.

CHAIRMAN LYNN: Anything else for Mr. Echeveste?

MR. ECHEVESTE: If you excuse me from the meeting, I have work to do.

CHAIRMAN LYNN: You can go with our thanks and God's speed.

Thank you.

MS. REZZONICO: Good morning, Mr. Chairman, and members of the Commission. Today I'll give you basically bullet points of a draft of the media plan specific for the public meeting schedule.

I have already made phone calls and contacted local press who have in the past been interested in the Independent Redistricting Commission as a heads up about the public participation process schedule beginning June 11th that hopefully will be adopted today.

Since that has happened, with a couple minor changes that Mr. Echeveste is going to make in regards to Pima County, my plan is to disseminate statewide today at least dates and city locations of our public meeting schedule.
ATTACHMENT NUMBER 13 re:

AGENDA ITEM IX C. 1.

MAY 18, 2001, TRANSCRIPT PAGE 9
EXEMPLARY FROM MAY 18, 2001, TRANSCRIPT, PAGE: 9

toward end of the meeting for public comment.
We'll close public comment at this time.
We have this morning --
Well, let me ask, first of all, in terms
of approval of the minutes, are there additions or
corrections to the April 30th minutes that need to be
submitted?
Rather than do that orally, if you have
corrections that need to be made, absent that, I'd
entertain a motion to approve.
COMMISSIONER MINKOFF: I move we approve
the minutes from the April 30th meeting.
COMMISSIONER HUNTWORK: Second.
CHAIRMAN LYNN: All in favor, signify
"aye."
(Vote taken.)
CHAIRMAN LYNN: Opposed, "no."
Motion carried.
There are several candidates for positions
we're hoping to fill at the conclusion of today's
meeting. And in the interests of their time and their
schedule, I wonder if without objection we can move the
interviews and selection process, item VII, to the early
part of the agenda.
Without objection?
ATTACHMENT NUMBER 14 re:

AGENDA ITEM IX C. 2.

MAY 18, 2001, TRANSCRIPT PAGE 63
thank you very much. Thank you for your time.

Excuse me.

CHAIRMAN LYNN: All right.

We need a motion to go into Executive Session pursuant to Arizona Revised Statutes for consideration --

Ms. Hauser.

MS. HAUSER: Mr. Chairman, want to see if the other candidate is here at this point.

Ms. Polita?

I didn't see anyone come in.

If that's your wish, an affirmative motion to go into Executive Session for the purpose of discussion of these candidates.

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: All those favor, say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, say "no."

Motion carries.

May we ask staff, all nonessential staff other than the Executive Director and legal counsel, to excuse themselves.
ATTACHMENT NUMBER 15 re:

AGENDA ITEM IX C. 3.

MAY 18, 2001, TRANSCRIPT PAGE 64–65
Ms. Leoni would you feel comfortable representing NDC or Dr. Heslop to do so?

MS. LEONI: Let's talk to him. He's our outreach expert. Can he be included within the privilege as a necessary --

CHAIRMAN LYNN: Let's ask.

MS. HAUSER: I think --

MS. LEONI: My suspicion --

COMMISSIONER ELDER: Without objection, I'd like him here.

CHAIRMAN LYNN: Fine.

(Recess taken.)

(Whereupon, at 10:38 a.m., the Commission recessed Open Public Session and convened in Executive Session.)

(Recess taken.)

(Whereupon, at approximately 11:13 a.m., the Executive Session concluded and the Commission reconvened in Open Public Session at approximately 11:15 a.m.)

CHAIRMAN LYNN: Back on the record.

Is there an affirmative motion on either position?

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I'll
EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 65

1. make a motion that will surprise no one. I move we
2. offer the position outreach coordinator to Mr. Adolfo
3. Echeveste subject to a check of references and salary
4. negotiations.

   CHAIRMAN LYNN: Is there a second?

   COMMISSIONER ELDER: Second.

   CHAIRMAN LYNN: Discussion?

   Hearing none, all in favor, say "aye."

   (Vote taken.)

   CHAIRMAN LYNN: Opposed, signify "no."

   Chair says "aye."

   Motion carries.

   Mr. Ochoa, immediately following the
meeting, conduct a reference check and salary
negotiations necessary to get Mr. Echeveste on board
immediately, hopefully Monday.

   Any other affirmative motion?

   Mr. Elder.

   COMMISSIONER ELDER: I move we acquire the
services for the public information officer position
with Ms. Tatham with the same conditions, conditions
being that it's contingent upon background check and
negotiation of income or salary. One additional, I
would like to verify or make sure of her availability,
that she be able to start Monday, Tuesday. We don't
ATTACHMENT NUMBER 16 re:

AGENDA ITEM IX C. 4.

MAY 18, 2001, TRANSCRIPT PAGES 65–67
make a motion that will surprise no one. I move we offer the position outreach coordinator to Mr. Adolfo Echeveste subject to a check of references and salary negotiations.

CHARIMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

Hearing none, all in favor, say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, signify "no.".

Chair says "aye."

Motion carries.

Mr. Ochoa, immediately following the meeting, conduct a reference check and salary negotiations necessary to get Mr. Echeveste on board immediately, hopefully Monday.

Any other affirmative motion?

Mr. Elder.

COMMISSIONER ELDER: I move we acquire the services for the public information officer position with Ms. Tatham with the same conditions, conditions being that it's contingent upon background check and negotiation of income or salary. One additional, I would like to verify or make sure of her availability, that she be able to start Monday, Tuesday. We don't
have two weeks or a month to get into the game.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I second.

CHAIRMAN LYNN: Discussion?

Hearing none, all those in favor, signify "aye."

COMMISSIONER HUNTWORK: Mr. Chairman, she's here. May we ask her the question whether she's available?

CHAIRMAN LYNN: We can ask her the question about availability.

Ms. Tatham?

MS. TATHAM: I would like to be able to go back to my present employer and ask them if it would be possible if I could start as soon as possible and just after checking with them I could be available Monday or Tuesday, if it's okay.

CHAIRMAN LYNN: Do you think that that question would elicit a response akin to Mr. Elder's time frame, Monday, Tuesday next week being the optimum time for you to begin?

MS. TATHAM: I think under the conditions of urgency, they would be fine with it. Just for their -- in respect to my present employer, I need to ask. But I think it should be okay;
but I would just like to check with them. If I can
start Monday, Tuesday, I'd be more than happy to do
that.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?

All those in favor, say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Chair votes "aye."

Motion carries unanimously.

Ms. Tatham, if you'd go directly from here
to your current employer and make that request, I'd
appreciate that.

MS. TATHAM: I hope to have an answer when
you convene at the end of the day, adjourn.

CHAIRMAN LYNN: Okay.

MS. HAUSER: If you have somebody --
actually, I have a cellphone with me. If you find out
something, want to call back, leave a message --

CHAIRMAN LYNN: Call the main office,

leave a message. We'll expect unless there's a problem
we'll have you on board the first part of next week.

MS. TATHAM: Wonderful. I look forward to
it.

COMMISSIONER HUNTWORK: Mr. Chairman.
ATTACHMENT NUMBER 17 re:

AGENDA ITEM IX C. 5.

MAY 18, 2001, TRANSCRIPT PAGES 68–69
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I guess the assumption is she'll get back to us before the end of the meeting. I don't mean to make any follow-up motion. I just wanted to say I was very impressed with both candidates. In my judgment, if she's not available in the time frame we need her, I would want to leave time at the end of the meeting to make a motion to employ the other candidate who I also felt was imminently qualified.

CHAIRMAN LYNN: All right. We'll reserve that opportunity.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Should it present itself. We'll hope we can get concurrence from her employer to move as quickly as possible.

Item IV, legal counsel, discussion or consultation for legal advice with the Commissioners' attorneys.

I wonder if we might move this to a place other in the meeting when we have another Executive Session opportunity and combine the two.

MS. HAUSER: Let me discuss with Jose a second.

MR. RIVERA: I think we need a five-,
EXEMPLARY FROM MAY 18, 2001, TRANSCRIPT, PAGE: 69

1 10-minute Executive Session.

2 CHAIRMAN LYNN: Is this the most

3 appropriate time to do that?

4 MR. RIVERA: Yes, it is.

5 COMMISSIONER MINKOFF: Sorry.

6 CHAIRMAN LYNN: That's to the public with

7 apologies. We need a short --

8 Let me have motion for that?

9 COMMISSIONER HUNTWORK: So moved.

10 CHAIRMAN LYNN: Second?

11 COMMISSIONER MINKOFF: Second.

12 CHAIRMAN LYNN: All in favor, signify

13 "aye."

14 (Vote taken.)

15 CHAIRMAN LYNN: Opposed?

16 Motion carries.

17 Our apologies. We'll have you back in a

18 few minutes.

19 (Whereupon, at 11:21 a.m., the Commission

20 recessed Open Public Session and convened in Executive

21 Session.)

22 (Recess taken.)

23 (Whereupon, at approximately 11:53 a.m.,

24 the Executive Session concluded and the Commission

25 reconvened in Open Public Session at approximately.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
ATTACHMENT NUMBER 18 re:

AGENDA ITEM IX C. 6.

MAY 18, 2001, TRANSCRIPT PAGES 70–97
Chairman Lynn: Item V. Chairing the group is a challenge, one I accept readily. It's just a challenge.

Item V, discussion and possible decision with respect -- Presentation. Item VI I think first, would flow into item V.

Without objection, item VI, Power Point presentation from consultations, discussion and possible decision on the grid map approaches. See how that flows into our public outreach.

Dr. Heslop, will you lead this presentation?

Dr. Heslop: I am indeed, Mr. Chairman, members of the Commission. The task you gave us is to examine alternative approaches to the development of an equal population grid.

With me this morning is Ian Rudge who will watch me for gestures I make to move along in the presentation.

In preparation, I read many dull, scholarly articles. And I've selected from among those articles I've read a half dozen I think are relatively...
less dull, accessible, and perhaps meaningful in terms of automated approaches to the development of grids in terms of various mathematical approaches to the developments of grids. I have these materials. And I know that your Executive Director will make them available to you, if you wish.

I'm going to try to cover six subjects in this Power Point presentation. I'm going to talk about definitions, our view, NDC's view of definitions. I'm talking to talk about challenges to the development of a grid, an equal population grid. I'm going to suggest that you review some alternative approaches to the development of an equal population grid. I'm going to examine the pros and cons of these different approaches. I'm going to talk about what we think are the most desirable features in a grid. And I'm going to end with a specific proposal to you, NDC'S proposal for the development of an equal population grid. So that's the purpose of our Power Point presentation today.

Let's move into it. This is the language of Proposition 106. I know that you've all studied it carefully. What does it mean? What does it mean when it talks about a grid? Well, I thought we'd look at some dictionary definitions of grid. And I picked the Oxford English dictionary, which is certainly the best
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dictionary. And I looked at Webster's. And I looked at
an inferior dictionary published by Cambridge.

You can look at all dictionary definitions
and you will see certain things. You will see that
nearly all the definitions emphasize something that
maybe for today's purposes we can call squareness. They
emphasize regularity. They emphasize some form of area
grid.

What about this equal population business?

What is the definition there? That's much easier. We
know what equal population means. It means the
population that got counted in April of the year 2000,
which, of course, isn't the population that is out there
now, but those are the official Census data that we have
to use. That's what equal means.

Now, there was a very interesting article
in the Arizona Republic. I'm sure that every member of
the Commission read that article. And if you are
anything like me, you got indigestion when you read it
because the Arizona Republic takes us through some
alternative approaches to gridding the state. And it
has some pretty negative things to say about each of
those approaches to gridding the state.

This horizontal grid, rejected. Let's
move on.
The so-called 5-2-1 plan. Problems with that, two big problems. Let's move on.

The urban power plan. Major problems there.

Minority power. Now it's beginning to sound better, but problems with the minority power plan, too.

So what do we get to here? We get the idea that there are some big challenges confronting us in the development of a grid for Arizona.

Why is this? A good reason is that there aren't any handy grid units, squareness, aren't any nice geometrically shaped units. Take, for example, that county there. It's perhaps -- is it the most oddly shaped -- you have a lot of oddly shaped counties here in Arizona. Try squaring those. That's what we did.

We tried squaring them, and we discovered it really doesn't work.

Cities. Now, you, Mr. Chairman, recognize this city.

CHAIRMAN LYNN: I do.

DR. HESLOP: I suggest to you, sir, it's not square.

CHAIRMAN LYNN: South Tucson, however, is, almost.
COMMISSIONER MINKOFF: Almost. A little
tail.

DR. HESLOP: There are problems with
cities, boundaries. Cities annex and flow different
directions.

That's not the end of it. Census
geography also lacks squareness. Not easy building
blocks. Here's an example of a Census tract. We didn't
look very far in the map to find this example of a
Census tract.

And then you've got that western boundary.
That river has cut a jagged, odd course down the side of
the state. So what are you going to do with that when
it gets to squareness?

And then, you know, it's not only a matter
of lack of units that are square, it's also the fact
that the population of Arizona is very unevenly
distributed across the surface area of the state. And
that is complicating matters even further. Well, now,
there are, out there, some approaches to development of
grids. I'm going to go through each of these giving
some comments on them, saying some good things about
them, some bad things, and suggesting ways of thinking
about them. I hope that my comments are reasoned and
based on evidence, but I'll tell you that this is a
mindfield of opinion. If you'll read through some of
these articles by scholars, you can find sharply extreme
pros and sharply extreme cons on all.

Now here is Mr. Osterloh's grid. I have
read Mr. Osterloh's excellent statement, reasons for
creating a random grid-like redistricting plan that
treats all Arizona equally. And I'm going to quote from
Mr. Osterloh's plan. If I get out of line, he can waive
at me, I guess.

Okay. One overriding question that the
Independent Redistricting Commission needs to answer is
how to treat all Arizona equally in the redistricting
process, yes or no. If the Commission answers yes,
Mr. Osterloh wants to us say yes, they will have to
first consider all of the modifying criteria to the
initial grid-like map and then, and then disregard
communities of interest, party registrations, and any
identifying characteristics of voters such as ethnicity.

He suggests that the Independent
Redistricting Commission can and should draw district
boundaries in a random grid pattern and then not modify
the plan.

He speaks to the reasons for the grid in
Proposition 106. And he was one of the authors of this.
First was the reason of the desire to start the mapping
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1 process with a clean slate. The second reason was to
2 give IRC the option to draw a random grid as the final
3 map.
4
5 Now, what would happen if the grid creates
6 a minority problem? It says if in fact the Justice
7 Department were to disapprove a redistricting plan that
8 drew random districts, its action would be challenged in
9 court.
10
11 So, DOJ refuses a court challenge. What
12 happens in court? Mr. Osterloh says the Court, he
13 believes, would welcome the opportunity to declare the
14 plan constitutional and proclaim that the plan should
15 serve as the gold standard by which all other
16 redistricting plans would be measured.
17
18 Well, I agree with all of these
19 statements. I agree. This would be a very bold thing
20 to do. This would require courageous action because
21 Mr. Osterloh's grids, as you can see, are the result of
22 a mostly neutral, in a sense objective, mostly objective
23 way of achieving equal population regardless of
24 communities of interest, party registration, and any
25 identifying characteristics of voters such as ethnicity.
26 This is the clean slate approach. And it makes no
27 pretense to be anything else but a clean slate approach.
28
29 Now, Mr. Osterloh's approach involves the

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adjustment of lines. There are a great many, there are
an enormous number of mathematical formulae devised by
scholars that arrive at different kinds of districts,
mostly using compactness as a criteria.

Now, when I first started out in this
redistricting field 30 years ago, there was one great
scholar. His name was Dixon. If you read these quotes,
you can see that Mr. Dixon didn't think a great deal
about compactness, because compactness is a value that
can submerge other values. Compactness could very well
operate against particular groups. In other words, the
method may be neutral, but the results aren't
necessarily neutral.

And then we get into problems of defining
compactness, because, you know, the truth of the matter
is that squares aren't as compact as circles, at least
if you measure them in terms of perimeter.

Let's look a little more closely at this
problem of mathematical approaches, mostly emphasizing
compactness.

One problem, and I'm not going to read all
of these things, I hope everyone can read for
themselves, one problem is so many of these compactness
formulae out there, as soon as you decide to take one,
you have 25 mathematicians pouring into the room saying
"Why didn't you pick mine? What is special about this compactness formula?" The problem is they all have problems.

One of the problems, in fact in an earlier version of the slide show I cited it, one of the most compact of shapes is a spiral, like a coiled snake. That's a compact figure, under some of these tests.

So how do you go about the measurement of compactness? Well, here are some different ways of measuring compactness, different concepts of compactness. And I'm not going to stand here and tell you that one is better than another, because it depends on what you want to do with the measure of compactness. It depends what other values you are going to link compactness, what else you want to do. And that is one of the problems with mathematical tests in general and compactness in particular.

If you give that the prime role in your development, what else is it elbowing out of the way? What about minority population? Well, it depends. If you start with the minority population and compact around it, well, yes, that's fine. Suppose you don't start with minority population? Suppose you just set your formula running to create compact districts. Then what happens to minority population? Well, now, I'm
old-fashioned, and not up-to-date on computerized and automated redistricting. I sort of gave it up a long time ago because I couldn't see that they were going to lead anywhere. And, in fact, they haven't. There are arguments that you can make for them, but there isn't anywhere that I know of that is turning over the redistricting process to automation. But to give you a flavor of that approach, and it is not impossible to take an automated, computerized, fully automated approach to the development of a grid-like pattern of districts across the state, I asked Mr. Rudge, who is very up-to-date on these things, to research what a computerized approach to a grid-like pattern might look like.

So, Ian, take it from there.

MR. RUDGE: You'll first see arguments people would make for a computerized, automated redistricting type of algorithm. I went and found a couple different algorithms on the internet. Basically it's a computer running round by round creating a figure you'll see on the screen in a second. It's actually North Carolina but certainly would apply to any state.

First is called the cake-cutting algorithm, goes across the state building up districts by grabbing units. I'll read. The author of this
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1 particular program in his definition said, "A district
2 is considered complete when adding a unit to it would
3 increase rather than decrease the district's departure
4 from the ideal size. If the district is currently
5 500,000 people, the ideal is 550,000, it would not add
6 anything less than 100,000."

7 The bar on the right records growth of
8 population in each of the 12 districts.
9
10 The author of this particular algorithm
11 later realized the algorithm, the difference of the
12 continuity of districts on the eastern part of the
13 state, it fails to pick up some.
14
15 Next, the greedy algorithm. Now, the
16 definition for this, the author, the process begins with
17 the 12 most populous units in the state which form a
18 nuclei of 12 districts. Each subsequent step of the
19 program searches for a district with the smallest
20 population, adds the largest unallocated unit from among
21 the adjacent units, grabs beginning from the 12 areas,
22 and from there starts picking up around it to following
23 extentions.
24
25 I'd like you to notice, based on the
26 colors I have on the screen, what the districts look
27 like.
28
29 This is called the steepest-descent

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algorithm. It's an extension of the one I showed you, except now a unit is transferred only if the move reduces the difference in population between donor and recipient districts hoping to move more toward a median population level. Again, look at the shape of these districts.

Then the final one called simulated annealing in motion. During unit random transfers to an adjacent district, if there is one, the move accepts. If it reduces population between two districts, in addition to a move, it may be it accepts even if it exacerbates the population in balance. Where there are issues, look at shape. Apparently it's not very square.

DR. HESLOP: So why don't people use computers? One reason I haven't put up here is that it is an astonishingly complex mathematical problem. In fact, one of the articles I put in the package of materials suggests it is computationally intractable to develop districts that meet several criteria. You'll notice that one of these options, obviously, didn't value contiguity.

There are other problems with computerized redistricting.

I think that's a pretty fair summation of the pros and cons. Let's go on.

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Someone wanted to hear a discussion on population as a starting point.

You know, a starting point can be, I think, a misleading source of emphasis in grid development. If population is used as a starting point, if you use population centroids as a way of developing districts in terms of population density, again, what other, what other values are you perhaps ignoring or slighting or shifting away from? Much the same has to do, I think, with the question of where to start in the state.

Far more important than these questions of starting point is how you develop the grid in the first place. Let's go on.

So, now, here is another grid. In fact, I believe this is the last that we have time to discuss. This is an example of a grid that takes geography, geographically based redistricting, an old-fashioned idea, but an idea to which we can all in some way relate. We have an example provided by Mr. McNulty, an attorney from the area, from the Phoenix area.

CHAIRMAN LYNN: Tucson.

DR. HESLOP: Tucson, is it.

Mr. McNulty uses watersheds as the basis of his approach. I think it is an intelligent
understanding that patterns life in a state that has a
lot to do with important geographical features. But
there's a bit of a problem when you look at
Mr. McNulty's map. One problem is that these shapes
don't look very much more square than the counties that
we've already been discounting as an appropriate basis
for a grid. And another problem which Mr. McNulty
himself points to is that all of these watershed areas
are indeed affecting the life of Arizona, but, really,
the grid bulk of the population is found in only two of
Arizona's valleys. So these watershed units are,
perhaps, not all that relevant to those people.

Well, now, what I tried to do here is give
you some sense, some flavor for different approaches to
grid developments.

I would suggest to you that as you
evaluate these grids you ask the question, what is
desirable? What is desirable in an equal population
grid?

Well, here are some things that strike me
as desirable. And I hope that they strike everyone as
common sense.

In terms of the definition, these first
two things, population, equality, and squareness, those
are implied by the language of Proposition 106. I'd
suggest that another feature of a grid that is desirable
would be that it's related in some basic way to the
goals of representation, to the representational system
that you are going to develop from the grid.

That leads attention, I guess, to the life
of the people, the patterns of life in a state.

I would suggest that it would be nice,
wouldn't it be nice, if the grid had some degree of
consistency with the state's history, with its
geography, with those geographic features.

I wouldn't want that grid to be called the
ending sea grid. I would want it to be a grid that was
internally consistent that had a clear pattern of
development, that it had its own logic, its own internal
rules for development, so it could be replicated by
others following the same rules.

And I guess, since "grid" is the basis for
the process, I think it rather important that it have
some kind of use in the development of the final
redistricting plans.

Those are the features of grids that
struck us, Leroy Hardy, myself, and Florence, as we sat
down and tried to think this through. These are the
things that struck us as sensible to find in a grid.

Okay. Now, what have I said thus far?

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1 I've really suggested that there are two very big
2 categories of approaches to the development of a grid.
3 One is very well-illustrated I think by Mr. Osterloh's
4 approach. Let's call it the clean slate approach.
5
6 Mr. Osterloh's approach, the various
7 mathematical approaches, computerized redistricting
8 approaches, they either lack a criterion, they lack a
9 value, other than their own randomness, other than their
10 own arbitrariness, or they have a one or a limited
11 number of criteria. And when implemented, those other
12 criteria to which they do not attend are pushed to one
13 side. And that's a perfectly legitimate way of doing
14 things.
15
16 Fine. I don't say it to compliment him
17 simply because he's here, but if you take the clean
18 slate approach, Mr. Osterloh's approach is as good as
19 any, unless you want to value some particular criterion
20 above others or one or two criteria above.
21
22 And then on the other hand, there's a
23 second approach. I'm going to call it the building
24 blocks approach. And it's sort of illustrated by
25 Mr. McNulty's grid, because he took recognizable units.
26 Everyone can go out and find them on the map. And he
27 talked about aggregating them in a grid form. So that's
28 how I have been thinking about approaches to grid
development.

Think that you've got those two major categories.

Now, NDC has a recommendation, so let's finish up this Power Point and look at -- oh, I need to go back to each of these, advantages and disadvantages of these different approaches.

Quickly, to rehearse them, if you take mathematical compactness, these are some of the pros, these are some of the cons. I'm personally unpersuaded, giving you my view at this point, I'm personally unpersuaded of the virtues of the plans I've seen drawn using the compactness formula.

Computerized adjustment, you've seen it illustrated. Yes, you can get a grid-like result, but I think that there are these problems.

Building block approach, well, as I'm going to suggest, the crucial question here is whether you have units to build with.

If you can find building blocks that do have something to do with the life of the people, that have some relationship to representational need, then it seems to me, my view is that that would be the best way to do it.

So here is our proposal in light of that
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1 discussion. As NDC personnel have previously said
2 before the Commission, we think that we can develop a
3 grid-like map that relates to Arizona existing geography
4 and population. We think that we can get a map that is
5 in areal terms regular, and that we can assure that it
6 meets equal population criteria while also tapping into
7 the historical development of the state. That's our
8 belief. Let's move on, please.

9 We believe that townships are the units to
10 use. We have done a lot of work on Arizona townships
11 over the last couple of weeks. Leroy Hardy is now, I
12 believe, the world's greatest expert on Arizona
13 townships.

14 There are some problems with them. They
15 are not quite as comprehensive of the state's territory
16 as one would wish. But we believe that they are a
17 wonderful underlying grid for the development of your
18 equal population grid of districts for Arizona.

19 They have a starting point, the Gila and
20 Salt starting point. They are all readily mapped for
21 the state. Their locations are known. And there is
22 very little doubt about them.

23 Most people understand that a township is
24 composed of sections. But there is a difficulty. The
25 township is too small a unit for us to use in the

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development of a grid for the whole state. So we need
to aggregate these townships. We need a rule for
aggregating them.

And so we take a township, and we make it
into a township grid. It is a square. And since that
is still not a large enough unit for most areas of the
state, certainly large enough for this area of the
state, given it's population, but since for most of the
state those four townships are not sufficient, we then
need to develop a larger grid. We call that an
intermediate township grid. And in some areas of the
state we will probably have to use super townships.

Maybe not.

Now, we have gridded the state of Arizona,
and we have all of these little squares.

Ian, could you, perhaps, pull out from
behind that chair the map.

Thank you.

So you get a map, as a result of all of
this, that squares the state, covers it, with little
townships.

And so we've met or can meet --

Mr. Osterloh, I should note for the
record, is smiling --

MR. OSTERLOH: It's square.
DR. HESLOP: It meets the requirements.

They're square.

There's a problem. Those squares are not equal in population. But because we've got a good grid, because we've got a grid that is based on regular areas, it's no big trick to overlay Census geography on top of that grid.

You can use the Census geography not only to figure the population of your intermediate grids but also to adjust them. If they've gotten out of line with the patterns of life of the people, that Census tract boundary will typically, typically, not in all cases, but typically correct for it.

If steady boundaries, as has often been the case, have gotten away from the basic underlying structure of townships, that Census tract overlay corrects for that, too.

We think that we've got a double whammy here. We have the squareness that is part of the definition. We know that we can get it equalized in terms of the Census geography. And we believe --

The next slide, if you would.

-- we believe, and we'll be able to illustrate soon, that when you add a township and Census geography, you get an equal population grid of
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1 districts.

We can develop these townships, Census

tracts, according to systematic rules all across the
state. In fact, we're fairly well along with this. And
we believe that we can no later than 15 days from now,
probably sooner, if you approve this approach, that we
can return to the Commission with a grid and proofs of
how it was developed, the rules so that anyone out there
who wishes to check us can replicate that grid by
following exactly the same rules.

Now, that's our proposal. And I recognize
that there is a lot unsaid in this presentation. And I
would be happy, Mr. Chairman, members of the Commission,
to attempt to respond to questions. In fact, I'll even
suggest we put the light on.

CHAIRMAN LYNN: Thank you, Dr. Heslop.

Questions for Dr. Heslop on the
presentation.

Ms. Minkoff.

COMMISSIONER MINKOFF: I'm trying to get a
handle on what the grid would look like under this
proposal. I assume it's not going to be perfect squares
or correct angles. You have to equalize population.
Can you give me some idea of what the lines are going to
look like?
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1 DR. HESLOP: We have some problems in the
2 state. We have an area right here eligible for 17, 18
3 districts.

4 COMMISSIONER MINKOFF: Talking legislative
5 districts.

6 DR. HESLOP: Right. Obviously this is an
7 area that's going to be much -- the squares are going to
8 be much smaller. Moreover, this is an area with a lot
9 of Census geography. And these squares aren't going to
10 be very square in some of these areas by the time we're
11 finished overlaying Census tracts.

12 The underlying grid, squareness of that
13 will be a demonstrable relationship between those
14 squares and the districts you develop using Census
15 geography which will be very clear. There will be a
16 recordable step from the square to the districts.

17 COMMISSIONER MINKOFF: We will not see the
18 square. We'll see the district. With back-up
19 information we'll be able to demonstrate how it evolved
20 from a square.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: Are those boxes super
23 grids? Is that what they are?

24 DR. HESLOP: Intermediate grids, 16
25 townships.
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1 COMMISSIONER HALL: Show me a super grid.

2 DR. HESLOP: There isn't one on there. In

3 development of districts, I'm not sure we need to --

4 COMMISSIONER HALL: I understand.

5 DR. HESLOP: These are fairly big units.

6 A township is six miles wide, six miles long. So we're

7 dealing with fairly significant --

8 CHAIRMAN LYNN: Don't trip.

9 Other questions?

10 If not questions, comments, discussion?

11 Mr. Huntwork?

12 COMMISSIONER HUNTWORK: Well, the

13 interesting part of this idea, or any other idea, will

14 be the rules by which the squares are adjusted to

15 account for the details of the Census tracts. Do you go

16 north and then east and then south and then west and

17 then work with whatever is left over or do you go north?

18 Do you define a square and bring all the sides in? So

19 we don't know the next step. But the basic idea, as a

20 starting point, seems to fulfill the criteria.

21 CHAIRMAN LYNN: Mr. Hall?

22 COMMISSIONER HALL: Well, first of all, I

23 just want to thank NDC for reducing my level of

24 heartburn. Because, I mean -- I think it's very clear

25 that they put some thoughtful and detailed analysis into
this process. I think all of us, I speak for all of us when we felt some burden relative to this. And I think that this is certainly, you know, a very arbitrary yet fair and yet historical basis. And I like the approach. I deal with legal descriptions on a daily basis. It's the basis of transfer of property. It's the basis of what we're about. And I think it's fair and straightforward. I don't think they are -- one could say that there would be any agenda here.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: On that slide where you are going from the tract or the -- not the tract, but the township to the four townships, there was a sequence noted there, one, two, three, four --

DR. HESLOP: Yes.

COMMISSIONER ELDER: Was that the beginnings of a rule or --

DR. HESLOP: That's the sequence we'd follow all around the state going in that same way, left to right, right to left.

CHAIRMAN LYNN: Are there other rules that would follow to Mr. Huntwork's point earlier, as you overlay the Census block information, in order to achieve equal population? Can you envision or have you envisioned what other rules might be in play?
Dr. Heslop: You have very stern language in Proposition 106 as to population. The term is "as equal as is practicable." Now that's language that comes straight out of a line of Supreme Court decisions related to congressional districting and has to do with the fact that congressional districts are always made more equal than, for example, legislative or municipal districts. We have to have a rule that produces equal population, as equal as is practicable. And that is going to take us down to the lowest level of Census geography, is going to take us down to Census blocks. We are writing the rules for doing that.

Our proposal, Mr. Chairman, members of the Commission, would come before you with the rules so you can see where we come from. If you don't like the rules --

Chairman Lynn: I understand.

Mr. Elder.

Commissioner Elder: My question, the last part, about the timing, if we agree, within the 15 days type comment, my understanding, we are going to try to start the beginnings of our meetings about that same time frame, about 15 days.

Dr. Heslop: Absolutely.

Commissioner Elder: Is there any way of
sending out to the Commissioners an interim report of where we're at, provide directly to you or Mr. Ochoa input? I don't want to get down to the 15th day, find I don't like --

DR. HESLOP: We'd be delighted.

COMMISSIONER ELDER: -- and be going into a meeting tomorrow.

DR. HESLOP: Midpoint review, yes, on the right track, or get on another one, we can within a week.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I make a motion we as a Commission adopt this methodology for initiating the grid-like process.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second.

CHAIRMAN LYNN: It's been moved and seconded.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I agree with the spirit of it. I don't want to be completely committed to it if when see it applied and see what the rules are we don't like it. My intuition is it will work out fine. And I definitely believe we should focus on it and move forward as the next step.
CHAIRMAN LYNN: Further discussion?

I would hope that -- and again, if this doesn't fit, let me know. But if we were to meet, let's say, next week, end of next week, again, to Mr. Elder's time frame, would you be able to share with us at that time the subset of rules that seem to be in play as you make the adjustments for population?

DR. HESLOP: We would.

CHAIRMAN LYNN: Okay.

Further discussion on the motion?

Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, let me ask the motion. Is there any other time in the agenda, any other time in the agenda to ask coordination issues or do we need to do so under this discussion and there's no other avenue in the agenda?

CHAIRMAN LYNN: There's a motion on the floor we need to deal with. Once the motion is dispensed with, however it's dispensed with, we're still under discussion of methodology.

COMMISSIONER ELDER: I'd call the question.

CHAIRMAN LYNN: Anyone seeking recognition for a question?

The question has been called for. All in
favor of adopting the township, intermediate township,
super township methodology for developing our grid,
signify by saying "aye."

(Vote taken.)
CHAIRMAN LYNN: Chair votes "aye."

Opposed, signify "no."

Motion carried unanimously.

Dr. Heslop, we'd ask within a week, if you
would, it's the sense of Commission we'd like to hear
report at that time as to your progress and rules being
employed in making those determinations.

Mr. Elder.

COMMISSIONER ELDER: I'd like to ask the
question and see how we can facilitate this.

This morning we put in place a PIO and
outreach person. At that week interval, I would think
that we would, or before, anything that can be done, if
there's pieces of information, things we need to get in
place in terms of getting handouts ready or things to go
along with the Power Point presentation, meetings around
the state, have that, start that, getting something in
our hands, something they can respond to, come back,
maybe a precursor to some information citizen kits.

Can we integrate that in a parallel track
rather than waiting 15 days?
ATTACHMENT NUMBER 19 re:

AGENDA ITEM IX C. 7.

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Next item that I have is -- refers to
again to the aspect of equipment. I asked for
information as to how to go about doing the leasing of
the equipment. It seems as though in state they are
g人性 more to purchasing than leasing, don't like to
lease, don't like to lease on a short-term basis. It's
hard to find somebody that knows what they are doing
with it.

The short of it, there's a certain amount
of the procurement process, it's a difficult process,
can take time. For instance, with regard to a copier, I
wanted to address that directly. Maybe I can get
authorization to go ahead and obtain one. It can take,
according to this representative, she's taken anywhere
from six weeks, three months, to go through a leasing
process.

She did commit to provide a loaner for us
once we make a commitment, in essence, to purchase, and
then get a leasing agent through the state to lease the
copier and fax machine. It's a really roundabout
process. In either case, we would have the equipment.
She promised she could have it in our offices by Monday
or Tuesday of next week as soon as we can make a
commitment which one of the copiers we wanted to go for.

So as far as in terms of that, in terms of
Mr. Adler's request, I couldn't do it in a written form, I made projections in terms of and analysis in terms of copies we've been needing. The packages in front of you total 1,500 pieces paper, one meeting. Had two or three, we'll been having two or three or more meetings. I anticipate have anywhere between five and ten thousand copies made a month easily, if not more.

To that end, we can, you know, in the copier, IKON provided -- by the way, faxing is almost equivalent. Sometimes people ask for faxes to be sent. It's needed on a timely basis. Definitely won't be as much as copying, but still in the range of a number similar to that.

I think that we can do -- she told me we can go with a lower end model of copier, the RICOH 220 copier. And the basic model for the -- for the fax machine, the fax machine option of a Cannon, OKI data, and Panafax, OKI data seems to be the preferable model. Overall analysis, it costs less per copy, .06 per copy, others go up in costs, $500 more to buy the next higher model and $300 less to buy the lesser model. For that I would again recommending we go with OKI data 5400 and in terms of copier getting the basic one, basic model, RICOH 220, price 6,549.

Again, that is listed as a purchase price,
but what they do, again, that price is given to the
companies, three companies identified for lease come
back and give you a quote of what the leasing would be.

COMMISSIONER ELDER: I don't want to throw
a stick in the spokes to preclude getting these in the
time frame. If we purchase and then we surplus the
equipment to the State at the end of the Commission's
operative phase --

MR. OCHOA: Yes?

COMMISSIONER ELDER: Can we ask the State
at the time of surplusing to give any credit back to
the Commission?

MR. OCHOA: No. I talked to Bill
Hernandez who is in charge of that. No. When you
surplus it off, it's kind of like a donation to the
State to be used for another agency doing something for
taxpayers.

COMMISSIONER ELDER: The Commission will
be here 10 years. We'll go ahead and keep it.

COMMISSIONER MINKOFF: We'll give our
successors a 10-year-old copier that's never been used.
I have a question, am totally confused
here. RICOH is a copier.

MR. OCHOA: Yes.

COMMISSIONER MINKOFF: OKI data is a

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copier.

MR. OCHOA: Fax machine. Facsimile.

Okay.

COMMISSIONER HALL: Without objection, Mr. Chairman, can I make a recommendation, having opened two offices and been down this road? First of all, the 220 is not fast enough. 22 pages per minute is lethargic. We need 45 pages a minute for a copier, two kinds of trays, have eight and a half by 11 and eight and a half by 14, fed, make sure. OKI data is LED, not laser. Get a laser fax. We need to have the equipment. Tell him to get it.

CHAIRMAN LYNN: I agree with everything you say.

COMMISSIONER HALL: So moved.

COMMISSIONER ELDER: Second.

MR. OCHOA: Thank you.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: There is a motion to authorize Mr. Ochoa to get, acquire, the equipment however best we can do that through the state process to the specifications Mr. Hall indicated, moved and seconded.

Any discussion?

All in favor, say "aye."

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1 (Vote taken.)

2 CHAIRMAN LYNN: Opposed, signify "no."

3 Motion carried unanimously.

4 MR. OCHOA: I wanted to thank you.

5 The next sheets of paper you have here are

6 a copy sent to me yesterday by Scott Bales where they no

7 longer will be able to fax the 220 some pieces of paper

8 for public information to the press throughout the

9 state.

10 CHAIRMAN LYNN: Notifications of meetings.

11 MR. OCHOA: Getting equipment will at

12 least let us get the information out and keep the media

13 informed.

14 COMMISSIONER HALL: Can you, Mr. Ochoa,

15 can you and Tim get five laptops next week?

16 COMMISSIONER ELDER: Monday.

17 MR. OCHOA: The next point to address.

18 COMMISSIONER HALL: Before our next

19 meeting.

20 MR. OCHOA: The answer is --

21 COMMISSIONER HALL: Didn't we talk a

22 couple weeks ago?

23 MR. OCHOA: Yes. Two things.

24 Commissioner Lynn and Adler asked me to

25 contact NDC about the possibility of them obtaining the
ATTACHMENT NUMBER 20 re:

AGENDA ITEM IX C. 8.

MAY 18, 2001, TRANSCRIPT PAGES 169-172
EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 169

1  the open market.

2  CHAIRMAN LYNN: Ms. Hauser.

3  MS. HAUSER: Mr. Chairman, Mr. Elder, to

4  the extent that the consultants bid on providing,

5  included that within their response on the scope of

6  work, then they can go ahead and do that. What I was

7  speaking to previously was individual Commission members

8  purchasing, which is what I strongly discourage.

9  CHAIRMAN LYNN: We take your point.

10  COMMISSIONER HALL: Mr. Heslop, can you

11  give us --

12  DR. HESLOP: The reason Florence hasn't

13  responded is we wanted a legal opinion on this.

14  COMMISSIONER ELDER: I'm sorry.

15  DR. HESLOP: We were told that we might be

16  violating the State procurement process if we were to

17  act in this way. We did not include hardware in our

18  proposal.

19  CHAIRMAN LYNN: You did not. EDS did.

20  DR. HESLOP: Right.

21  We would not be reverting to a formal

22  proposal.

23  I need to take this opportunity to say you

24  not only need laptops, but you must have at least two, I

25  would think preferably three, projectors.
EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 170

1 CHAIRMAN LYNN: On the list.

2 COMMISSIONER ELDER: Mr. Johnson, can you
do that?

3 MR. JOHNSON: Projectors, under your
contract, put an addendum to it.

4 MR. JOHNSON: I think under the original
IGA we can do that.

5 COMMISSIONER HALL: Can we authorize Dan
to hammer out the details with them, an addendum to the
contract.

6 CHAIRMAN LYNN: Absolutely. Did that last
time.

7 COMMISSIONER ELDER: Lisa is correct. The
motion did not include projectors. There was discussion
as to whether 700 watt or 3,000 what watt, which was
needed, how many. We didn't finalize that.

8 If I understand correctly, correct me if
I'm wrong, counsel or whomever, we can say to Tim: Go
order them, right?

9 CHAIRMAN LYNN: Yes.

10 COMMISSIONER ELDER: At our preference.

11 COMMISSIONER HALL: As part of his
contract, right?

12 CHAIRMAN LYNN: Yes.

13 COMMISSIONER HALL: And we're going to pay

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the county, right?

CHAIRMAN LYNN: Yes.

COMMISSIONER ELDER: My only concern --
Okay. Right, right.

When I talked with Mr. Johnson on the
phone Wednesday, five to seven working days, that's not
Monday or Tuesday. So if we can go another two weeks
without equipment, that's fine.

CHAIRMAN LYNN: Maybe we can get the order
placed yet today, if we get out of here before 5:00, so
it gets in next week anyway.

COMMISSIONER ELDER: Okay.

COMMISSIONER HALL: Okay.

CHAIRMAN LYNN: We need a motion for
projectors.

COMMISSIONER HALL: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Three. Talking three?

COMMISSIONER HALL: Three projectors.

What grade? What illumination?

COMMISSIONER ELDER: What was your
projector?

DR. HESLOP: A clunker.

You want, moving rapidly across the state,
a small Toshiba. We have a $4,800 Toshiba projector, no
EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 172

1 heavier than a laptop. Given the schedule, something
2 like that.

3 CHAIRMAN LYNN: How many lumens?
4 MR. OSTERLOH: I have a portable one,
5 Sharp, 1,000 lumens.
6
7 CHAIRMAN LYNN: Sharp?
8 MR. OSTERLOH: 1,000 lumens.
9
10 CHAIRMAN LYNN: One like this. Project
11 all the way to the back?
12
13 MR. OSTERLOH: Yeah.
14
15 CHAIRMAN LYNN: How about three
16 projectors, minimum 1,000 lumens.
17
18 COMMISSIONER ELDER: I'll second that
19 motion.
20
21 COMMISSIONER HALL: A chart or something,
22 figure out what you need.
23
24 COMMISSIONER HALL: Use your discretion,
25 Tim. So moved.
26
27 CHAIRMAN LYNN: All those in favor, say
28 "aye."
29
30 (Vote taken.)
31
32 CHAIRMAN LYNN: Opposed, "no."
33
34 Motion carries.
35
36 Anything more under your report?
37
38 MR. OCHOA: Yes. I'd say in addition to

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AGENDA ITEM IX C. 9.

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EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 173

Chairman Lynn: No. We clearly intended for office equipment to be secured one way or other.

Commissioner Hall: We have desktops.

Mr. Ochoa: Yes.

Commissioner Hall: Just did laptops?

Mr. Ochoa: Yes.

Chairman Lynn: Fax, copier?

Commissioner Hall: What about the server, Tim?

Mr. Johnson: Mr. Chairman, Commissioner, we'll use a PC file server, a central place.

Commissioner Hall: LAN on Windows NT or something?

Commissioner Elder: I think the only other question we had where there's a long lead time on procurement, I believe Maricopa County has the potential in the interim, would be any sort of plotting device, large format, for whatever iteration on the wall, which also is available on the open market, take the disk, go plot it at whatever the local reproduction place is. We
don't need that many. We're not planning on sending roll after roll of drawings. My sense on that, we may not want in-house capability of plotting. I think to acquire that, whether it has to go through the State, permission to go out to some reproduction company, get color plots, but I think after we go through the next iteration maybe --

CHAIRMAN LYNN: I'm sure they have a contract with somebody to do that service.

COMMISSIONER HALL: Does your company have a plotter?

COMMISSIONER ELDER: Yeah. I'll put it on my back, haul it up.

CHAIRMAN LYNN: Mr. Johnson.

COMMISSIONER ELDER: In that case, do that, get those things up, and get that gallery started in the offices.

CHAIRMAN LYNN: Mr. Johnson?

MR. JOHNSON: Chairman Lynn, Commissioner Elder, the memo from the County, we have a 36-inch plotter available. It's older, not very fast.

CHAIRMAN LYNN: Like us, older, not very fast. We'll take it.

COMMISSIONER ELDER: In case somebody came in, wanted their area.
EXCERPT FROM MAY 18, 2001, TRANSCRIPT, PAGE: 175

1 CHAIRMAN LYNN: Need anything else,

2 Mr. Ochoa?

3 COMMISSIONER HALL: So moved on the list,

4 office equipment.

5 CHAIRMAN LYNN: Office equipment,

6 remainder of the list?

7 COMMISSIONER HALL: Right.

8 COMMISSIONER ELDER: Second.

9 CHAIRMAN LYNN: Those in favor, say "aye."

10 (Vote taken.)

11 CHAIRMAN LYNN: Opposed, "no."

12 Motion carries.

13 CHAIRMAN LYNN: Future hearings.

14 We already heard NDC is prepared to come

15 back for an interim meeting in a week. The question is

16 whether we can schedule for a week from today.

17 COMMISSIONER MINKOFF: A week from

18 yesterday would work out much better for me than it

19 would other people. If Friday, I have to leave early.

20 CHAIRMAN LYNN: How early?

21 COMMISSIONER MINKOFF: 2:00.

22 CHAIRMAN LYNN: I can't imagine as lengthy

23 a meeting next week as this week. Let's start at 9:00,

24 if that's possible, and we should be finished by 1:00,

25 easily, next week.
ATTACHMENT NUMBER 22 re:

AGENDA ITEM IX C. 10.

MAY 18, 2001, TRANSCRIPT PAGES 182
the meeting is over. I actually have to get to my office. I am there today.

CHAIRMAN LYNN: I appreciate that. Thank you for stopping by to help us with that.

Without objection, last item, C under item IX, staff responsibilities with Executive Director.

We will, at the request of the Executive Director, do this in Executive Session. It requires a vote under A.R.S. 38-431.03(A)(1).

COMMISSIONER ELDER: I make that.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: After Executive Session, that will conclude the day.

Ladies and gentlemen, we're finished with the public portion of our meeting.

Thank you, ladies and gentlemen.

Thank you, Dr. Heslop.

(REcess taken.)

(Whereupon, at 3:10 p.m., the Commission recessed Open Public Session and convened in Executive Session.)

(REcess taken.)

(Whereupon, at approximately 5:01 p.m., the Executive Session concluded and the Commission reconvened in Open Public Session at approximately

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ATTACHMENT NUMBER 23 re:

AGENDA ITEM IX D. 1.

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that. I can discuss that with you during the break, if
you didn't get a copy.

You all got it?

COMMISSIONER ELDER: Yes.

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: At this point, we'll defer
approval. Mr. Hall hasn't even seen the minutes. I
want to give him an opportunity to review them for
technical corrections to be made. We had this at the
last meeting, the approval process. We'll carry it
forward with the future agenda.

Item four, possible decision to schedule
locations for the first round of public meetings,
citizen kits, update on the process of grid overlay as
required by the proposition.

Dr. Adams.

DR. ADAMS: Mr. Chairman, Members of the
Commission, you have a memo from National Demographics.
You'll find it all stapled together. You'll find a memo
dated May 8. It says "recommendations for outreach."
You'll see on the front of the material you were handed
this morning a citizen kit citizen input form. Skip
past that and get to the other memo.

MR. RIVERA: Placed in front of you this
morning.
EXEMPLARY FROM MAY 10, 2001, TRANSCRIPT, PAGE: 13

1 COMMISSIONER ELDER: I have two. One
2 was May 10th. One was the 7th.
3
4 COMMISSIONER MINKOFF: You don't have this
5 one?

6 MR. RIVERA: I put them on your seat this
7 morning.

8 COMMISSIONER MINKOFF: You do.

9 DR. ADAMS: Citizen kits, citizen input
10 form. Skip those and go to the memo that says
11 "recommendations for outreach." In this memo we talk
12 about our basic recommendations for outreach.
13
14 We have talked with the IRC attorneys
15 about locations. And I think it's fairly
16 self-explanatory. Let me run through it fairly quickly.
17
18 As you'll recall, NDC in its initial
19 proposal recommended doubling the number of meetings
20 called for in the request for proposal.
21
22 Last meeting there was considerable
23 discussion about going well beyond that in the number of
24 meetings. In fact, it recommended we go at least to 11
25 meetings, possibly 12. In discussions this past week,
26 we've talked about going to as many as 16 meetings.
27
28 This is something the Commission needs to consider this
29 morning.

We also in this memo outline suggestions

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for some of the specifics of additional outreach methods.

We determined at the last meeting that the public hearings would have a dual outreach function, be geographical but also be proactive in outreach to interact with communities of outreach as you identify them.

We certainly heard from communities of interest, a couple communities of interest this morning. It's important to take note of that.

We, to do this, would generally publicize meetings to a geographical audience, identify, send specific letters to including minority organizations, cities and towns.

We have the 21 American Indian communities, cities, counties, special districts we've mentioned specifically in the memo to target, and there may be others as we go along and develop a comprehensive list.

We do need to develop comprehensive lists for these groups within each of the 16 meeting areas.

There will be some overlap. I think that's fine. And we also have a draft letter. And I don't believe that was included at this time. But we prepared a draft letter that is being reviewed by the

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EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 15

attorneys that can be sent to special districts, cities, counties, independent communities, and so on.

So then we get down to a first round of public hearings as proposed at the May 4th Commission meeting and modified conference call, couple conference calls about the sites.

We're talking about conducting meetings the weeks of May 21st, 29th, June 4th, June 11th.

That's longer than the schedule we talked about, has to do with the fact we're trying to make up some time.

What we have lost is a couple weeks in which we hoped to conduct meetings.

I think it would work out quite satisfactorily and discussed with the attorneys if we finished the process by the 15th of June, we could still have the plans out to the public by July 9th. That's our aim.

You then see the meetings listed, as you see, looking at four meeting sites in Maricopa County, two in Tucson, and we would definitely like some guidance on where those Tucson meetings should be held, TBD, to be decided. We do have Casa Grande listed, Yuma, Nogales, Sierra Vista, Safford, which would cover ranch and mining communities, Prescott, Lake Havasu City, Flagstaff, Show Low, and Window Rock, covering the

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Navajo and New Mexico border. The listing misses La Paz, Gila, Greenlee. They're in close proximity to other meeting sites and I think are covered satisfactorily by other sites.

We are developing materials for meetings we'll get into.

I think probably you may want to stop at this point to discuss those sites.

MR. RIVERA: Mr. Chairman, if you want to, Ms. Hauser and I are prepared to tell you how we reached -- why we decided on these cities.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: If you look at the terms, blocks, northern block, geographical, other considerations, Window Rock, capital of the Navajo Nation, the largest Native American population in the state, probably one of the places you have to do just because of the influence they have.

Went to Show Low rather than Snowflake, St. Johns, for a number reasons. There is larger grid population around Show Low. Pick up Fort Apache, in close proximity. That's why Show Low.

Flagstaff is picked up where you pick up the Hopi, closest place for Hopi. We already talked to the Hopi. They're agreeable to it. It's the largest
EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 17

1 city up here in the north. Havasupai can get there
2 fairly quickly, Tuba City, all those locations come into
3 Flagstaff.

4 Yavapai, Prescott, because of the growth
5 that has gone on in Prescott Valley with Sedona going so
6 high, Cottonwood, plus the fact you picked up the
7 Yavapai Prescott tribe and Camp Verde.

8 We realize Prescott, Prescott to Phoenix, population, that's significant.
9 And Lake Havasu rather than Kingman, the
10 way we determined that is growth in Mohave County has
11 gone along the river than down here, more population
12 based around Lake Havasu, Bullhead City, pick up Mohave,
13 Fort Mohave.
14 Yuma, growth of Yuma has been tremendous.
15 There's no place anywhere close besides Yuma to pick up
16 the southwestern part of Yuma.

18 MS. HAUSER: Also have Indian tribes.
19 MR. RIVERA: Cocopah, Fort Yuma.
20 MR. RIVERA: Four meetings in Phoenix
21 scattered around four different locations, exact
22 locations to be determined later.
23 Same thing, Casa Grande, between Phoenix
24 and Tucson, a hot topic, interested in getting some
25 comments.

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EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 18

1 Tucson, two meetings. Again, the second
2 largest population. Pascua Yaqui and Tohono O'odham,
3 all three near Tuscon.
4
5 Nogales, 60 miles from Tucson, largest
6 concentration of Hispanics in southern Arizona in terms
7 of the city. Always real active.
8
9 If you remember last, 1990, big issues in
10 addition to Casa Grande, splitting up Santa Cruz caused
11 controversy.
12
13 Come down to Nogales, Sierra Vista, put
14 Sierra Vista rather than Douglas, Bisbee, larger
15 population base than Douglas or Bisbee. It has a
16 significant amount of growth, probably is the largest
17 city in there. If went to Douglas, thought it would
18 take a lot of people out of the loop.
19
20 Safford, went to Safford, ranching
21 community, Globe, easier to travel to here than Show
22 Low, and really want to pick up the southeastern part of
23 the state and get rural communities.
24
25 MS. HAUSER: Mining communities, here,
26 that's pretty close. Globe can go either way, likely
27 Phoenix locations, Maricopa locations, Apache Junction.
28 Those people, Globe can go to either location.
29
30 MR. RIVERA: Grouped for different areas.
31
32 Thought it was the easiest to get outreach to Phoenix or
33
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Tucson, areas we looked at first because we could get to quickly, get outreach up in the north and south because starting to get out rural as Mr. Ochoa gets staff moving. That is the reason.

MS. HAUSER: It's good, not only hitting, make sure locations are close to Indian tribes, population centers, ranching, mining, farming interests I think it pretty well covers the state.

CHAIRMAN LYNN: Questions?

Ms. Minkoff.

COMMISSIONER MINKOFF: Both public comment section, our discussion, we talked about the need to dialogue with Indian tribes. Mr. Lore mentioned there are various communities interested in talking to us. We have to identify who those are.

I wondered if there was a way during public meetings to at some point compartmentalize them so we can meet individually with specific communities of interest that want to talk to us rather than just the larger meeting format?

MR. RIVERA: If you look at the protocol, next item on the agenda, we talk about that.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Is it something, Mr. Rivera, have a two-hour general meeting, either
before or after, and sign up or request for 15 minutes
or 10 or 15 consultations?

MR. RIVERA: Regular meetings and meetings
after that?

COMMISSIONER ELDER: Is that acceptable,
have a meeting and meetings after that?

DR. ADAMS: That's a slightly different
issue than we've been addressing in the protocol. If in
the area and some areas are a bit remote from
population, main population centers, it seems reasonable
to allow enough time for specific groups to meet with
the team that's going to be there, a Commissioner,
attorney, NDC staff that's going to be there. It's
reasonable either prior to the meeting or after the
meeting to allow for groups to speak individually. But
I also think it important they come and be part of
that -- part of the meeting and involved in the meeting
process itself.

MS. HAUSER: Mr. Chairman, one of the
reasons the meeting schedule is not quite as condensed
as before is to allow some extra time for extra
locations.

MR. RIVERA: The only thing I'd caution
about locations, we don't want to go overboard with
private meetings and public meetings. There's a

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perception people listen more closely to private meetings than to a public meeting.

CHAIRMAN LYNN: We should have an additional discussion about that issue. Clearly each Commissioner has been approached by one or more groups or individuals who wish to have one-on-one meetings. I think we ought to discuss that more fully, not right at this moment.

MR. RIVERA: Mr. Chairman, Commissioner Elder, they really are two different issues. If I understand Commissioner Elder's comment, private meetings in addition to locations.

COMMISSIONER ELDER: At the same time.

MR. RIVERA: Different than if someone approaches.

CHAIRMAN LYNN: One of the alternatives, when someone approaches, we may be in the area May 26, can we get together then. One feeds the other. That's all I'm suggesting. You bring about the point of perception, who is able to meet with the Commission privately versus a public setting. We need to understand how that plays.

Mr. Elder.

COMMISSIONER ELDER: Maybe this is a question for NDC.
In the format of the meetings, one of the things I get concerned about at times, you can get a very vocal group, they take over the meeting. Make sure they don't take over -- to have a map, come up with a good example, Black Canyon City, population 500, they'd really like to be addressed in the way they work as a community of interest, for one reason or another, and not be grouped in with north Phoenix, take over the meeting.

I'm trying to figure out a way to make sure all voices get heard. Maybe -- I don't know how you do it. Is there a process or way of accomplishing that without separate meetings?

DR. ADAMS: I think it's important to set a time limit so someone cannot dominate, just as you often set time limits on council meetings. Make a 10-minute presentation, 15-minute presentation. Set that out ahead of time.

Also, you may want to entertain comments at the end of your meeting today. If a couple of people who have spoke now at the beginning of the meeting how they feel about speaking in public meeting as opposed to a private meeting, would they be satisfied with making a presentation at that meeting for the general public to hear and having the number of meetings we have, is that

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going to be satisfactory, is that going to cover it, so
they feel they're having an opportunity to be heard or
do they still feel the need for a number of private
meetings.

COMMISSIONER ELDER: To that end, my
preference would be to try to have them all in a meeting
where we said you've got five minutes, or 10, whatever
it turns out, depending on how many would like to speak
in presentations, community, community of interest,
whatever it might be. The reason for that is in my
opinion other people in that meeting start to get a
context of all the pushing and pulling that the
Commission is going to be going through and say well, I
understand now why the line got moved a little bit,
because there's a whole bunch of other issues we weren't
privy to in private meetings. I'd like to have them
where they're within the format of public meetings, if
we at all can.

COMMISSIONER MINKOFF: I'd just like to --

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'd like to echo

that and add to it.

I think one of the reasons for Prop 106
initially is because people felt redistricting was done
behind closed doors and a few people were making

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decisions for the entire state. I think the more we can
do in an open meeting, the more public confidence there
will be in the finished product.

As much as possible, yes, we want to
listen to anybody who wants to talk to us. As much as
we can, I would prefer to let anybody else who wants to
listen to what they have to say listen to what they have
to say so they understand all the input we're getting
and all the information we're processing to come up with
the product for final public comment.

COMMISSIONER HALL: Are all meetings
public noticed and whomever can attend can attend,
right?

MS. HAUSER: Yes.

COMMISSIONER HALL: It's my feeling, I
think we ought to -- this is a great idea. But whomever
wants to contact us, whomever wants to contact us in
whatever form to provide input should provide it. I
have concern of us trying to restrict. I understand we
don't want to give more weight to one voice than another
voice. I understand some of those concerns. But I
hesitate for us to be too restrictive in the amount of
time we put. If everybody in the room wants to talk to
me, I want to allow it. If my time allows it and they
can do it, great. I think that's the intent of what

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we're trying to do here. It's impossible to try to
anticipate the public meetings, someone pull apart
separate groups, separate. We should be as
accommodating as possible to whomever we can.

CHAIRMAN LYNCH: Another issue here with
respect to how and how much input we take, I also would
like to err on the side of hearing from anyone who
wishes to talk to us. I do think we'd like to encourage
people to submit written comments as much as possible
insofar as we're going to have to limit public comment
speaking time at the meetings.

What we don't want to do is limit someone
giving detailed or complete statement issues we're with.
That has to be part of the outreach process, let people
know we're not only having a meeting in one area, not
only will we set up shop in one community, have a public
input session, at that session, any other time we
receive written comments through the website or any of
the mail available, e-mail, snail mail, whatever, that
will be considered.

We'll take that input. It will be
reviewed. We'll maximize the ability of people to
comment to us within the process, outside the process,
during the process, by the process, at the start of
hearings to end of hearings. The point, we need to move
to the next phase of development, whatever comment has come in, has been received, whatever consideration it should have.

A couple other quick questions. Clearly this is designed so these 16 meetings need to be staffed, number one, the issue on both the Commission side and consultant side on staffing, not in the original contract. I expect NDC to submit a supplemental proposal, if that's required, to staff this many meetings.

DR. ADAMS: We have that.

CHAIRMAN LYNN: Fine.

The second issue is Commissioner coverage of those meetings. While -- first of all, we're in agreement these are not official Commission meetings in the sense a quorum should not necessarily be present at these meetings. In fact --

A question or comment?

MS. HAUSER: Mr. Chairman, because we're going to publicly notice each of the meetings, notice --

CHAIRMAN LYNN: Could be a quorum.

MS. HAUSER: Absolutely any number could show up.

CHAIRMAN LYNN: I want to sure, a quorum may not be present. 16 meetings, over a short period
time, as many will make as many as we can; therefore,
even if one member present, that meeting has no less
weight than if all five were present. That's an
important distinction to make. Each Commissioner will
get the procedure in writing if no other way.

Other questions about -- stick just to the
calendar for a moment and approach to outreach before we
move to more detailed discussion of the kits and things
we'll utilize in the process.

Mr. Hall?

COMMISSIONER HALL: I think we need to see
if we're all in agreement with respect to locations and
handle this in a piecemeal fashion. Would you agree?

Therefore, I make a motion we accept the locations as
identified pursuant to this memo for the public outreach
meetings.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion?

Any discussion either from the Commission
or staff regarding this list? Obviously legal staff has
been involved in development of the list and I think
feels comfortable with the number and location and
choices for the process.

May we assume, I want to be clear about

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it, having established these 16 outreach opportunities,
that they would be replicated at the point at which maps
were circulated or not necessarily? I think that's an
important distinction to perhaps make, just in terms of
public expectation. In other words, another opportunity
to comment on maps.

Have you made a recommendation or gotten
to a place you are recommending the same kind of list
for that part of the process as well?

DR. ADAMS: That would be my assumption,
that we would use the same list, once the plans are
circulated, Mr. Chairman, members of the Commission. I
think it would be important to go back to those same
areas.

CHAIRMAN LYNN: So in terms of --

DR. ADAMS: Have the plans circulate in
the areas when open for the 30-day public comment.

CHAIRMAN LYNN: The question is develop
information for the public to let them know that this
procedure establishes 16 meetings at various locations
around the state for input which later would be followed
by meetings in the same locations, not necessarily the
same facility, same schedule, if you will, of locations,
for input on maps. And that's really my question.

MR. RIVERA: The only --

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1 CHAIRMAN LYNN: Mr. Rivera.

2 MR. RIVERA: Dr. Adams, Mr. Chairman, the
3 only caveat I'd add to that, depending on how maps come
4 out, there may be an area we didn't pick up on at first
5 we may want to drop or add, leave that option available.
6 I think we're pretty well covered.
7 CHAIRMAN LYNN: Okay.
8 Any further discussion? Any input from
9 staff on the list?
10 Mr. Ochoa, I hope you haven't made any
11 plans for the summer, either during the week or
12 weekends.
13 MR. OCHOA: I have not.
14 CHAIRMAN LYNN: One last question. May I
15 also presume most if not all of the meetings would be
16 conducted in the evening hours?
17 DR. ADAMS: That is my understanding,
18 Mr. Chairman. We discussed having the meetings begin at
19 7:00 in the evening.
20 CHAIRMAN LYNN: Most people, the input
21 I've heard, clearly we want these to be accessible. And
22 again, many people work odd hours. Most people are
23 still working during the day. I want to be clear that
24 this process is multifaceted. We're just talking about
25 these being face-to-face meetings. There are other
opportunities for people to provide input, the website
and other methods.

COMMISSIONER ELDER: The only quizzical
look I had on my face, or reason for it, some of the
outlying communities, especially Sierra Vista, Safford,
and like that, it may be appropriate to think about or
at least polling, maybe it's the city and town people,
is it better to, say, start at 6:00 so they can grab
something at the local restaurant, make the meeting on
their way back out to the ranch, farm, something like
that, as opposed to a two-hour gap, three-hour gap at
the end of the day and meeting at 7:00 and traveling
through mountains or whatever til 11:00, 12:00 o'clock
at night?

I don't know. Joshua, do you have any, in
your area, up in the mountains, 6:00 o'clock end of the
work day as opposed to -- or give more people in the
outlying areas time to get in at 7:00.

CHAIRMAN LYNN: I'm not sure we have to
get to that level of detail. We're flexible in terms of
working with local communities. I'd think, for example,
Show Low people commute in and out of, regularly,
outlying communities. It's reasonable to ask what would
work best for them.

Does that square with your experience?

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COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Any further discussion on the motion?

If not, all those in favor signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Motion carries.

We now have the makings of a schedule.

These have not been scheduled, but the dates, at least in terms of the weeks covered by the outreach meetings, are identified.

I think what we need to do at this point is direct staff.

For the sake of discussion from this point forward, when I say "staff," let me have that be inclusive of consultants as well acting as staff to the Commission, have staff meet perhaps with local officials.

My suggestion might be immediately to take the Arizona League of Cities and Towns up on their offer to be of assistance, either that, or the Association of Counties offered to be of assistance, either/or both, and to identify specific locations and specific dates for these and make locations and dates available to the

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result of that, what I did, to safeguard being able to continue the meeting, I also scheduled the Secretary of State's conference room on the seventh floor of this building. I just wanted to share with you because I don't want it to be a surprise if people come in or if we do take a break and meet up there. It would accommodate the people here, anyway.

CHAIRMAN LYNN: What I'm hearing, without objection, then, is we'll work through lunch and intercept people if there's an internal meeting -- If this is a publicly noticed meeting, we have to be here.

MR. OCHOA: It's the Secretary of State --

CHAIRMAN LYNN: Internal?

MR. OCHOA: Yes.

CHAIRMAN LYNN: They could use the seventh floor.

We may work through lunch, take a short break when Lisa needs a short break, but move on.

Let's move down the agenda, then.

Discussion and possible decision on additional voting history data requirements.

The Commission at this point may vote to receive legal advice in Executive Session from counsel on this issue.
What is your pleasure?

COMMISSIONER HUNTWORK: Mr. Chairman, I'd like to ask counsel what they feel, whether there will be matters -- likely to be matters discussed that require executive discussion.

MR. RIVERA: No.

CHAIRMAN LYNN: May we hear from legal counsel on this issue?

I believe this issue was carried over from last week.

MS. HAUSER: Yes, it was.

This item was put on the agenda obviously a couple days ago just out of an abundance of caution. Essentially what transpired, counsel met with NDC and we reviewed all of the additional data that has been set forth in the offers from other contractors that the Commission has decided to use, EDS, Sissons, and we know what Maricopa County can provide.

The Commission together with NDC identified what we have already, what we will receive from Legislative counsel, what NDC will be providing, and we know what the gaps are. We've identified data, if you remember, from earlier meetings.

Commissioners had a lot of questions about do we really need this that or the other thing. We
identified things we need and don't have a source for at
the moment and identified as many of the people you
agreed to contract with as possible who can provide that
data.

I suggest at this point that -- and this
particular set of this information went to yourself and
Mr. Elder was the subcommittee designated to deal with
EDS and Mr. Sissons. It may be appropriate at this
point to simply wrap item six on the agenda into item
seven so you can move forward perhaps to acquire that
additional data.

CHAIRMAN LYNN: I think to that point,
Ms. Hauser, I should report to the Commission and
Mr. Elder we're now in receipt of and I'm sharing, for
information purposes, a memo received this morning
outlining the very information Ms. Hauser spoke of. The
intention at this point is since we now know the pieces
of the puzzle that need to be acquired from one source
or another, Mr. Elder and I receive discussions from the
remaining consultants that remain qualified, EDS, RAS,
and receive the remaining pieces of data from vendors in
the most expeditious, judicious fashion. You've given
us that responsibility to carry that out. We're not at
best and final, haven't redefined what each vender will
provide.

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1 Based on that, we'll get best offers in.
2 We understand from consultants timing is
3 of essence and some material must be -- some material
4 must be corrected and begun to be worked on that is now
5 ready for us. At the point in the process where we
6 finish the first round of public hearings and continue
7 to create draft maps, we need that available.
8 Ms. Minkoff.
9 COMMISSIONER MINKOFF: Mr. Chairman, I'm
10 only too happy to allow you and Commissioner Elder to
11 proceed to make these determinations. However, I would
12 like to have either a copy of this memo or some later
13 version that summarizes all of the data that we're going
14 to be getting and whose going to be providing it.
15 CHAIRMAN LYNN: I'm delighted to provide
16 it. I think most helpful is the later version with the
17 complete puzzle.
18 Any further discussion?
19 Mr. Huntwork.
20 COMMISSIONER HUNTWORK: You are getting
21 information together for resolution to be adopted by the
22 Commission?
23 CHAIRMAN LYNN: My understanding is we
24 have authority to contract. If I'm mistaken. . .
25 COMMISSIONER HUNTWORK: My memory is the

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1  authority was for Maricopa County.
2
3  MS. HAUSER: I believe two meetings ago
4  that was correct. There was question about it last
5  meeting and authority was specifically extended to
6  working out EDS and Sissons, at the last meeting.
7  COMMISSIONER HUNTWORK: If that is --
8  that's not my recollection.
9  CHAIRMAN LYNN: It might have happened
10  after you left us.
11  COMMISSIONER MINKOFF: Could we have a
12  motion to do it at this meeting and --
13  COMMISSIONER HALL: So moved.
14  COMMISSIONER MINKOFF: I'd like to move
15  Chairman Lynn and Commissioner Elder be given further
16  authority to negotiate contracts with EDS and RAS for
17  providing data to the Commission.
18  COMMISSIONER HALL: Second.
19  CHAIRMAN LYNN: Discussion?
20  CHAIRMAN LYNN: All those in favor say
21  "aye."
22
23  (Vote taken.)
24  CHAIRMAN LYNN: Opposed, no.
25  Motion carries.
26  We are at the point where if we wanted to
27  take a break to get some food, it might be a good idea

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AGENDA ITEM IX D. 3.

MAY 10, 2001, TRANSCRIPT PAGES 112-122
MR. ELDER: Did they come back that way?

MR. OCHOA: Yes.

COMMISSIONER HUNTWORK: The position of community outreach coordinator, director, or whatever we call it, my observation is I feel that's one that goes to the heart of what we do. The rest is administrative, and so on. That's as close to the substance of what we do as possible. The grade given to that in no way reflects that. I want a grade level that allows us to attract the most qualified person in the State of Arizona.

MR. OCHOA: I understand.

Commissioner Huntwork, I wanted to get it to amounts discussed previously. What they indicated to me is that the outreach community relation type positions in state government are not classified that highly.

We were -- I asked any for classification to go to the high end.

Because of the work they do in state government, if you wanted another position titled something different, it's another process yet within the classification of the system, within the structure, different things --

COMMISSIONER HUNTWORK: I understand the
bureaucratic answer. This is quite different. I don't understand how many state agencies really are in the business of community outreach to the extent we are. So I really don't accept that answer.

I would like to go back and try that one again.

MR. OCHOA: Okay. I will do so.

What I will do is, and in the interim I will discuss with you and other Commissioners to try to put other responsibilities or other things that would be -- I think they see this position more as a coordinating position, don't see it as high level.

COMMISSIONER HUNTWORK: Director.

CHAIRMAN LYNN: Assistant executive director for outreach. Let's be creative.

COMMISSIONER ELDER: What classification is the Governor's press secretary?

MR. OCHOA: Goes from grade 17 to grade 24.

COMMISSIONER ELDER: Gets to about the range we talked about last time.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Enrique, do you know what other agencies you looked at in that regard?

If looking at agencies doing community outreach not at

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an executive level, like from the standpoint like DES or
DHS, that's not getting to the right place. You have to
use as a comparable an agency that is, you know,
extremely politically sensitive and also -- probably a
lot of different factors put in to try to get it bumped
up.

Mr. Lynn had a good suggestion with
respect to making it in part a managerial position.
That may help as well, combine those duties.

MR. OCHOA: That may be the case.

What I will -- okay. Let me see if I
understand correctly. It's easy to negotiate if you
know you have a set amount you can talk about. It's
harder to negotiate when you don't know what the top end
is going to be. So if we're talking expediency and
there is a sense of acceptability, maybe we can
reclassify or up that afterwards, that way get somebody
on board a little quicker, if that's an acceptable
alternative. That's what I offer at this time, while at
the same time maybe a different classification to up the
salary range.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: It seemed to me last
week when Ms. Osborne was here, she had offered to
either go and use her skills from her past life at the

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upstairs seventh floor to develop that identification or classification. And I believe Lisa Hauser also said she had some experience in that.

Would it be appropriate or helpful to take that course if Enrique has already met with a dead end, instead of go beating on the door, they say: Go away. Enlist that assistance, go with and/or do individually?

MR. OCHOA: Mr. Elder, just to comment, Karen Osborne and I were involved in a lot of this process, particularly with that position; also recommended some people for the PIO position, working together, talked on the phone two times, met together two times, met two times for lunch. She made calls clarifying some so I could provide some answers you had been asking for.

CHAIRMAN LYNN: Comments or questions for Mr. Ochoa.

All right. Thank you, Mr. Ochoa.

MR. OCHOA: Mr. Lynn, can I ask a couple questions? Would you like me then to proceed in terms of going and setting up an interview for the position, PIO position, outreach position, if I had authority to hire, and so forth? If I can get direction, clarification, I'd greatly appreciate it.
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CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: My preference
would be to get recommendations. I feel these two
positions will represent me, and that is all of us
collectively, directly to the public. I'd like to have
input on the final decision of who these people are.

MR. OCHOA: To speed up the process,
Mr. Chairman, maybe I suggest Mr. Huntwork, Ms. Minkoff,
whoever you want, set up a mini process, do it -- I'm
sure we can process two, three people in an hour, get a
visual and understanding of the work we can do and
narrow down the public relations individual or outreach
and also public information officer.

CHAIRMAN LYNN: It's a several-step
process.

The difficulty, the quality for the
person, job you put out there, if it doesn't have
sufficient salary attached to it, the pool will not
reflect the quality I think Mr. Huntwork and I'm looking
for in that person.

It's a two-step process. Let's get the
job classification up to the level it needs to be and
then attack --

MR. OCHOA: Okay.

CHAIRMAN LYNN: -- people to fill it.

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MR. OCHOA: If it is not possible to move that classification as such, on the outreach basis, I tried, honestly tried, then we're back to square one. What I suggest, Lisa mentioned, negotiate at this particular time and work to reclassify higher, reup the person, reclassify. Otherwise we have to wait. CHAIRMAN LYNN: If somebody is prepared to accept that scenario, may work for us. I'm just not sure they are not going to bet they'll get the salary they'll hope they'll get since there'll be no assurance we can do it.

MS. HAUSER: Mr. Chairman, I'm not certain that you are actually going to be publicizing these positions in a way that you would be doing in a lot of other situations where you had more time to work with where that particular concern is going to be a problem. To my understanding, the PIO position, two qualified candidates --

MR. OCHOA: Two or three.

MS. HAUSER: Two or three have come forward knowing pretty much what the responsibilities of the Commission are and what they would need to be doing. My recommendation would be, since the Commission's meeting schedule is coming up so quickly, is that the Commission go ahead and interview those
EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 118

people. And if you feel you can make the selection from
among those, great. I suggest letting the paperwork to
the positions catch up.

CHAIRMAN LYNN: Clearly we're way behind
having the person on board. We have to have it done.
It should have been done weeks ago.

MR. OCHOA: I should say this. She came
in this morning, asked for clarifications. Asked
already when it came through to go to the resume system,

got me five resumes. I'll make copies of this, send
them to everybody.

To expedite the process, what I'd ask,
I'll set up the interview process, a couple
Commissioners be there with myself. I'd ask for
authority to hire based on recommendations of the
Commissioners. Otherwise we'll have to wait for the
next meeting. It will slow up the process. I'm more
than willing to do so, but it will slow the process, and
particularly I think the PIO and the outreach position.
The administrative one I can handle, we can work with
it. I can work with the Commission to do that.

CHAIRMAN LYNN: What is the pleasure?

COMMISSIONER MINKOFF: We authorized you
to negotiate with NDC and RAS final contracts. Maybe do
the same with Jim and me for personnel, allow us to

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approve and finalize. I won't make that motion since
I'm involved.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, I'm
willing to do it since I'm on the Committee. If not, I
wouldn't.

CHAIRMAN LYNN: You want to be involved.

I take your point.

COMMISSIONER HALL: Imagine that.

CHAIRMAN LYNN: I take your point.

MR. OCHEA: Mr. Chairman, the last comment
as regards personnel, I mentioned to you I had been
working trying to identify individual help with
administrative budgetary matters some individuals highly
recommended by the current administration looking
seriously to come work with us. So it may be that again
we may be able to combine the administrative officer
and -- administrative officer and contract position and
save us money as well.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: What if the proposed
subcommittee meet with Mr. Ochoa --

How many candidates do you have, three?

MR. OCHOA: Five resumes for the position
or narrow it to three.

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CHAIRMAN LYNN: Other resumes submitted to you other than the five --

MR. OCHOA: None more than eight.

COMMISSIONER HALL: What if they interview, go through all of that in the coming week and bring the top one or two people, if you will, top two to the next meeting. We stamp it yeah or nay.

From my perspective, a public relations individual can look really good on paper. Let me see em in front of a microphone and I'll tell you in 30 seconds whether I'm interested in what they can do otherwise.

Folks, that way we all get a chance to look and see.

COMMISSIONER MINKOFF: Even more, the public information officer, a lot of what that person is doing is press releases and things of that sort. In addition to interviewing somebody, I want samples of work, want to see a press release that person has written a to see whether it's a quality product or not.

CHAIRMAN LYNN: No motion.

Mr. Elder?

COMMISSIONER ELDER: I tend to agree I'd like to do it along the lines Mr. Hall said.

What Mr. Lynn and I had done, we had already selected the firms and were negotiating in effect scope of work.

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EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 121

1 I feel very comfortable having
2 Commissioner Minkoff and Commissioner Huntwork work with
3 Mr. Ochoa to interview, shorten the list.
4 I'm with Joshua, would like to see them in
5 person, they'll represent us, and talk to one or two
6 people: Yep, that's a quality team.
7 CHAIRMAN LYNN: Make that in the form of a
8 motion.
9 COMMISSIONER ELDER: Can I say I so move?
10 Lisa?
11 CHAIRMAN LYNN: Yes. We'll figure it out.
12 Second?
13 COMMISSIONER HALL: Second.
14 CHAIRMAN LYNN: Discussion?
15 COMMISSIONER HUNTWORK: Are we restricted
16 to a group of resumes or if more come in --
17 CHAIRMAN LYNN: No. Just get us your
18 recommendations next week from whatever source they come
19 up.
20 COMMISSIONER HALL: Up to --
21 CHAIRMAN LYNN: Top two.
22 COMMISSIONER MINKOFF: Top two or a
23 recommendation.
24 CHAIRMAN LYNN: Top two unless you don't
25 have a second choice, then number one should be pretty

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darn good.

COMMISSIONER MINKOFF: Or a relative of mine, or I'll never be on a subcommittee again.

(Laughter.)

CHAIRMAN LYNN: I don't think that's --

I'll let that go.

Further discussion on the motion?

All those in favor of the motion, say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Motion unanimously passes.

MR. OCHOA: Mr. Chairman, the committee would like to see the public information and outreach and other administrative --

CHAIRMAN LYNN: There are the two positions we're looking for next week.

MR. OCHOA: And you've given me authority to hire other people, secretary, administrative?

CHAIRMAN LYNN: Correct.

COMMISSIONER HUNTWORK: I make a motion to that effect. I don't know we have a way of formally doing it.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?
ATTACHMENT NUMBER 26 re:

AGENDA ITEM IX D. 4.

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EXCERPT FROM MAY 10, 2001, TRANSCRIPT, PAGE: 122

1   darn good.
2                  COMMISSIONER MINKOFF:  Or a relative of
3    mine, or I'll never be on a subcommittee again.
4                  (Laughter.)
5                  CHAIRMAN LYNN:  I don't think that's --
6                  I'll let that go.
7                  Further discussion on the motion?
8                  All those in favor of the motion, say
9                  "aye."
10                 (Vote taken.)
11                  CHAIRMAN LYNN:  Opposed, "no."
12                  Motion unanimously passes.
13                  MR. OCHOA:  Mr. Chairman, the committee
14   would like to see the public information and outreach
15   and other administrative --
16                  CHAIRMAN LYNN:  There are the two
17                  positions we're looking for next week.
18                  MR. OCHOA:  And you've given me authority
19   to hire other people, secretary, administrative?
20                  CHAIRMAN LYNN:  Correct.
21                  COMMISSIONER HUNTWORK:  I make a motion to
22   that effect.  I don't know we have a way of formally
23   doing it.
24                  COMMISSIONER ELDER:  Second.
25                  CHAIRMAN LYNN:  Discussion?

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All in favor, say "aye."

(Vote taken.).

CHAIRMAN LYNN: Opposed, "no."

Motion carries.

CHAIRMAN LYNN: Anything further?

Public comment.

This is the time for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission shall request permission in advance by filling out a speaker slip. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

I'm looking into the audience and don't see new faces, see the same old faces.

I'm not finished. I'll read the thing.

Ms. Hauser.

MS. HAUSER: My apologies, Mr. Chairman.

I have a question for Mr. Ochoa on the report.

CHAIRMAN LYNN: You have to be quick to get in. I'm moving along.

MS. HAUSER: I know.

CHAIRMAN LYNN: Go ahead.

MS. HAUSER: My question has to do with
ATTACHMENT NUMBER 27 re:

AGENDA ITEM IX E. 1.

MAY 4, 2001, TRANSCRIPT PAGES 5–6
EXCERPT FROM MAY 4, 2001, TRANSCRIPT, PAGE: 5

1 542-1729.

2 MR. OCHOA: Joshua Hall is the only one to
3 be brought in.

4 THE OPERATOR: The others you don't want?
5 MR. OCHOA: Just Mr. Hall.

6 CHAIRMAN LYNN: I think, in the interests
7 of time, she'll call back whenever Mr. Hall is with us.
8 If there are members of the public that
9 wish to address the Commission this morning?
10 Seeing none, then I would ask that they
11 excuse themselves. And again, it will be relatively
12 brief.

13 MS. HAUSER: Mr. Chairman, you need to
14 state the reason and vote to go into Executive Session.
15 CHAIRMAN LYNN: Thank you for keeping me
16 in line.

17 We are going to go into Executive Session
18 to receive advice from legal counsel. I don't know
19 specifically --

20 MS. HAUSER: This is item nine on the
21 agenda, moving it up.

22 CHAIRMAN LYNN: Actually 10 on mine. 10
23 on mine. Legal counsel, discussion, and consultation of
24 legal advice.

25 Motion to go into Executive Session?

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COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: All in favor, say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, say "no."

Motion carried.

We will go into Executive Session.

(Whereupon, at 9:26 a.m., the Commission recessed Open Public Session and convened in Executive Session.)

(Recess taken.)

(Whereupon, at approximately 10:06 a.m., the Executive Session concluded and the Commission reconvened in Open Public Session at approximately 10:10 a.m.)

CHAIRMAN LYNN: Next item on the agenda is minutes of April 13th and April 5th. Given the lengthy nature and that we just received it, we'll defer that until another meeting. We'll defer it and make additions or corrections at another meeting.

Mr. Hall, we'll get them to you.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Next item, discussion, meeting with National Demographics Corporation.

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ATTACHMENT NUMBER 28 re:

AGENDA ITEM IX E. 2.

MAY 4, 2001, TRANSCRIPT PAGES 8-11
Without objection, let's take item seven, inter-governmental agreement with Maricopa County.

MR. OCHOA: Mr. Chairman, we were going to start working on the inter-governmental agreement. My impression --

And here is Dr. Adams.

There was an issue that arose as to whether you and Mr. Elder and subcommittee members were to be involved in those discussions. After speaking with Lisa and Karen, we remembered that it was the intention, somebody discussed that you should all be involved. But there wasn't a motion to authorize the two members to actually be involved as the subcommittee. And we thought we'd address that issue at this time.

CHAIRMAN LYNN: I think we were constituted as a subcommittee to deal with any and all offerers under that RFP. I don't think we needed a separate motion on a consultant-by-consultant basis. Mr. Elder and I were to deal with consultants, any consultants under that RFP, Maricopa County, EDS, NDC. Mr. Elder, do you have different understanding?

COMMISSIONER ELDER: That's my understanding.

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CHAIRMAN LYNN: Unless that's a problem, we'll do that.

We'll, perhaps, depending on when we conclude the agenda today, have an opportunity when we're here to begin that process.

MR. OCHOA: Great. We, when I spoke with Ms. Osborne, the idea was that, again, they were more than willing to address the considerations that had been voiced by the Commission. And, of course, it will probably be even more productive now after we have discussions with NDC, because the picture will become a little bit clearer.

Also, I did take advantage of meeting with Mr. Tim Johnson and addressing some issues that had to do with equipment so that we could get rolling on that and be ready to hit the road.

To that effect, I'm going to pass these out so that people can see these. And they will have some information in that regard.

CHAIRMAN LYNN: Okay. Why don't we do that as a part of -- since we'll meet with Maricopa County at the conclusion, pass that out as part of your Executive Director's report.

MR. OCHOA: Also, we also discussed the web page.

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COMMISSIONER ELDER: Mr. Chairman, can I
ask Tim and Karen if they are willing to participate in
without a contract on responsibilities of NDC and how it
fits in --
COMMISSIONER HUNTWORK: I can't remember.
My intention, I thought I made a motion for you and Dan
to conclude the agreement, expanding the authority
granted to you in the original motion. If I didn't, I'd
like to do that now, if I can.

CHAIRMAN LYNN: The minutes might reflect
it. I have no idea.

Ms. Hauser.

MS. HAUSER: My notes from the meeting
indicate there was a motion made following clarification
it was a services motion, made to execute the agreement.
Shouldn't be a motion to execute the agreement, how much
to decide --

COMMISSIONER HUNTWORK: I recall the
motion included you two to conclude it.

COMMISSIONER ELDER: Should we make the
motion again?

COMMISSIONER HUNTWORK: I don't think we
need.

CHAIRMAN LYNN: If --

COMMISSIONER HUNTWORK: If it's on the
agenda, it's in order.

CHAIRMAN LYNN: If it's duplicative.

COMMISSIONER MINKOFF: I second.

CHAIRMAN LYNN: Moved and seconded.

Discussion?

All in favor, say "aye"?

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Motion carries unanimously.

Back up to item four.

Welcome, Dr. Adams.

DR. ADAMS: Thank you.

CHAIRMAN LYNN: And Ms. Marguarite Leoni, and we'll engage in, I guess, the way we ought to begin this discussion first and foremost, we should say how glad we are to have you under contract, which I believe is the case.

MR. ADLER: Yes.

CHAIRMAN LYNN: Signed.

DR. ADAMS: Offer and acceptance, signed, sealed and delivered.

CHAIRMAN LYNN: We're pressed into service, summer upon us, and we need to begin the formal discussion of your time line, your process, how you will proceed from this point and, essentially, what would
ATTACHMENT NUMBER 29 re:

AGENDA ITEM IX E. 3.

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on the hearings.

We are working on that, were working on that last night, with Native Americans. Mr. Hall mentioned a desire to speak to some of these and should be getting those pretty soon.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, in consideration of public meetings and private meetings, I'd like to consider whether that's appropriate. One of the thoughts that I had is through staff and with members of the Commission present but not necessarily -- not a quorum, it's possible for us to have private meetings and receive input in a different way. The question is whether it is appropriate. My reaction, my thought is that it is appropriate. In fact it might be appropriate for us to have a staff member who helps to coordinate such activities over the next few months. I want to put it on the table as an explicit part of concern.

CHAIRMAN LYNN: My concern, let me react to it. My concern is every citizen of the state, regardless of which community or communities of interest they may belong to or consider themselves, have the opportunity to address the Commission and that the weight of that input is by and large equal in

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1 consideration. That's very important to me.
2
3 If there are private meetings held, my
4 concern would be that -- I think we're held to a high
5 standard when we hear something in public and don't
6 respond to it. Everyone knows it. We've all been told
7 it. If we hear something in private and don't respond
8 to it, I don't know there's same the level of
9 responsibility. I'd be concerned about it.
10
11 I'm also concerned about the process, one
12 of us present at each of the meetings along with staff,
13 and hopefully legal counsel, that all of that
14 information will get back to us in a fashion that
15 receives the same kind of fair treatment.
16
17 Ms. Hauser, if you want to comment on
18 that, Mr. Elder was asking to be heard, let me ask
19 you --
20
21 MS. HAUSER: Want me to go first?
22
23 CHAIRMAN LYNN: Mr. Elder.
24
25 COMMISSIONER ELDER: My question to
26 Mr. Huntwork, when you say "private," I think the
27 proposition said: Hey, we're going to conduct our
28 business open to the public. Are you just meaning it's
29 not a quorum? Are you meaning -- to me, I think if a
30 Commissioner is there, and taking on Steve's lead there,
31 we have documentation, get it into the system, it gets
EXCERPT FROM MAY 4, 2001, TRANSCRIPT, PAGE: 26

1 equal weight, I don't think we really have private
2 meetings, just not a full quorum.

3 COMMISSIONER HUNTWORK: That's right.
4
5 The distinction, it's important to keep in mind, one other question on the table, too, I don't know
6 about the rest of you, but I have received numerous
7 private inquiries or attempts to talk to me.

8 COMMISSIONER ELDER: Attempts.
9
10 COMMISSIONER HUNTWORK: By various people
11 and/or groups. And personally, I have resisted those.
12 I don't know what the practice has been with the rest of
13 the Commission. We haven't talked about it in our
14 meetings, and obviously we haven't talked about it
15 privately. I have resisted those for exactly the
16 reasons you are talking about.

17 My thought on these, quote, private
18 meetings, end quote, there would be a report kept and
19 ultimately that would be available for consideration by
20 the Commission.

21 CHAIRMAN LYNN: Ms. Hauser.
22
23 MS. HAUSER: The point I wanted to make to
24 the members of the Commission is that certainly as
25 Mr. Huntwork indicated you are going to get a lot of
26 requests for meetings that -- from various interest
27 groups who may or may not be able to attend various

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1 public meetings and just want to sit down with you.
2 There is nothing inappropriate about doing that as long
3 as there is not a quorum of Commission members present.
4 But with any meetings, whether public meetings or any
5 phone call you get from an interest group, or any
6 sit-down kind of meeting that you have with someone, it
7 is imperative that those meetings all be documented and
8 that you -- that we know, essentially, exactly what was
9 requested of you.

10 Mr. Lynn, to your point, it's important to
11 know or that we might not know in some of those meetings
12 we failed to consider something submitted to us. That's
13 exactly the point.

14 We have to keep a record of what is
15 presented to us and how we dealt with it. That's
16 exactly the kind of information Department of Justice
17 will look to later on.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Mr. Chairman, what
20 I had in front, I think I expressed this, was a member
21 of the staff, a member or a couple members of the
22 Commission, and probably a memorandum or summary of what
23 was discussed in such a meeting. I think that provides
24 some safeguard if it allows for the intent, at least, is
25 to allow for greater input. But, you know, it has

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pluses and minuses.

I think we actually ought to seriously
consider either doing that or deciding that we're not
going to do it. And if we're not going to do that, we
really ought to consider adopting some sort of formal
policy about the Commission members meeting in private
on a one-to-one basis with such groups. Because that
would be even more problematical. This is sort of a
safety belt, provides a middle ground that perhaps
accomplishes both objectives.

DR. ADAMS: Mr. Chairman.

CHAIRMAN LYNN: Dr. Adams.

DR. ADAMS: We're going to have materials
that are appropriate for such meetings; so if somebody
does approach you, you could have a printout, the Power
Point, even if you didn't have the Power Point
presentation to hand that person. You can have an
instrument we actually already have in draft form, take
input from that person so they can fill out that form.
You can hand them a citizen kit. There are going to be
ways of being able to address those people with raw
materials we're going to be developing for the public
process.

CHAIRMAN LYNN: I also make a distinction,
want to be clear about the distinction of taking
meetings that have the purpose of giving information as opposed to collecting information. I've received a number of requests to give information about the process, what we're doing. I have no problems with those happening whenever those are appropriate as long as we all understand we should give the same information or information consistent with someone else's. But to -- unless we use a significantly structured process for those private meetings which includes literally answering a series of questions or filling out a form or condensing that information into a form that will look like information gathered at other venues through other means, I would have a problem with doing it. If we have that kind of process and all agree those meetings would follow that process, so regardless of the source it comes back looking like information we've seen everywhere and gotten from whomever wishes to meet with us, I have less of a problem with it.

MS. LEONI: Commissioner Lynn, it's not unusual for Commissions to have policies on nonpublic contacts that include a disclosure provision. Part of that disclosure could be the instruments and citizen kits you are going to be receiving from NDC. But you may, if you -- I appreciate very much Mr. Huntwork's comment that this can be a

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method to expand contact. You may want to ask your
legal counsel to propose back to you an ex parte contact
protocol to propose back to you to use on who made
contact, details of contact, what was discussed, and
have attached to that the instruments developed in the
course of the meeting. And it may turn out to be an
additional source of information and important
information for the Commission.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I would have a
question about that. If we go ahead with the scenario
that Mr. Huntwork has proposed and have such meetings
and a record of the meeting is created, memorandum of
who attended, who said what, et cetera, I'm wondering if
it would be appropriate to share that with the
Commission but people who came to the meeting, this is
our understanding of what transpired at our meeting,
just make sure they see it in the same way we do. If no
objection to it, we have a record agreed to all parties
at the meeting says this is what we said, this is what
they said.

MR. RIVERA: Public record irrespective.

MS. HAUSER: Your point being for them to
correct it?

COMMISSIONER MINKOFF: Feedback from them
later on that's not what we said at all.

MS. HAUSER: That's very appropriate. If
the Commission likes the idea of an ex parte protocol
being developed, that's something we should include or
could include.

COMMISSIONER ELDER: Don't know if it
takes a motion. I'd like to see that. I'd like to make
sure it's more in common language. When you say "ex
parte," I don't know what ex parte is, a really wild
party?

MR. RIVERA: And you weren't invited.

COMMISSIONER ELDER: Something I can
understand.

MS. LEONI: A party where only you are
there.

COMMISSIONER ELDER: Something as an
instructor we can use.

CHAIRMAN LYNN: If you'd like a motion to
have that instrument drawn up, that protocol -- sounds
like the right way to do it.

Again, the concern is everyone has access
and all access is considered and all access is taken on
equal basis.

COMMISSIONER ELDER: I'd so move and like
that to extend. Discussion --
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1 CHAIRMAN LYNN: Can I run the meeting,
2 Mr. Elder?
3 Just make the motion. I'll take it from
4 there.
5 COMMISSIONER ELDER: So moved.
6 CHAIRMAN LYNN: Is there a second?
7 COMMISSIONER HUNTWORK: Second.
8 CHAIRMAN LYNN: Discussion.
9 COMMISSIONER ELDER: I was going to amend
10 the motion to say to include staff and consultants.
11 Now, does that hinder how you work? I
12 don't know like what would come in the door like in the
13 garden apartment we have, how that would work.
14 DR. ADAMS: I think we should be included.
15 MS. LEONI: My recommendation is we be
16 included, no private contacts where we're not included.
17 COMMISSIONER ELDER: Compatible with
18 categories.
19 CHAIRMAN LYNN: Ms. Minkoff, acceptable
20 with that --
21 COMMISSIONER MINKOFF: Yes.
22 CHAIRMAN LYNN: There is a motion on the
23 floor as amended.
24 COMMISSIONER HALL: I don't know. I guess
25 I'd ask legal counsel. My preference, I think there

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1 needs to be at least two people at every meeting. I
2 think if only two are able to be there, at least one of
3 those members should be a Commissioner and legal
4 counsel. Is that going to spread counsel too thin in
5 answering those several requests for solicitations?
6                  CHAIRMAN LYNN: Are you referring to all
7 meetings or referring to only those publicly noticed?
8                  COMMISSIONER HALL: Referring to like if a
9 particular Commissioner wants to meet with member or
10 leader of a community of interest, in my mind, it would
11 be ideal to have one member of counsel there.
12                  CHAIRMAN LYNN: As a practical matter, I
13 think that may be difficult if not impossible. It's for
14 that reason I guess my personal preference was and may
15 still be to limit those meetings so as to -- if the
16 feeling is that there needs to be a record kept of those
17 meetings, if we can't get that protocol in place, the
18 subject of the motion, where the individual can have the
19 meeting, which I think relieves the burden to have legal
20 staff and others present, I think it wouldn't work.
21                  COMMISSIONER HALL: Protocol, what would
22 be the specifics of the protocol, Lisa, maybe an
23 overview of what you had in mind?
24                  MS. HAUSER: Protocol, I think, would be
25 one that would certainly provide for essentially the

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record keeping component of the meeting as well as just
providing a public record of that but also for purposes
of providing some protection for the Commission with
respect to the information brought to it. And if the
protocol adequately addresses those issues, I don't
think it will matter considerably whether or not there
is a Commission member present for each one, legal
counsel present for each one. I can imagine members of
the public coming into the Commission office and wanting
to leave input with the Executive Director or other
staff and the protocol, as I would envision it, would
allow for that to occur. We'd just have a rather
standardized format for doing that.

MR. RIVERA: It seems to me we're
really -- some things we could do. Regular protocol,
regular people, do a checklist, check off who's there,
who is present, how long it was held, comments that were
made, and then the questions that were asked to be
addressed later on, and go through a central repository,
like the executive director, and he'd keep a log of the
requests coming in.

I think Mr. Hall is talking about
something beyond that. Mr. Hall, tell me if I'm wrong.
Like if he wants to meet with a group or leader,
Chairman of the Navajo Tribe, and I think that's a

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little different than just the checklist. And those
kind meetings I think it might be wise to have not only
a Commissioner, either staff, particularly maybe legal
counsel, if you can afford it, not very many of them,
those will have larger, broader questions than an
individual coming in asking or talking with one person.
      I guess I'm somewhat, having seen group
dynamics work in the past and going through group
dynamics, the last one with Commissioner Huntwork and
Commissioner Minkoff, the last one set up by the
Commissioner, you may want different protocol, may want
a Commissioner and counsel. I don't think there will be
very many of that, on that group protocol, to handle
different than individual citizens that want to come in
and talk to you.

MS. HAUSER: Mr. Chairman, if I can add
one thing, Mr. Hall is thinking in some things of
meeting with tribal leaders in his area. It's difficult
to have a one-size-fits-all scenario with respect to who
should be in attendance at every meeting.
      My experience with Indian tribes'
protocol, it's very important we need at all times to
make sure we have the appropriate level person meeting
with whoever is coming from that Indian community. If
you have a Tribal Chairman, for example, you are

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1 definitely going to want to have a member of the
2 Commission there, not send a staff person. Observing
3 some cultural protocols is important and you have to
4 deal with them as they come up.

5 CHAIRMAN LYNN: Does that answer your
6 concern, Mr. Hall?
7
8 COMMISSIONER HALL: I guess so. That
9 speaks to some of the points.

10 There are members of tribes I have a
11 desire to meet. I'm more than happy to do that. My
12 preference, whether Ms. Hauser or -- I'm sorry, Jose --
13
14 CHAIRMAN LYNN: Or Lisa --
15
16 COMMISSIONER HALL: I'd prefer one of
17 those be there to sit down and hear. I think it should
18 also be clear as we meet, we're there to listen. We
19 want to listen. We welcome any and all input. It
20 should be clear to any and all members of the
21 Commission, we're one member of the Commission. We do
22 not have authority to make any decisions, don't make any
23 promises.

24 CHAIRMAN LYNN: I think the protocol can
25 speak to exactly what should transpire in the meetings.

26 There's a motion on the floor. Further
27 discussion on the motion? If not --

28 COMMISSIONER MINKOFF: Remind me.

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1 CHAIRMAN LYNN: The motion is to develop a
2 protocol for Commissioners and staff and consultants to
3 address the way in which a private meeting to collect
4 input might occur.
5
6 COMMISSIONER HALL: Would that include
7 telephone calls?
8
9 CHAIRMAN LYNN: It should.
10
11 MS. HAUSER: Yes.
12
13 COMMISSIONER HALL: Okay.
14
15 CHAIRMAN LYNN: All those in favor of the
16 motion, say "aye"?
17
18 (Vote taken.)
19
20 CHAIRMAN LYNN: Opposed, say "no"?
21
22 CHAIRMAN LYNN: Motion carries. And we'll
23 develop that protocol to be brought back to the
24 Commission.
25
26 CHAIRMAN LYNN: Mr. Elder.
27
28 COMMISSIONER ELDER: Protocol. I'd like
29 to be able to send an e-mail to all Commissioners and
30 the Executive Director when the request comes in from a
31 particular group to see if any other Commissioners want
32 to attend as long as we don't get into any more than a
33 quorum. Is that -- is there some way of accomplishing
34 that if I wanted attend a meeting with Joshua or Steve,
35 I could?

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MR. RIVERA: I think that could be
answered in part of the protocol. The wisest way, off
the top, that Commissioner goes to the Executive
director, Executive Director says ta-da going to X
meeting, anybody else, run through staff and executive
office, easiest way to do it.

COMMISSIONER ELDER: He can help control
it so there's not a quorum.

MS. HAUSER: Definitely not sending
e-mails to each other.

COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: Let's clear up that.
The question that goes along with that,
if, for example, there are meetings in -- pick Phoenix,
for the sake of argument, because two commissioners live
in Phoenix. If one of the meetings is in Phoenix and
either Mr. Elder or I or Mr. Hall want to join that
meeting creating a quorum, that meeting then needs to be
noticed.

MS. HAUSER: Right.

CHAIRMAN LYNN: The meeting would be
noticed anyway. Wouldn't be noticed as an official
meeting notice. It would be noticed --

MS. HAUSER: Wouldn't be noticed as an
official notice of --

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I think the best thing, on any of these,
to encourage maximum attendance, go ahead and notice
them all as if there were three members of the
Commission there.

CHAIRMAN LYNN: That would cover it if
more showed up.

MS. HAUSER: Yes.

CHAIRMAN LYNN: You wouldn't have to worry
if there were a quorum or the entire representation of
the Commission.

COMMISSIONER HUNTWORK: I can see that
happening on some types of meetings but not all
meetings.

I still have in mind less formal contacts
that will promote input where we wouldn't want to wait
48 hours or give notice --
If notice, a formal record, court
reporter --

MS. HAUSER: Scheduled meetings.

COMMISSIONER ELDER: Clarify. Somebody
that says I have somebody in town, would like to see if
we can set up a meeting with the rest of the
constituency, user group, whoever it might be. I'd like
to be able to say I'm going to agree to this as a group.
I think we should get the input from. I'll be doing it
on the 5th, which might be tomorrow, whoever. And if anybody could attend, if not, so everybody knows kind of what the next contacts and responses have been and not as a formal, oh, going to have a hearing, make a formal presentation.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have problem with that. If three or four of us are there, it becomes a public meeting. We have to open it up to everybody that wants to attend. If a particular group has come, wants to attend, wants to talk to you, wants to express their concerns about the process, and three or more of us are there, then it no more becomes conversation between just that group. It's open up to the public, may become a problem how open the group chooses to be with us.

COMMISSIONER ELDER: Run it through the Executive Director, limit it to two or less, make it fly, don't have to notice.

COMMISSIONER HALL: I think that's certainly the best way to handle it.

I think as a practical matter, similar I think for everybody, the Maricopa meeting, obviously, attend, from a practical standpoint, it would be prudent on occasion to mix and match attendees at different locations, different meetings, so the same people aren't
representing the same geographic area.

CHAIRMAN LYNCH: Ms. Hauser.

MS. HAUSER: To try to respond to that question, if -- any time we have a meeting, what the protocol I think will address is developing the public record of that meeting. And none of the meetings, even though people may be more comfortable with having a dialogue with a member outside of a formally set meeting of a quorum of the Commission, it will be a public meeting in the sense that it will be part of the public record of the Commission. I just want to clarify that, as far as the comfort level you are talking about.

COMMISSIONER MINKOFF: That's not what I have a problem with, not just a public record made of it. If a public meeting, other people choose to have input at that meeting, can speak to Commissioners who may be there.

There may be a particular community of interest or particular group that says we want to have a dialogue with you. And that's all they want, even though a public record is made. The communication is restricted to that community of interest and an appropriate Commissioner or Commissioners choose to attend. It's a very different meeting, don't have press there, don't have other people there, don't have other
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1 people there as part of the conversation. A private
2 conversation of which a public record is made, very
3 different than a public meeting.
4 MS. HAUSER: That's correct.
5 CHAIRMAN LYNN: Mr. Huntwork.
6 COMMISSIONER HUNTWORK: Technical
7 question. I want to make sure we've really thought this
8 through. Is a communication among us simply over who is
9 going to attend the meeting a potential violation of the
10 open meeting law?
11 MR. RIVERA: You are reaching a decision.
12 MS. HAUSER: Yes.
13 MR. RIVERA: Reaching a consensus
14 decision. To be technical with you, yes, that's a
15 violation of the open meeting law.
16 CHAIRMAN LYNN: Again, I want to express a
17 continuing concern that to the greatest extent possible,
18 we should hear and receive, it's my opinion, we should
19 hear and receive information in a form that is open.
20 Having said that, I understand we may want
21 to reach out to specific groups to have conversations
22 about their feelings about this process. And I respect
23 that. I also have some concerns that in some cases, the
24 representatives of communities of interest may be very
25 formal and very clear. In other cases, they may be

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people who purport to represent a community of interest who have no more standing in that community than anyone else in that community.

I'm not sure we're going to be able to discern that.

When we're all making individual judgments, it becomes, I think, more troublesome. So to the largest extent possible, I would like to see the input come through as formalized a process, whether both public and private, but as formalized a process as possible. That's why protocol is important to me.

Mr. Elder.

COMMISSIONER ELDER: I guess I want to ask Andi the question, that people might be more open and ready to speak to specific issues if among their own group, I tend to go with Mr. Lynn on the -- has to be a public record. Once we make that protocol or that ex parte whatever it is review, it goes back in, I would feel we would want to have every one of those carried in a log, chronological sequence, open for anybody to review at the garden office: We met this group; we met this group; this is what talked about.

MR. RIVERA: That's required for open meeting law, not only good for the public, also good for our preclearance.
COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: Thanks for sharing that.

Appreciate that as well.

All right. Any more discussion that needs to occur with respect, particularly, with Dr. Adams and Ms. Leoni about this process, collection of data process that we're talking about?

COMMISSIONER HALL: My question is, on this protocol, is when do we see this forthcoming? We need to get this. We're so far behind, we think we're ahead. I think we need to move ASAP on a lot of these issues.

CHAIRMAN LYNN: Sounds like we're moving toward a meeting next week and we can have it at that time.

COMMISSIONER MINKOFF: Do you have enough from us?

DR. ADAMS: Yes.

MS. LEONI: Yes.

CHAIRMAN LYNN: Let's move to the second item, then, consideration of data.

Let's take a five-minute break and we'll resume.

(RECESS TAKEN FROM 11:10 UNTIL 11:19 A.M.)

CHAIRMAN LYNN: I'd call the Commission
ATTACHMENT NUMBER 30 re:

AGENDA ITEM IX E. 4.

MAY 4, 2001, TRANSCRIPT PAGES 90–100
1 CHAIRMAN LYNN: Mr. Huntwork?

2 COMMISSIONER HUNTWORK: Mr. Chairman, I

3 think that the purpose is to provide access to the

4 public. It's not going to have confidential data on it.

5 There is no need for security other than I suppose if

6 somebody broke into it and tampered with it. The only

7 question in my mind is will there be a duplicate or

8 back-up so if that happened it could be completely

9 rebooted and restored. If that's the case, I'm

10 perfectly comfortable having Maricopa County host it.

11 CHAIRMAN LYNN: Mr. Johnson.

12 MR. JOHNSON: Chairman Lynn, Commissioner

13 Huntwork, there are a pair of servers. One goes down,

14 another comes up.

15 CHAIRMAN LYNN: Backed up, stored off

16 site?

17 MR. JOHNSON: It is.

18 CHAIRMAN LYNN: All that sort of thing?

19 MR. JOHNSON: It is.

20 MR. OCHOA: The second part of that same

21 handout has a listing of equipment and hardware we

22 mentioned. This is probably max end. For instance, if

23 we talk about, let's go directly to the hardest one to

24 decide, that's laptops, how many laptops do we need.

25 Should we order one per Commissioner, one per legal

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When we discussed software, and goes to licensing of software, how many people are actually going to be able to use the software to the extent of doing presentations with it or working with the materials from the consultant? If you are going to do it, have to have an interest and license in software.

My recommendation, have a computer. We do not want you putting that software on your computer or any material that has to do with IRC material on your home computer. We want to separate anything AIRC from anything personal. Goes to somebody subpoenaed, documentation, that's it, be the software, the programs, equipment provided by the Independent Redistricting Commission rather than yours. Takes your hard drive, could put you out of business awhile.

COMMISSIONER MINKOFF: I'm trying to understand why each one of the Commissioners would need a laptop.

COMMISSIONER ELDER: I think based on previous discussions here, in terms of private, individual meetings as opposed to private, I don't think we need software, GIS software or other programs, autoBound, Maptitude, whatever the things are that comes
out of the interface with Tim Johnson.

I would like to have the potential of a
Power Point there when we go out, whether we use a video
projector or not, who knows, Rotary Club of Benson,
whatever, go out with a laptop, do that, a canned
presentation for outreach.

To see how a line gets moved, the effects,
that's beyond what I want to get into.

COMMISSIONER MINKOFF: Just to do Power
Point?

COMMISSIONER ELDER: That's excessive,
probably. This machine will do everything they are
supposed to do. We don't need --

CHAIRMAN LYNN: These specs are too high.

COMMISSIONER MINKOFF: I think if there's
one at the office, I could pick it up. I don't need my
own. I'm easy. I'm going somewhere, I'd go by, pick
one up.

MR. RIVERA: Chairman, from legal
counsels' viewpoint, we'll work a lot with NDC. We do
need Maptitude and GIS.

CHAIRMAN LYNN: That's a distinction.

Commissioners' laptops.

MR. RIVERA: You guys all share one.

CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: Couple thoughts.

I understand the desire to keep Commission business separate from individual. I have a laptop that meets these specs, but I think it is a wise precaution.

Receiving e-mails at my office along with confidential information from clients, I have some concern. Those are not going to be the type of concern that will arise when we start doing mapping and adjusting maps.

Now, that leads me to an issue I've been wondering about from the beginning. We've touched on it. Now come back to it, don't have a resolution. In a way, this question is a much deeper question.

Am I going to have the ability, should I have the ability, to sit in my den at night and look at different alternatives? Technology today is completely different than it was 10 years ago. Had stories about a super computer, every night change things around. We've seen exactly how you push a button, drag a line, wait five seconds and it's done, a new district is done and adjoining districts have been adjusted. It's astonishing. So personally, I would like to have that option. That makes me more independent, less dependent on our consultants, less dependent on our legal counsel, also raises some questions.

What is going to be discoverable? What,
EXEMPLARY FROM MAY 4, 2001, TRANSCRIPT, PAGE: 94

1 if I'm doing that, what will I be required to save if
2 anything? What will I be required to disclose if
3 anything? Those are complicated questions. Maybe there
4 are simple answers to complicated questions.
5
6 I'd like to be able to do that, just as
7 part and parcel of doing the job.
8
9 MR. OCHOA: Mr. Chairman, an issue came
10 up, thought I had in mind, also, if Mr. Huntwork is in
11 Washington, or Mr. Hall is in Apache County, and they do
12 bring us a presentation, maybe they send it the night
13 before in an electronic format, let's say the maps we're
14 discussing, if the Commissioners do not have the
15 software and computer to look at it, they will not be
16 able to look at it, will not have the advantage of
17 reviewing, analyzing, maybe what's done in the meeting.
18
19 CHAIRMAN LYNN: I understand that.
20
21 Mr. Huntwork's point, I have a couple of
22 comments on that area. One is, to the extent it is
23 appropriate for us to keep records separate from a
24 potential liability standpoint, or whatever, I think the
25 separate computer is an appropriate way to do that. I
26 would ask a couple things relative to that. One is that
27 if the domain site has the ability to service e-mail,
28 that we maintain an e-mail address at the Commission
29 site and all correspondence, all official correspondence
30

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come to us through that site so downloading that e-mail
is different from getting it on our regular computer,
which means we get it separate.

That's possible, is it not, Mr. Johnson?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Second thing I suggest,
these laptops be wireless internet ready. The reason I
say that is twofold. One is I don't know all of us have
separate telephone hookups in our office to hook up
internet and the second thing is we may be in some
places that don't have ready access to the internet. If
we have wireless capability, we have internet
capability.

COMMISSIONER MINKOFF: Will we have
wireless capability?

CHAIRMAN LYNN: Yes. There are some
sites, I'm talking about convenience more than anything
else. If we do it, do wireless ready.

MR. OCHOA: Two questions. Another
question discussed, partly answered, a question
mentioned when I spoke with Tim, if I understood
incorrectly, be able to get, for instance, our own
e-mail, azredistricting.com and forwarded to your own,
those e-mails, what is discoverable would be the
original e-mail at azredistricting.com, because it's the
only thing receiving in your own personal e-mail is a
copy of the original. I'm saying that because that adds
some convenience to it. You don't have to go to that
other site to get e-mail for business of the Commission.
You have the option, however. Two options.

COMMISSIONER MINKOFF: The only thing, I
do have e-mail forwarded to my e-mail from another
e-mail address. When I see that e-mail, I can't tell
it's a forwarded e-mail until it's opened up. Is that a
problem? Once I open it, I know it's forwarded from
another e-mail address. Until it's opened, I don't it's
from you, Steve, whatever.

CHAIRMAN LYNN: How careful and separate
do these need to be?

MR. RIVERA: You know, unless it's a
criminal litigation and they come in and grab your hard
drive, that's a bit hard to imagine. I anticipate Lisa
and I will give you legal advice, you'll take it, and
that such investigation will not occur.

CHAIRMAN LYNN: I like your spirit.

MR. RIVERA: Aside from that, they'll ask
you give all e-mails. They won't take hard drives. You
could have a person in the office or somebody separate
e-mails from that aspect. There'd never be a point
they'd come in and grab everything. That would be
EXEMPLARY FROM MAY 4, 2001, TRANSCRIPT, PAGE: 97

1 mind --

2 MS. HAUSER: Keep a record of e-mails you receive. If receiving e-mails at home, I suggest that
3 you keep some record of them, not be deleting e-mails. I know it's possible to get things, even
4 deleted, not deleted, or a printout -- it's not something like that. I don't see a huge issue.
5
6 It's certainly nice if we have an e-mail address for communicating in that fashion, but things
7 are going to happen where we're using personal e-mail.

8 CHAIRMAN LYNN: The other part of

9 Mr. Huntwork's comments I wanted to clarify in my own mind, I think it's very convenient to take files and
10 look at them and view them wherever we are. I would be concerned if we have the ability to make changes in
11 those files individually. And the reason I say that is I don't know if they can be sent read only. They might
12 be able to. I don't know. If we're fully capable in terms of doing what the consultants can do, then I worry
13 about having not just a controlled set of maps but an uncontrolled set of maps might be created. That
14 concerns me from a legal standpoint and also a procedural standpoint.

15 MR. RIVERA: That's something that causes me concern. If there's litigation, asks me for any maps

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you may have reviewed, and each Commissioner has 150
maps in their laptop he's been messing around with, that
causes me concern.

    COMMISSIONER MINKOFF: I presume if we
want to play with maps, do what the public does, go on
the website and play there.

    COMMISSIONER HUNTWORK: Read only.
    COMMISSIONER MINKOFF: I thought we were
going to allow the public to move lines, play with that.
    MR. JOHNSON: Mr. Chairman, Commissioner
Minkoff, it's possible, part of your decision.
    COMMISSIONER MINKOFF: The other comment,
e-mail, another reason I'm not sure it's such a good
idea, I don't know about e-mail, to me, I get a lot of
spam: Have I got a mortgage for you. I won't open them
up. E-mail addresses I've never heard of, subject "from
me" -- I'd rather have a discrete site I know at that
site I have to open every single e-mail.
    CHAIRMAN LYNN: Don't think you won't get
spammed over here.
    COMMISSIONER MINKOFF: That's okay.
    Hopefully less over here.
    I don't open that junk in my mailbox.
    CHAIRMAN LYNN: I want to bring this to
some closure.

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I think what we're saying is we don't know the exact number of laptops to be determined. We are saying it will be useful for Commissioners, for Commissioners to have access to laptops and be of sufficient configuration to do what we need to do with them. We don't know what that means.

COMMISSIONER HUNTWORK: Mr. Commissioner,

I agree. The question is how much each one of us is going to be able to do and, therefore, we don't really know what the capability will be -- will need to be until we resolve that issue.

MS. HAUSER: We need to get ours, though.

COMMISSIONER ELDER: I propose we go ahead with like maybe seven computers that have the capabilities to go whatever range we want to go.

COMMISSIONER MINKOFF: Laptops?

CHAIRMAN LYNN: Laptops.

COMMISSIONER ELDER: Laptops.

Desktops, desktops, three-day turnaround, equip a station, equip a station Wednesday, Tuesday. The difference, this laptop and the low end is in the 500 to thousand dollar range. So for five, seven of them, I would rather go ahead and say have the capacity and then download software based on the needs of the individual user. How would that fly?
MR. OCHOA: I think -- appreciate it. I wanted to discuss it, have a general idea. Hadn't identified, discussed it. I can have it, share it with other people. How about eight, though. Also, I've been thinking of this in terms of lease, leasing any and all equipment possible unless absolutely necessary to purchase it. That's the attitude I'll take with this.

COMMISSIONER HUNTWORK: That was a motion there. I'd like to second.

CHAIRMAN LYNN: Sorry.

COMMISSIONER HUNTWORK: He amended to eight.

CHAIRMAN LYNN: No second.

COMMISSIONER MINKOFF: Buy or lease?

COMMISSIONER HUNTWORK: Acquire.

CHAIRMAN LYNN: By lease, if possible.

CHAIRMAN LYNN: All those in favor, signify by saying "aye"?

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

(Motion passes.)

MR. OCHOA: General approval to get software down the line or formal motion down the line for all equipment?
ATTACHMENT NUMBER 31 re:

AGENDA ITEM IX E. 5.

MAY 4, 2001, TRANSCRIPT PAGES 100–101
MR. OCHOA: I think -- appreciate it.

I wanted to discuss it, have a general idea. Hadn't identified, discussed it. I can have it, share it with other people. How about eight, though.

Also, I've been thinking of this in terms of lease, leasing any and all equipment possible unless absolutely necessary to purchase it. That's the attitude I'll take with this.

COMMISSIONER HUNTWORK: That was a motion there. I'd like to second.

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COMMISSIONER MINKOFF: Buy or lease?

COMMISSIONER HUNTWORK: Acquire.

CHAIRMAN LYNN: By lease, if possible.

CHAIRMAN LYNN: All those in favor,

signify by saying "aye"?

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

(Motion passes.)

MR. OCHOA: General approval to get software down the line or formal motion down the line for all equipment?

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COMMISSIONER ELDER: There's a lot of stuff on here.

MR. OCHOA: I didn't want to have to come back for decision from the Board.

COMMISSIONER MINKOFF: Can we authorize the Chairman to approve?

CHAIRMAN LYNN: Be happy to.

COMMISSIONER MINKOFF: I'll make a motion the Chairman be authorized to approve any purchases on this list or leases.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: All in favor?

(Vote taken.)

CHAIRMAN LYNN: Motion passes.

MR. OCHOA: Personnel matters.

We, as you know, I have moved to hire an office manager. As I mentioned in e-mail I sent you, Iva Rockwell, worked at Department of Administration, Department of Economic Security, Department of Health Services. I think that person will be able to help me out in terms of streamlining a lot of the process within the state.

I wanted, however, to maybe recommend, based on -- oh, and maybe -- I wanted to recommend, however, for instance, in regard to hiring of a media

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ATTACHMENT NUMBER 32 re:

AGENDA ITEM IX E. 6.

MAY 4, 2001, TRANSCRIPT PAGES 117-131
it's the one posted.

CHAIRMAN LYNN: Mr. Huntwork, number nine, public relations consultant.

COMMISSIONER HUNTWORK: You had spoken once, let's continue the discussion. If I may go first on this, I have had in my mind something very specific I want to do.

When we were interviewing for the position of Executive Director, a young woman presented herself for that role I was very impressed with, although we were more impressed with someone else for that position; I nevertheless felt in my own mind at least -- Where did everybody go?

CHAIRMAN LYNN: Still here and listening.

Trying to get the agenda people are working off.

COMMISSIONER HUNTWORK: And I don't know if Ms. Terrazas is available or on precisely what terms. But I would personally very much like to have her as our community outreach director, if she's available to us on reasonable terms.

I would like to know what her terms would be so we can consider whether we can do that.

If I understand it, if she's willing to be hired as an employee, even on a part-time basis, we would have the ability to hire her. That position has
been requested and we could now hire her to fill that position without having to advertise and do competitive bidding; is that correct?

MS. HAUSER: That's correct. If she's hired as an employee.

COMMISSIONER HUNTWORK: Right.

MS. HAUSER: Even part-time, different than a contract situation.

COMMISSIONER HUNTWORK: Covered, noncovered employee, there's limitations on how or what we can pay her, or negotiate, for example, an hourly rate for her as a part-time employee?

MS. HAUSER: Mr. Huntwork, if she is a part-time employee, it would have to be within the range set by Department of Administration for the position.

COMMISSIONER HUNTWORK: Has the Department --

MS. HAUSER: Sorry.

COMMISSIONER HUNTWORK: Has the Department of Administration -- was there a range set when requested --

MS. HAUSER: They do that. You give them a range of activities you want the person to perform. They look at the rest of the state system and say a person doing these things fits this position as compared

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to this, and this is the salary appropriate.

CHAIRMAN LYNN: We've received that back
from Department of Administration, haven't we?

MR. OCHOA: Yeah. A way to repeat what
Lisa explained, they look commensurate with other
classifications, titles, duties. Somebody doing PIO
outreach, it coincides with a range in state government.

COMMISSIONER HUNTWORK: What range is
approved?

MR. OCHOA: Those changes --

MR. OCHOA: Haven't approved the range. I
can tell you the range -- 17 and a 21. Those are the
numbers of classifications they have. It is my
understanding that that basically means -- please don't
quote me on this. I'll get specific information for
this. Bring in a PIO person, outreach person, $35,000,
maybe tops at 65. That's kind of the general range.
Arguably a figure, mid range, anywhere between 15 and 20
some dollars per hour.

COMMISSIONER HUNTWORK: Okay.

MR. OCHOA: If I might add two comments, I
did on direction of the Chair and comments from
Commissioners approach Ms. Terrazas. I approached
Ms. Terrazas about working for us on a full-time basis.
She wanted to continue to work with her company doing --
she had taken on some accounts and would prefer to work
with us on a contractual basis. That was pretty much
what she told me.

At that time she proposed various options
to me and I wasn't -- they were a little bit on the
expensive side. But at the same time I told her in
reality if going to go on a contractual basis, it was
premature for me to address the issue from a monetary
standpoint.

And that issue, by the way, we did discuss
at that meeting that we had with Mr. Hibbs. And the
Director of the Department of Administration, a
contractual basis, we can do quick a turnaround. Have
to go with people listed as state venders. If it's a
job that the state already has a contract for, for the
service, then we have to go with those people selected.
However if it's not specific to what we need, then
that's when we do the RFP and we can turn it around
rather quick he promised us, do that particular process
rather fluid, and then we can invite anybody that we
identify to compete.

COMMISSIONER HUNTWORK: Yes.

MR. OCHOA: In addition to the people on
the list that might provide the service.

MS. HAUSER: Mr. Chairman, I'd like to
correct a statement made a bit ago in answer to one of
Mr. Huntwork's questions, having been corrected by a
personnel expert.

Karen Osborne was Assistant Secretary of
State under the former Secretary of State. She has
extensive personnel experience.

In fact, if we hire someone, a temporary
employee, a temporary employee that doesn't last longer
than six months, you can even through hire pay someone
on an hourly basis. So that may be the way to go, an
approach you were looking for.

COMMISSIONER HUNTWORK: A stop-gap
measure.

COMMISSIONER HUNTWORK: Ms. Terrazas may
consider being an employee on a stop-gap basis until the
RFP community outreach RFP goes out.

CHAIRMAN LYNN: My problem, if the
ultimate goal is a contractor hire, either employee or
contract, Ms. Terrazas and/or her firm to do something,
we probably ought not to put her on ahead of the
process, might show a preference to that person once we
go out with the RFP.

What I'm intrigued with is the notion,
Karen, if you wouldn't mind acting as our expert on the
record now that you've been identified as an expert, if
EXCERPT FROM MAY 4, 2001, TRANSCRIPT, PAGE: 122

1. a job is slotted for X dollars, a $60,000-a-year job, if
2. you do the math, 60 bucks an hour for a normal year. If
3. there's someone out there we'd like to hire for no more
4. than six months to do that job, are we constrained by a
5. $30-an-hour figure in terms of hiring that person or on
6. a part-time basis could we make a deal with somebody for
7. $50 an hour or $100 an hour, some other number?

8. MS. OSBORNE: Mr. Chairman, it depends how
9. you approach it. I think it's very wise if you have
10. this person for an amount of money outside of this range
11. of dollars per hour you go ahead with the RFP. It's the
12. cleanest, fast, get it over with. It doesn't take a
13. tremendous amount of time.

14. They'll come back, say this activity, no
15. matter how much you need it, this is the range of money
16. you can pay it.

17. You have some latitude in there as to what
18. you can do. If you want this person, along with that
19. comes other constraints.

20. I think you'd be best to do the RFP, get
21. it over with and do it cleanly.

22. CHAIRMAN LYNN: A follow-up question: Do
23. we know for certain whether or not the State currently
24. gets the kind of services, I'm not now talking about a
25. general public relations classification, I'm talking

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about somebody skilled with outreach into communities to
create dialogues and input, does the State currently get
that kind of service from somebody? And if they don't,
can we go through a waiver that doesn't exist and go
directly to a vendor that does that?

MR. OCHOA: Mr. Chairman, to that end, I
learned from Lisa and Jose it's a yes, no answer.

COMMISSIONER MINKOFF: Why am I surprised?

COMMISSIONER ELDER: Yes and no or no and
yes?

MS. HAUSER: Now I know we've arrived.

MR. OCHOA: Mr. Chairman, there are
similar contractors that have been identified by the
State to do part of what we want to do. They gave me a
copy, review on the Arizona Lottery, Kids Care, and the
latest one is the Clean Elections Commission. They are
doing somewhat similar to what we want to do except
they're going to have hearings where they are trying to
get debates going. A little different. I couldn't just
get a vendor list of people doing outreach for Kids Care
or people doing marketing for the Arizona Lottery. It's
a new RFP for that purpose. We're talking a little
marketing, talking a little outreach, a little
coordination.

CHAIRMAN LYNN: Then, what is, Mr. Ochoa
EXCERPT FROM MAY 4, 2001, TRANSCRIPT, PAGE: 124

1 and/or Ms. Osborne, when you say a very short period of
2 time to do an RFP, is that a month, two weeks, tomorrow,
3 what is it?
4                  MR. OCHOA: Karen has been privy to.
5                  MS. OSBORNE: A couple questions to ask
6                  legal counsel.
7                  Have these been established as exempt from
8                  the merit system?
9                  MS. HAUSER: Yes.
10                  MS. OSBORNE: If exempt from the merit
11                  system, you have a great deal more latitude. If exempt
12                  from the merit system, there are things can you do.
13                  MR. OCHOA: I know uncovered. I don't
14                  know about exempt from the merit system.
15                  MS. HAUSER: Those are the same thing.
16                  MS. OSBORNE: Uncovered means you don't
17                  pay overtime. State government, as exempt, as the
18                  Executive Director, you can fire at will, don't have a
19                  lot of coverage of personnel, don't have a lot of
20                  things. If, knowing that now, you have a lot more
21                  ability to go out and hire these people. You can say
22                  this is a person that we want. This is a person we want
23                  that fits within the range, and we can do that. You
24                  have a lot --
25                  CHAIRMAN LYNN: Hiring. RFP for services.

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1 MS. OSBORNE: To that point, the RFP, if
2 you want to expand that, I do believe you can go back
3 through Mr. Hibbs. Mr. Ochoa will be able to fast track
4 that to an even greater degree, that would be within a
5 month, simply because you are not talking about having
6 someone that is going to be there forever.
7
8 CHAIRMAN LYNN: True. A needed service
9 today.
10
11 COMMISSIONER ELDER: Four days. A way
12 through some tool to do it in four days, Thursday next
13 week.
14
15 MS. OSBORNE: Mr. Chairman, Commissioner
16 Elder, the only thing I'm aware of you that you can do
17 is just go out and hire someone.
18
19 COMMISSIONER HUNTWORK: Mr. Chairman.
20
21 CHAIRMAN LYNN: Mr. Huntwork.
22
23 COMMISSIONER HUNTWORK: I want to say if
24 we go out with the RFP, whether we have hired
25 Ms. Terrazas part-time or not, when the responses to
26 that come back, we will have to look at them, evaluate
27 them fairly. I as well as every other member of the
28 Commission would intend to do exactly that.
29
30 The idea of hiring her on a part-time
31 basis in the meantime precisely to cover the gap and get
32 started with somebody, I believe, is obviously very
33
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35 Phoenix, Arizona
capable.

CHAIRMAN LYNN: I hear that. I'm trying
to accomplish that same thing.
To go with Ms. Terrazas, here's what we'd
like to do in the interim basis. While applying on a
part-time basis, we can only pay $30 an hour.

COMMISSIONER ELDER: Private sector,
they'd double that.

COMMISSIONER HUNTWORK: Freedom to ask the
question.

MS. OSBORNE: Mr. Chairman, to that
particular point, now I know they are exempt, you have a
great deal more latitude to up the anti in the range.
CHAIRMAN LYNN: Thank you. Now that's
something to work with.

MS. OSBORNE: There are a lot less
restraints, a lot more things to do. Literally go to --
Mr. Ochoa can go to personnel. "Here's the range
they're going to us with. My Commission wants to pay
this person X dollars. They're uncovered. Do it."
CHAIRMAN LYNN: Part-time, interim basis.

MS. OSBORNE: "This is what they want to
do." If within the range, you should be able to do it.
CHAIRMAN LYNN: How long would it take?

MS. HAUSER: A day.
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1 MS. OSBORNE: This afternoon, tomorrow.

2 MR. OCHOA: I wouldn't say part of a day, talking -- give me -- can't do it in one day. No.

3 Can't do it in one day. 48 hours, three days, that's a possibility.

4 COMMISSIONER ELDER: Big furniture.

5 CHAIRMAN LYNN: All right. Let's stay on task.

6 Where I am in listening to discussion, I want to conclude this issue. Is it the sense of the Commission, let me ask it that way, in the form of a question, is it the sense of the Commission you would like Mr. Ochoa to pursue as rapidly, as fast as possible, the following: To get approval to engage Ms. Terrazas for this purpose on an interim basis and at the same time expedite an RFP for ongoing services for this particular function and to do the former as quickly as possible so that we can get services available to the Commission as early as next week and to do the latter as quickly as possible so we have ongoing continuing services through the process?

7 Ms. Minkoff?

8 COMMISSIONER MINKOFF: Number one, if able to get an agreement with Ms. Terrazas to come on at a salary acceptable to us and acceptable to her, we might

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not have to do the RFP. I say do an RFP only if we have to. If willing to come on a part-time basis for the duration of the job, let's do it. My question is would we then need either of these two positions, press secretary, outreach coordinator, or would she cover one or both positions?

CHAIRMAN LYNN: My sense, knowing something about those two areas of life, we need both.

COMMISSIONER MINKOFF: She'd do this.

CHAIRMAN LYNN: She'd do this. We'd hire somebody to do this.

MR. RIVERA: Identify "this" for the record.

CHAIRMAN LYNN: Lisa, I'm sorry.

Ms. Terrazas would do outreach coordination. We'd still need somebody to be the public information officer, public relations person.

MS. MINKOFF: Full-time position.

CHAIRMAN LYNN: I think she will be for the Commission, press relations, other kinds of things, that will require full-time attention. They are two different positions.

COMMISSIONER HUNTWORK: Mr. Chairman, that's what I was thinking as well. I didn't say it clearly.

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CHAIRMAN LYNN: Is it then the sense, as I stated it, we'd like to try to engage Ms. Terrazas in the position of outreach coordinator either on a continuing part-time basis, obviate the need for an RFP, or failing that, to engage her part-time until the RFP can be put out?

COMMISSIONER ELDER: Yes.

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER ELDER: Second.

MR. RIVERA: If I can --

CHAIRMAN LYNN: Mr. Rivera?

MR. RIVERA: I'd put some limitations in this thing. It's giving Ms. Terrazas an opportunity to demand whatever she wants to demand in terms of a monetary hourly rate. You have to put limitations on it.

CHAIRMAN LYNN: We don't know what they are.

COMMISSIONER HUNTWORK: I agree with this. I think the idea would be to formally approve this at the meeting on Thursday or disapprove it. I would like to --

CHAIRMAN LYNN: Try to get it done and bring back a number.

COMMISSIONER HUNTWORK: I'm not suggesting

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1 hire her under any terms whatsoever. Get the last best
2 offer.
3
4 MR. OCHOA: Within that, Mr. Chairman, if
5 the procedure requires we stay within the bounds of the
6 salary range given the outreach person, I'll report on
7 that.
8
9 CHAIRMAN LYNN: Odds are we won't, but we
10 need to proceed with that.
11
12 COMMISSIONER HUNTWORK: Mr. Chairman, it is
13 my understanding a part time person --
14
15 We can't use this person for longer than
16 six months.
17
18 CHAIRMAN LYNN: Won't need her longer than
19 six months.
20
21 CHAIRMAN LYNN: Right.
22
23 COMMISSIONER HUNTWORK: That's an express
24 part of the stipulation.
25
26 CHAIRMAN LYNN: I understand.
27
28 MS. HAUSER: Mr. Chairman.
29
30 CHAIRMAN LYNN: Ms. Hauser.
31
32 MS. HAUSER: I'm sure that in -- when
33
34 Enrique moves through personnel to try to get this
35 accomplished, we may need to get it clarified, get
36 direction. I'm happy to try do that. I'm wondering if
37 the Chairman would request Ms. Osborne walk through a

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1 couple mind fields as he walks through personnel. She's
2 quite used to it.

3 CHAIRMAN LYNN: It's outside the scope of
4 services Maricopa County offered to do for us. As a
5 public servant of Maricopa County, perhaps Maricopa
6 County would offer to do it.

7 COMMISSIONER HUNTWORK: Isn't there a
8 clause "other services as assigned"?
9
10 CHAIRMAN LYNN: There's a motion on the
11 floor.

12 Move back to the motion. Those in favor?
13
14 (Vote taken.)
15
16 CHAIRMAN LYNN: Opposed, no.
17
18 Motion carried.

19 Anything else under this item?
20
21 MR. RIVERA: No.
22
23 CHAIRMAN LYNN: I have item nine, public
24 relations consultant.

25 Number 10, call to audience.
26
27 Anyone wishing to be heard?
28
29 Seeing no one seeking recognition, move to
30 item 13.
31
32 The Commission will stand adjourned until
33 May 10th, Thursday next, 10:00 a.m., at a location to be
34 determined.

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MR. OCHOA: Nobody indicates they wish to
be heard, Mr. Chairman.

CHAIRMAN LYNN: In that case, I'll close
that portion of the agenda at that this time recognizing
we'll return to it at a later date.

COMMISSIONER MINKOFF: Mr. Ochoa, you
indicated you'll sent us a draft map they submitted.
Would you send us copies of the material Mr. Osterloh
left behind?

MR. OCHOA: Yes.

CHAIRMAN LYNN: Item number three,
consultants' best and final offer review, discussion,
and possible final selection.

Is Mr. Adler present?

MR. OCHOA: Mr. Adler is not present. He
was not present by phone a little bit earlier. I will
call the operator and see if she can get a hold of him
now, if you so wish.

CHAIRMAN LYNN: All right. Until we know
if Mr. Adler will be able to join us, why don't we enter
into a discussion based on the information that has been
circulated to the Commission and pose any questions that
still remain or any comments relative to whether or not
we're ready to move forward with a contract.

You may start that discussion by
indicating that Mr. Elder and I have been engaged in
correspondence through Mr. Adler's office with Mr. Ochoa
and with the consultants during various times between
the last meeting and this one. And what has become
clear is there are some timing issues that seem to make
it more feasible to try to get the primary contract with
NDC finalized today and then as we consider other
matters on the agenda which will reveal other parts of
our data needs, such as the memorandum of understanding
with Legislative counsel, we will then subsequently be
able to negotiate the other subcontractor requirements.
And those will necessarily have to take a subsequent
sequential role. So the goal hopefully today is to deal
with the NDC proposal, put them on contract as best we
can, and move forward with the list of deliverables that
they've outlined so that we can begin getting our public
outreach and initial grid preparation started.

It is in that context that we should have
any discussion that the Commission feels is appropriate.

COMMISSIONER HUNTWORK: Do you want to go
through our names in order as you did the last time we
had a telephone meeting, Mr. Chairman?

CHAIRMAN LYNN: I'd be happy to do that.

If anyone is seeking recognition, I can recognize
voices.
Mr. Huntwork, however you'd like to do it.

COMMISSIONER HUNTWORK: I think that worked well. I suggest we use the same approach.

CHAIRMAN LYNN: Let me start with

Mr. Elder who was on the subcommittee with me. I know he has to go to a meeting here for a brief period of time, so he will absent himself during some of the conversation. I want to get him started, if we can.

THE OPERATOR: Mr. Ochoa, John Adler is not available at this time. He might be in a meeting. I left a message.

COMMISSIONER ELDER: This is Dan Elder. As Steve mentioned, we had three, four conversations at different times with Florence Adams and Mr. Heslop. I don't remember who all -- oh, Ms. Leoni, Marguerite Leoni, was there, also. We also now subsequently received a e-mail from Lisa Hauser and Jose with consideration of several items, or two items, they'd like to see amended in the contract. And I'm in full agreement with those.

My recommendation is I think we've got about the best blend of what we want NDC to do. I think they are ready to start moving, you know, with this agreement today. And we should go ahead and approve that.

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CHAIRMAN LYNN: Let me then call on some others for comment.

Ms. Minkoff?

COMMISSIONER MINKOFF: Yes. First of all, I'd like to say I think Mr. Lynn, Mr. Elder, you did an excellent job of pulling this together. And it seems like a good proposal to me. I had one question other than the role of other subcontractors. I presume we'll be getting into that a little later. I had a number of questions about EDS, Research Advisory Services, whose doing what, and so on. This is not the time to do that, and so on.

The only issue I had this proposal, page four, I believe it is on the scope of the work document, talks about the citizen kits that they are going to be preparing and pulling together. And there's something similar, also, in the IGA from Maricopa County. I wondered if that had been thought through, whether there was overlap here or clear delineation who is doing what relative to citizen kits.

CHAIRMAN LYNN: Ms. Minkoff, I think clearly in the proposed IGA with Maricopa County, I think a number of tasks outlined there are duplicative. When we get to the IGA, those are appropriate. I think virtually all the ones that seem duplicative to me are
primary tasks we'd ask NDC to perform not to be included in the IGA with the county. That's my opinion in looking through those.

I think Mr. Elder and I are in agreement on that score having reviewed those, too, as part of our subcommittee work.

COMMISSIONER MINKOFF: Okay. Other than subcontractor issues, that was the --

Excuse me. Oh. One other question I did have in the schedule of deliverables. There's discussion of base maps that are going to be prepared in week one and then a second draft in week two and final draft in week three. I'm not sure what base maps are.

Are those existing districts?

CHAIRMAN LYNN: Let me ask Mr. Rivera or Ms. Hauser to talk about that.

MR. RIVERA: NDC base maps.

COMMISSIONER MINKOFF: Week one schedule deliverables, last item is initial draft outlines for base maps. In week two is a second draft of base maps. And week three is final base maps. And I wasn't sure if those were the existing districts, in which case I'm wondering why we need three drafts. They are what they are.

MS. HAUSER: That is actually a point Jose

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and I raised with John Adler and circulated to everyone end of last week. Concerning the timing, the way the scope of work is laid out from week to week, from the standpoint concerning drafting various maps, Jose and I believe that ought to be the development of the grid.
There are references in the scope of work to developing the grid at a slightly later point in time.

So we have talked to Mr. Adler about that.
And his response was -- I believe was to our concern that, again, overall timing of the contract is fine, probably need to shift things around from week to week.
We can address that or that is addressed, he indicated, in the contract changes clause so that we can have some flexibility there.

But we do have the same question you have with respect to draft maps.

COMMISSIONER MINKOFF: Are base maps as you interpreted the grid?

COMMISSIONER ELDER: No. This is Dan Elder. No, they are not.

And on that aspect, probably time will hit the first. Second week, one of the bases will be used to develop a grid.

One of the things I asked for identification, would like to make sure we have, I guess
you call it, the morphological, where the mountain
ranges, where the rivers, where the edges are that
currently divide either communities, that divide access
throughout the state without any geopolitical reference.

I wanted to say we need to have something
to be able to look at from that standpoint.

The other was let's have a map, make sure
we have the county lines. If the grid works out close
to a county line, we probably ought to shift so that
that unit falls in one district if at all possible.

So those were the general forms of what
the base maps would come up that we would then be using
to develop the grid from.

COMMISSIONER MINKOFF: Well, it seemed to
me from my reading of Prop 106 that the grid should be
prepared without taking any of those things into
consideration. First thing we do is prepare the grid
and then adjust it to take into consideration all those
things you just mentioned, political boundaries,
communities of interest, et cetera.

I think we need something in here very,
very early in the process, relating back to Lisa and
Jose's comments, probably before any public meetings, a
grid is supposed to be prepared, supposed to be an
arbitrary drawing of lines, as I understand it, and
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1 adjusted later on to other considerations.

2 COMMISSIONER ELDER: That's correct. Try

3 to lay out week to week in linear fashion. Linear

4 fashion doesn't take into account what's going on

5 simultaneously.

6 COMMISSIONER MINKOFF: Linear doesn't take

7 into account what --

8 CHAIRMAN LYNN: NDC, we start with a grid

9 and that's first.

10 COMMISSIONER MINKOFF: Maybe put that in

11 there somewhere. Seems to me that is something that

12 ought to be done week one.

13 COMMISSIONER HALL: Mr. Chairman --

14 COMMISSIONER ELDER: Week four, week four,

15 final recommendations for grid development and legal

16 implications, yes, have been doing through week one,

17 three grid development.

18 COMMISSIONER MINKOFF: After first round

19 of public meetings, legal standpoint may be too late.

20 COMMISSIONER HALL: Mr. Chairman.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: I agree. Week one

23 deliverable needs to be the grid. I think that would

24 leave us open for a challenge as Mr. Osterloh just

25 recently reminded us with the handout we have in front

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of us. It's pretty clear the grid has to come first. I
don't think we can do any other maps prior to the grid
or take any into account other considerations.

I defer to legal counsels' input with
respect to that.

I agree with Ms. Minkoff.

Ms. Hauser, any input?

MS. HAUSER: Mr. Chairman, Mr. Hall, the
flow of -- order of performing some of those tasks does
not have to be addressed. The way the flow of
deliverables should be looked at at this point is in
terms of what NDC proposes to do. And if the change
clause allows us to reorder their priorities, we can
consistently throughout the process give them direction
and reorder priorities.

I don't know we need to at this point go
back and have them redraft and deal with those details
as long as it's clearly understood they will be taking
some direction. And Jose and I are prepared to discuss,
give you legal advice with respect to preparation of the
grid later in today's meeting.

COMMISSIONER ELDER: Mr. Commissioner,
Mr. Chairman, this is Dan Elder. I need to leave for
few moments. I'll announce when I return.

CHAIRMAN LYNN: Thank you, Mr. Elder.

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(Mr. Elder exits.)

CHAIRMAN LYNN: Ms. Hauser, in terms of the issue raised by Ms. Minkoff and supported by Mr. Hall, are you and Mr. Rivera of the opinion that the first map that needs to be drawn needs to be a grid and subsequently that that grid needs to be the subject of that public meeting?

MR. RIVERA: I think that's really two questions.

CHAIRMAN LYNN: Yes, it is.

MR. RIVERA: The first question is whether the first map has to be a grid. I think the first answer is yes.

I think Proposition 106 clearly states we have to do a grid, like Ms. Minkoff states, have to do a format, take other aspects into consideration, start with a grid at the very beginning. What occurs after you do the grid, it's adjusted based on all other criteria in 106 with no priority. There should be in all e-mails this morning, should be a memorandum from both Lisa and I that addresses some of these issues we can talk about later.

Yes, you have to have some public meeting that goes after, do the grid to do adjustments before you make adjustments to the grid.

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1 MS. HAUSER: Let me address one thing.
2 Population -- the grid has only one factor that has to
3 go into it, equal population. So it will be necessary
4 for some map of the state without any lines --
5 THE OPERATOR: Excuse me, Mr. Ochoa, John
6 Adler on the line.
7 MS. HAUSER: For some map to be prepared
8 that allows for the population data to be inserted so
9 that then the grid can be developed. So in that sense,
10 there is some kind of map. If that's the base map
11 they're talking about, that goes to Ms. Minkoff's point.
12 Three drafts goes to a lot, makes us think if they're
13 thinking something else, need population data inserted
14 before drawing the grid.
15 CHAIRMAN LYNN: It occurs to me the grid,
16 because it only has one variable, population, while it
17 may be the subject, one of the subjects of the first
18 round of public meetings, it doesn't seem to be
19 particularly fruitful to have people comment on a map
20 that only has one of the criteria, criterion, available
21 in it.
22 MR. RIVERA: Mr. Chairman.
23 CHAIRMAN LYNN: And that while -- I mean
24 people are certainly free to comment on whatever we put
25 out there for them to look at out there, and that's

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fine. We welcome the comments.

I assume the first round of meetings will be more general in nature, how people feel about the process.

If I understand the NDC process, they're recommending, questions they ask, the manner they're asked, get people thinking in ways they'd like to be considered in terms of issues of communities of interest.

MR. RIVERA: You are correct. Do a base line map before adjustments to the base line map, go look at neutral material set forth in Proposition 106. The Supreme Court, as far as geographical material, has said we're not tied to a map. They're interested in general interest, communities of interest, throughout the state.

We'll have public hearings after it, not necessarily to discuss grid alignment of the map but develop the criteria used to adjust the grid of the map.

CHAIRMAN LYNN: I understand.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree with the reading of Proposition 106. But I raise this question, and actually some of our perspective consultants pointed
out to us and got us thinking early on that there are an
infinite number of possible grids. And Proposition 106
does not provide any guidance on which of those
approaches to take other than we must end up with equal
population. And I think that it's going to take a
little bit of time and discussion to decide even if we
do say this -- the first map will be an exercise in
geometry rather than people, it's still going to take a
little bit of time to decide how we'll do the initial
grid.

CHAIRMAN LYNN: I agree with you. That
discussion needs to occur subsequent to a contract,
after we have a contract, or after some period of time,
not in this configuration.

COMMISSIONER HUNTWORK: I agree. I think
the contract as it's written does allow for that.

CHAIRMAN LYNN: Most definitely. Thank
you.

Ms. Minkoff, were you finished in terms of
your comments?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: May I move to Mr. Hall?

MR. OCHOA: Yes.

CHAIRMAN LYNN: Yes.

MR. OCHOA: During the last interruption,
Mr. Adler joined us.

CHAIRMAN LYNN: Yes. Mr. Adler, thank you.

MR. ADLER: Thank you.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: I don't have anything further. I felt it important to make it clear the first week one deliverables is the grid so we're in compliance with the state statute and not leave us open to challenge.

CHAIRMAN LYNN: Certainly week one, prior to any other map being drawn, we need that grid drawn.

COMMISSIONER MINKOFF: Needs to be done before any public meetings. We need the grid first without factoring in input we get in public meetings.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I would also like to compliment you and Dan, Dan Elder, on the job you did on whipping this document into good shape. It is flexible enough to allow us to adjust as we become aware of new factors. It recognizes we have some open questions we don't know the answers to today but allows for us to develop some answers as we proceed. So I think with the two issues that have been raised, I would
be prepared to quickly vote in favor of this contract and proceed with the time line.

The two factors as I understand them are just clarification we do intend to have or intent of the contract is allows flexibility in adjusting items on the time line from week to week and in fact adjusting scope of the work generally pursuant to the changes clause and, secondly, if I understand correctly, there was one reference in the written contract to working particularly closely with communities of interest consisting of Native American groups, particularly in Navajo and Apache counties. The idea was simply that was not an exclusive list of the communities of interest we'd need to focus on.

CHAIRMAN LYNN: Correct. I think we all agree that was something that needed to be changed.

Mr. Huntwork, are you prepared to make that motion?

COMMISSIONER HUNTWORK: I am, yes. I would move with those two clarifications that we approve the proposed agreement with NDC.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Further discussion?

COMMISSIONER MINKOFF: Let me raise a
couple questions on the cost sheet I did have in my
notes I wanted to raise earlier. I tried to go down the
cost sheet and compare it with the earlier proposals in
terms of where they had changed.

There are two items on there. Once again,
I'm not going to talk about exact dollar amounts.

There are two items on there not in their
initial pricing, one is racial block voting analysis of
an amount for doing that and the other is assistance
with preclearance of final plan. As Mr. Elder is not
there, Mr. Lynn, I'll just ask you.

How are those added in separate line items
but they were not in part of the initial proposal?

CHAIRMAN LYNN: When the initial proposal
was made, if you recall, Ms. Minkoff, there were two
proposals, one was NDC, one Nielsen, Merksamer, for
their work in conjunction with NDC adding their legal
expertise. When we went into renegotiation, there was
elimination of some items from Nielsen, Merksamer as
clearly duplicative of our own counsel. The other thing
that had to happen, those areas where NDC was working
with Nielsen, Merksamer, felt they needed to
collaborate, those needed to be internal costs to NDC as
part of their proposal to us. You are seeing a
reflection of the conversation or series of

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conversations that took place between our counsel, Ms. Leoni, Dr. Adams, that allowed NDC to make use of their counsel at critical times in these areas and changes and reflections of that inclusion rather than something new being developed.

COMMISSIONER MINKOFF: Okay. Thank you.

CHAIRMAN LYNN: Further discussion on the motion?

Hearing none, all those in favor of the motion, with the two caveats that were stated, please signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: And the Chair votes "aye."

And Mr. Elder is absent.

(Motion carries.)

CHAIRMAN LYNN: The contract, then, we are asking procurement to go to final contract with NDC with the caveats that were mentioned in the motion.

COMMISSIONER HALL: Mr. Chairman, did Mr. Adler come on line?

CHAIRMAN LYNN: He did.

COMMISSIONER HALL: In time to be aware of those caveats or I'm assuming you'll advise him of those issues?

CHAIRMAN LYNN: Mr. Adler heard the
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were the beneficiaries of their good work as well.

So if we are then prepared to move to item four on the agenda, we will take up consideration of the memorandum of understanding with Arizona Legislative counsel. You have a draft in your possession, I believe.

Ms. Hauser, do you wish to be heard?

MS. HAUSER: Mr. Chairman, the comments and questions I received from members of the Commission for the most part have been addressed. I think Mr. Huntwork and I didn't follow up. I don't know -- I gave him a call back on his questions. We didn't connect again. I don't know if he feels they've been adequately answered. Rather than going through those all again, perhaps it's better for me to respond to answers of the Commission.

Deliverables. Let me answer about one of -- Mr. Elder asked about the timetable for deliverables.

Speaking with the Executive Director of Legislative Counsel, it certainly seems that the tone of the agreement and consistent with its purpose, that any data would be shared on an immediate basis. That is not in there. I have not seen a question posed by a Commission member that I thought warranted going through
the time consuming exercise of changing the MOU and
taking it back through all four caucuses of the
Legislature. It is not the easiest document in the
world to amend. However, if that is necessary, we can
certainly do that.

Rather than having it amended sort of
willy-nilly before the meeting, I tried to answer those
questions and see where today takes us.

COMMISSIONER ELDER: This is Mr. Elder.

One of the comments I made or requests
that I made was that NDC take responsibility for
identifying the dates of deliverables from EDS and RAS
so that it made sure it fit in and folded into their
process. And she said that she would. And it in effect
has. So I assume that she has been in contact with EDS.

That was my criteria. I didn't want finger pointing:
We didn't get data, therefore, we can't perform. We
were assured by Ms. Adams that would not occur.

CHAIRMAN LYNN: Other comments with
respect to the MOU?

COMMISSIONER HALL: Mr. Chairman, I'd like
to make a motion we accept the memorandum of
understanding.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I'll second.

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1 CHAIRMAN LYNN: Discussion?

2 COMMISSIONER HUNTWORK: Mr. Chairman.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: One question I

5 would like our counsel to address, for me at least, and

6 that is whether the confidentiality or lack thereof that

7 we have with respect to our data is compatible with the

8 goals of Leg. counsel. I guess the question would be is

9 all of our data a public document and automatically

10 available to any member of the public who requests it?

11 Is that also true of Leg. counsel? If it is true, why

12 do we need this agreement? If it's not true, is

13 everybody prepared to, I guess, live with the fact when

14 Leg. counsel gives us information, we then have to be

15 free to live with it and disclose it according to rules

16 that apply to us?

17 MS. HAUSER: Mr. Chairman, Mr. Huntwork,

18 the agreement relates only to raw data. Any

19 interpretation or value added to the data is not subject

20 to the agreement. With respect to added elements more

21 confidential, it's not really implicated by the

22 agreement at all. The data itself is a compilation of,

23 in most instances, voting history data that exists as a

24 public record in the various counties of the state.

25 It is a time consuming and difficult

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process to put that together in a format that can be
successfully used by the Commission. And there is, as
the Commission knows, a fair amount of cost involved in
doing that.

So whereas the information is public
record, when -- if someone were to come to us and
request and/or go to Legislative counsel and request as
a matter of public record the data that they have, the
law would allow a cost to be assessed for receiving that
information that would have something to do, perhaps, in
some part, and this is a somewhat unresolved area,
whether just the cost of reproducing or sharing in the
cost of the production in the data.

So certainly the reason we have the
agreement with Legislative counsel is for one thing
they're subject to slightly different public records
rules than perhaps some of the rest of government
agencies. But also -- so it deals with that particular
issue as far as cost. And they are willing to share
data with us at no cost providing we do the same with
them.

How we handle any requests that the
Commission sees for data at that point is an entirely
different issue. And we are certainly in response to,
this goes back to one of Mr. Elder's comments, we are at

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liberty to give data, the same data we give to
Legislative counsel, to anyone else. There's no
restriction on that whatsoever.

CHAIRMAN LYNN: Ms. Hauser, for some
reason, maybe it's your proximity or lack of proximity
to the speaker phone, you're cutting out tremendously
whereas others aren't. You are cutting out
tremendously.

Mr. Huntwork.

COMMISSIONER HUNTWORK: That answered my
question.

MR. RIVERA: It answered part of the
question.

I'm further away than Lisa. One of the
questions, what we have to look at, what we can charge
for data, what data is raw data, whether we want to
charge for data, xeroxing, or part of developing the raw
data. That's still an unanswered question. It's
something we'll have to answer when we get requests for
information.

MS. HAUSER: I'd add, I'd have some
recommendation, as would Jose, how the Commission ought
to deal with that. It's a different issue we can deal
with later.

COMMISSIONER MINKOFF: I'm confused by the
last that statement. I assumed, reading the MOU, there would not be any data costs passed on, that the only costs would be duplicating.

COMMISSIONER HALL: I think Ms. Minkoff, it's other parties other than Leg. counsel.

MS. HAUSER: Correct.

CHAIRMAN LYNN: Per the MOU, Leg. counsel exchange data at no cost other than duplicating.

COMMISSIONER MINKOFF: Right.

CHAIRMAN LYNN: Further discussion on the MOU?

COMMISSIONER HALL: Call the question.

CHAIRMAN LYNN: Mr. Hall, you called the question.

Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: One question or comment for Jose or Lisa: Is there anything in the agreement, the MOU, or Leg. counsel's agreement with the consultants, that allows them to give or transfer data to another entity?

MR. RIVERA: I'm not sure what you mean by "data," Commissioner.

COMMISSIONER ELDER: If I had a contract with a client, that would be confidential, they could
not disburse my set of plans for somebody else's use.

Is there a clause that allows Leg. counsel to give us data from EDS, a clause when we get to our contract with EDS for the balance of data that allows us to give it to Leg. counsel?

MS. HAUSER: Mr. Chairman, Elder, I'm assured by Leg. counsel nothing prevents sharing of data with us. It is their data just as the data our contractors prepare for us will be our data to do with what we will.

CHAIRMAN LYNN: Any discussion?

If not, we'll move to a vote to approve the memorandum of understanding with Arizona Legislative Counsel.

All those in favor, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed say "no."

Motion carries unanimously.

Item five, intergovernmental agreement with Maricopa County Recorder.

MS. HAUSER: Mr. Chairman, Lisa Hauser.

One clarification prior to moving on. The MOU has been prepared for execution by the Executive Director on your behalf, on behalf of the Commission. It is being prepared for execution by the Executive Director on your behalf, on behalf of the Commission. It is being

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ATTACHMENT NUMBER 35 re:

AGENDA ITEM IX F. 3.

APRIL 30, 2001, TRANSCRIPT PAGES 36–37
EXCERPT FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 36

not disburse my set of plans for somebody else's use.

Is there a clause that allows Leg. counsel to give us
data from EDS, a clause when we get to our contract with
EDS for the balance of data that allows us to give it to
Leg. counsel?

MS. HAUSER: Mr. Chairman, Elder, I'm
assured by Leg. counsel nothing prevents sharing of data
with us. It is their data just as the data our
contractors prepare for us will be our data to do with
what we will.

CHAIRMAN LYNN: Any discussion?

If not, we'll move to a vote to approve
the memorandum of understanding with Arizona Legislative
Counsel.

All those in favor, signify by saying
"aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed say "no."

Motion carries unanimously.

Item five, intergovernmental agreement
with Maricopa County Recorder.

MS. HAUSER: Mr. Chairman, Lisa Hauser.

One clarification prior to moving on. The MOU has been
prepared for execution by the Executive Director on your
behalf, on behalf of the Commission. It is being

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executed by the Director, Executive Director of Legislative Counsel on behalf of the make-up of that body. Is that something that the Commission is okay with, to have Enrique execute?

CHAIRMAN LYNN: Yes. I think there was some discussion with you about that specifically. I've heard nothing to the contrary. I believe that is perfectly fine.

COMMISSIONER HUNTWORK: Mr. Chairman, I believe that it would be, since we have no specific by-laws that deal with the authority of the Executive Director, I believe would it be wise to specifically authorize him to sign it.

COMMISSIONER HALL: Second it.

CHAIRMAN LYNN: Discussion?

All in favor?

(Vote taken.)

CHAIRMAN LYNN: Opposed "no."

"Ayes" have it.

Without formal by-laws in place, to the extent we grant that authority, it should be on a case-by-case basis.

COMMISSIONER HUNTWORK: I agree.

CHAIRMAN LYNN: Ms. Hauser, all you need is the MOU?
ATTACHMENT NUMBER 36 re:

AGENDA ITEM IX F. 4.

APRIL 30, 2001, TRANSCRIPT PAGES 38–48
EXCERPT FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 38

1  MS. HAUSER: Yes. Thank you.

2  CHAIRMAN LYNN: IGA. Maricopa County. As
3  I mentioned earlier in reviewing this particular IGA, I
4  have several concerns with respect to scope of work I
5  see as largely duplicative, as something either NDC or
6  somebody else will be doing.
7  I would want to suggest we re-re-draft
8  this IGA basically to cover two general tasks. The
9  first, provide local GIS support to the Commission
10  through Mr. Johnson's expertise, whether a weekly,
11  hourly, or some other basis; frankly, I'm not sure it's
12  something we need full time for, therefore, hourly might
13  be the right way to do it. And the second thing might
14  be creation and maintenance of a website. Those are the
15  two areas I think the county can be most useful to us.
16  And I'm certainly open to others. Those are ones that
17  seem to strike me as primary tasks I would have the
18  county do.

19  COMMISSIONER HALL: I agree with that,
20  Mr. Chairman.

21  CHAIRMAN LYNN: Any other comments?
22  COMMISSIONER MINKOFF: Yes.
23  Relative, actually, to your comments, I
24  had a question in terms of the scope of the work.
25  There's a lot in here, without a separate cost basis,
EXCERPT FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 39

1 it's a lot of Tim Johnson's work, presumably, draft
2 maps, distributing draft maps. Are you saying you
3 believe this would be done by NDC and we don't need him
4 doing this or these will be maps he'll do for us?

5 CHAIRMAN LYNN: Draft maps distributed for
6 public consumption will be done through our primary
7 contract with NDC. That's not to say Mr. Johnson will
8 not be involved with other contractors.

9 COMMISSIONER MINKOFF: Assisting them.
10 CHAIRMAN LYNN: Assisting on our behalf or
11 providing some local support. The primary role, as I
12 see it, I think the critical maps will be created in one
13 location and one location only, so we control that
14 process.

15 COMMISSIONER MINKOFF: Let me read, for
16 example, for, for instance, pricing schedule, creation
17 of current congressional district map, demographic
18 profile used, base line, and basically the same thing
19 for the legislative district.

20 CHAIRMAN LYNN: We'd take that out. NDC
21 would do it rather than Maricopa County.

22 COMMISSIONER ELDER: Commissioner Elder,
23 in my mind, we'd have them process data electronically,
24 submit from NDC. Map, ask for a revision, NDC makes the
25 revisions, e-mail to the web, plot it so the

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commissioners get the data. We'd manage the web and output flow.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: My view of the role of Maricopa County has been that they provide an extraordinarily cost effective way of covering a lot of the territory that we need to cover. To the extent that the language here might imply they were primarily responsible for drawing maps, I agree with you that definitely needs to be changed. But I think at the request of us or a consultant, he might participate in drawing of maps in a variety of ways.

There does need to be one point of control. I wouldn't want to, personally, cut out anything from here other than to clarify that it's at the request and under supervision of NDC and/or the Commission just because of the extraordinary level of expertise and extraordinary cost-effectiveness of using Maricopa County's existing facilities, to the extent possible.

CHAIRMAN LYNN: Again, intent, if you look at the preamble, first page of Exhibit 1 where they say Tim Johnson, GIS programmer, will provide professional staffing services, they say on a full-time basis, that...
EXCERPT FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 41

again is subject to what our needs really are, enroll
Mr. Johnson, satisfy a wide range of staffs for GIS and
internet requirements and use the county's internet
wide-range software. On that basis, that's a reasonable
a summary, what we'd like to have available to us. And
specifically to direct that resource, either in concert
with NDC or in reaction to things we're provided so that
we have that capability rather than hiring that staff
in-house on our own.

MS. HAUSER: Mr. Chairman, let me also
just state, point it out, consistent with Mr. Huntwork's
statement, tying into the MOU we're about to execute
with Legislative counsel, it should be noted Tim Johnson
actually prepared the precinct equivalency data that
Legislative counsel is going to be transferring to us.
So to the extent we have the flexibility at NDC's
request to have Tim explain or work with that data he
created, that is particularly useful.

CHAIRMAN LYNN: I think under general
scope of services, that's certainly the kind of thing
we'd have him do.

COMMISSIONER HALL: Right.

COMMISSIONER MINKOFF: Mr. Chairman, I
want to make sure we're not penny wise and pound foolish
in dealing with this IGA. I want to second what
Mr. Huntwork said in terms of, number one, the tremendous amount of information and resources Maricopa County has to share with us and, number two, the cost-effectiveness of our getting that information. My preference would be to have Tim Johnson available to us according to their IGA on a full-time basis.

I think we're going to have plenty to keep him busy. And the cost of providing him to us is a very small amount. I can't imagine that we're going to save that much money by doing it on an hourly basis.

It would be my recommendation let's tweak who's doing what, make sure we're not holding Tim responsible for things that need to come from NDC. They're going to make use of him. They'll make use of him. He'll be plenty busy most of the time.

I recommend we not go to an hourly basis but just have Tim available to us during the course of our work.

MR. OCHOA: Mr. Chairman, Karen Osborne is sitting with us in case any Commissioners had any questions.

CHAIRMAN LYNN: Again, one of the things that has to be done is the IGA, we're clearly not ready to move forward with it at this moment. One of the reasons for having the discussion, the need to modify
the scope of services, I have no problem with making
sure we have as much of Mr. Johnson's time as we need to
do the job. If that means retaining him for the
duration of the process on a full-time basis, certainly
the county and we are prepared to do that.

I think what we do need to do is make sure
as someone who would be available to the Commission for
its purposes full time not only clearly outline the
scope of work Mr. Johnson is going to perform but, in
the same vein, we outline the manner in which work from
him may be requested, that is to say that we need to
make sure that if he's available as a resource, that we
understand how work orders, if you will, or assignments
are made to him, by whom, under what authority, in
effect control, I want to use that term advisedly,
control that work done so we're comfortable. He's a
resource and knowledgeable; make sure his work is done
in a manner most coordinated and complete a fashion
possible.

Having said that, I'm not as concerned
about the full-time, part-time basis.

COMMISSIONER HALL: I agree. Hone it down
and say use Mr. Johnson's services as needed. There's
no question what he can offer. That's the intention of
the Commission members from the beginning.

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Task nine, county, evaluate, respond to all input received on draft redistricting plans. I don't see the role of Mr. Johnson as evaluating or responding to any input relative to the draft redistricting plans. I think that is probably going to be handled via different avenues. So some of these things I think are just not necessarily what we think to be the scope of what we'd have him do.

COMMISSIONER MINKOFF: I just wanted to add to that I think there are tasks for him to perform. Tasks not to perform is responding to public comment. Since they'll be monitoring the website, statistically analyzing, responding is a policy oriented kind of thing.

COMMISSIONER HALL: Or evaluating.

COMMISSIONER MINKOFF: Analyzing, yes.

COMMISSIONER HALL: No, I wouldn't think he'd analyze either.

COMMISSIONER MINKOFF: Statistically is important. He could do that for us.

CHAIRMAN LYNN: Part of the contract with NDC, take public comment from the website, and other sources, and respond, I believe, in their terms, in 72 hours.

COMMISSIONER HALL: Other comments in

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general, generally in all agreements make sure we're not
buying a bunch of equipment. Work with the county some
sort of leasing situation where I feel certainly we're
better all the way around given the fact we'll have no
need for this equipment hopefully this time next year.

Only two points I have in general, the
previous comment to public relations and insure all
communication to the county is directed through us and
whoever we establish as our public relation contact.
And the final point was with respect to paragraph 7.1,
Mr. Johnson will continue to direct county GIS.

My question is really for Ms. Osborne.
Relative to that do you see at present from any
standpoint at all, Ms. Osborne, he will continue to
direct the county's GIS?

MS. OSBORNE: Mr. Chairman, Mr. Hall,
Karen Osborne, Director of Elections, Maricopa County.
We've worked it out so Mr. Johnson can help us, both
entities, to be able to do that.

The purpose of wording of our contract, we
welcome however you want to narrow the scope of work, or
whatever you'd like to put in there. In all the
redistricting we've done, all the things we put in here,
we wanted to make sure you knew you had no extra cost
from us for this, also to make sure those things were
delineated in here; if you asked him to do them in the heat of battle, they were covered and it was very clear we were -- Tim has the abilities to do these things and can do them.

In regard to any of the points in here, these are things we offer to you, certainly are not mandatory. And we are more than happy to avoid the press and send them to you.

One of the great features of this agreement is to make certain in any contract there are no outside costs, make certain there's nothing additional for what you choose. We'd welcome the path of how Tim's work is assigned and who his responses go to. We have absolutely no desire to be out of step with the Commission or have Tim's work asked for by anyone else, prefer it be exclusively be through one area and be able to respond that way so it's very, very clear.

CHAIRMAN LYNN: Ms. Osborne, this is Mr. Lynn. Just to clarify, what we have as a proposal from Maricopa County is in effect a menu of services included in Mr. Johnson's work with us. We can pick and choose any and all of them as we see fit.

MS. OSBORNE: Any or all at any time, and they're included in the cost.

CHAIRMAN LYNN: Thank you.

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Further discussion on the intergovernmental agreement?

COMMISSIONER HUNTWORK: Mr. Chairman, with that clarification, I think it doesn't come out from the document as clearly worded, with that clarification, I at least would be prepared to authorize, move we proceed with this agreement and authorize you or you and Mr. Elder and finalize it and execute it on our behalf. This is, again, the clarification in my mind is these services would be provided at the request of the Commission pursuant to a procedure that we will work out at a later time.

CHAIRMAN LYNN: Would you care to offer that as a motion, Mr. Huntwork?

COMMISSIONER HUNTWORK: I so move.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER MINKOFF: I would also like to point out in the proposal the issue raised by Mr. Hall about wanting to be careful about purchasing a lot of equipment. We're not going to need this after six months. The bulk of the equipment in there, it says it can be leased. And certainly that's something we should explore before committing to purchase. In the
EXEMPLARY FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 48

1 proposal, it says to lease or purchase.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Elder?

4 COMMISSIONER ELDER: Move to call the

5 question.

6 CHAIRMAN LYNN: It has been called.

7 Further discussion?

8 Hearing none, all those in favor of the

9 motion, signify by saying "aye."

10 (Vote taken.)

11 CHAIRMAN LYNN: Those opposed, "no."

12 Motion carried unanimously.

13 CHAIRMAN LYNN: Is Mr. Adler still with

14 us?

15 MR. ADLER: Still with you, just quiet.

16 CHAIRMAN LYNN: Thank you for being with

17 us.

18 We'll excuse you.

19 We're concluded at that point with what

20 deals with procurement.

21 MR. OCHOA: Mr. Chairman.

22 CHAIRMAN LYNN: Perhaps we haven't. Part

23 of the Executive Director deals with procurement.

24 MR. OCHOA: Sorry. Part of the Executive

25 Director deals with procurement.

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Phoenix, Arizona
ATTACHMENT NUMBER 37 re:

AGENDA ITEM IX F. 5.

APRIL 30, 2001, TRANSCRIPT PAGES 88–89
What I suggest -- for those that haven't read the memo, what it states clearly, we do not have to attend the day-long schedule. Some things we received from Ms. Skladany from the Attorney General's thing go to our credit. There is one segment of training we still need to receive. That person is available a number of days during the month of May. So we have to figure out which day we're going to meet and have that coincide and put it on the agenda.

Anything else on that item that needs to be discussed today?

MS. HAUSER: No.

CHAIRMAN LYNN: If not, report from legal counsel.

COMMISSIONER MINKOFF: Mr. Chairman, do we need to go into Executive Session to get the report from legal counsel?

MS. HAUSER: Yes.

CHAIRMAN LYNN: It's up to them to determine that, part of what they want to tell us what they've written to us. I'll leave that to Mr. Rivera and Ms. Hauser.

MS. HAUSER: Yes. Members of the Commission, if you've asked for legal advice, it's best to do that in Executive Session.
EXCERPT FROM APRIL 30, 2001, TRANSCRIPT, PAGE: 89

1 CHAIRMAN LYNN: Motion?

2 COMMISSIONER HUNTWORK: I move we go into

3 Executive Session for the purpose of receiving legal

4 advice from legal counsel.

5 CHAIRMAN LYNN: Second?

6 COMMISSIONER MINKOFF: I second.

7 CHAIRMAN LYNN: All those in favor

8 signify, "aye."

9 (Vote taken.)

10 CHAIRMAN LYNN: Opposed, "no."

11 (Motion unanimously passes.)

12 CHAIRMAN LYNN: We'll now go into

13 Executive Session.

14 If you'll now ask those in attendance

15 other than staff and legal counsel to excuse themselves.

16 (Whereupon, at 10:35 a.m., the Commission

17 recessed Open Public Session and convened in Executive

18 Session.)

19 (Recess taken.)

20 (Whereupon, at approximately 11:04

21 a.m., the Executive Session concluded and the Commission

22 reconvened in Open Public Session at approximately 11:04

23 p.m.)

24 COMMISSIONER HALL: Mr. Chairman, it

25 appears no one reentered the room.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
ATTACHMENT NUMBER 38 re:

AGENDA ITEM IX G. 1.

APRIL 13, 2001, TRANSCRIPT PAGES 72-75
EXCERPT FROM APRIL 13, 2001, TRANSCRIPT, PAGE: 72

1 would ask we give our public recorder a break in
2 doing so; a brief one, hopefully.
3 If, in fact, we're going to move
4 into Executive Session, we should take a couple
5 moments so she can get a breather.
6 
7 MR. BRACE: Commissioner, Kim Brace.
8 Since I'm not in Washington, I'm at a client site
9 in Norfolk, I have to go to the airport to catch a
10 flight.
11 
12 CHAIRMAN LYNN: We understand that,
13 Mr. Brace, and understand probably Executive
14 Session would be without consultants present.
15 
16 MR. BRACE: Okay. If --
17 
18 You had talked earlier about
19 reconvening public session. I will be back up in
20 my office probably by 6:00 o'clock Washington time
21 at which time I can certainly call Enrique and see
22 if we're back in, you are still on, or whatever.
23 
24 CHAIRMAN LYNN: I don't think that
25 will be necessary, but let's see how the rest of
26 the meeting progresses. We understand your
27 schedule.
28 
29 MR. BRACE: Okay.
30 
31 Is there a motion to go into
32 Executive Session?
33

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COMMISSIONER HUNTWORK: Mr. Chairman,

I would like to move we go into Executive Session
and on the advice of counsel specify we're doing
so pursuant to 38.431.03 which pertains to
discussion or consideration of records exempt by
law from public inspection.

CHAIRMAN LYNN: Thank you,

Mr. Huntwork.

Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Thank you,

Mr. Elder.

We will vote on that with the
understanding that we will move into Executive
Session following a five-minute break, or
thereabouts, without objection.

All those in favor of Executive
Session, signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "No."

(Motion carries.)

COMMISSIONER HALL: Mr. Chairman, I

presume we hang up and will be called back?

MR. OCHOA: Steve, everybody hang up

and we'll call back directly.

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CHAIRMAN LYNN: Since there's no dial-in number, we each separately could stay on the line, if we wanted to.

MR. OCHOA: We have to be sure nobody else is on the line.

MS. HAUSER: You can't be sure. You can't be sure unless you call back.

CHAIRMAN LYNN: I think it's probably better because of the break, as well. I think it's probably better if we all hang up, have Mr. Ochoa reconvene the Executive Session through the --

MR. OCHOA: -- Capitol operator.

COMMISSIONER MINKOFF: Mr. Chairman, I need to mention my cellphone is approaching the limits of its battery capacity. I'll stay on as long as I can, but you may lose me.

CHAIRMAN LYNN: We understand that. We'll have to press ahead.

COMMISSIONER MINKOFF: Okay. You mean I'm not indispensable?

COMMISSIONER ELDER: Mr. Chair?

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: If at a different number, do we need to give that to the

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Capitol operator or do they still have the number they reached us at?

MR. OCHOA: Will you be at the same number, Mr. Elder?

COMMISSIONER ELDER: I ended up in Mr. Lynn's office and gave them a revised number because my battery was going dead this morning, also. So they called me back at a different number than you have, Mr. Ochoa. The machine says 3629, don't know what prefix.

CHAIRMAN LYNN: 884, number is 520 area code.

Dan, answer all messages there.

COMMISSIONER ELDER: Have a pile scooted off to the side.

CHAIRMAN LYNN: Without objection, we'll take a break and await a return phone call to go into Executive Session.

COMMISSIONER ELDER: Fair enough.

Talk to you all in few moments.

(Recess taken.)

(Whereupon, at 1:05 p.m., the Commission recessed Open Public Session and convened in Executive Session.)

(Recess taken.)

ATWOOD REPORTING SERVICE
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ATTACHMENT NUMBER 39 re:

AGENDA ITEM IX G. 2.

APRIL 30, 2001, TRANSCRIPT PAGES 76–81
EXCERPT FROM APRIL 13, 2001, TRANSCRIPT, PAGE: 76

1 (Whereupon, at approximately
2 2:21 p.m., the Executive Session concluded and the
3 Commission reconvened in Open Public Session at
4 approximately 2:26 p.m.)
5 CHAIRMAN LYNN: I'd call the
6 Commission back in regular session.
7 The Chair would be happy to
8 entertain a motion.
9 COMMISSIONER HUNTWORK: I will.
10 CHAIRMAN LYNN: Mr. Huntwork.
11 COMMISSIONER HUNTWORK: I will make
12 a motion that we delegate to the Chairman and to
13 one other Commissioner, specifically Mr. Elder,
14 the task of working with Mr. Adler and our legal
15 counsel to continue negotiations of our prime
16 contract with NDC and our agreement with Maricopa
17 County including, without limitation, specifying,
18 to the extent possible, the scope of work of each
19 subcontractor previously authorized and clarifying
20 the role of separate counsel to NDC, including
21 their costs and the manner in which they would
22 work with the counsel for the Commission, and that
23 we tentatively schedule another meeting of the
24 Commission for Friday of next week for the purpose
25 of discussing further and possibly taking action

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EXCERPT FROM APRIL 13, 2001, TRANSCRIPT, PAGE: 77

1 on such contracts, including any appropriate
2 Executive Sessions.
3
4 CHAIRMAN LYNN: Is there a second to
5 the motion?
6
7 COMMISSIONER ELDER: Second.
8
9 CHAIRMAN LYNN: Discussion?
10
11 COMMISSIONER HALL: I wonder if we
12 can have the tape play back the motion.
13
14 MR. RIVERA: Have the court reporter
15 read it back.
16
17 MR. OCHOA: Want the court reporter
18 to read it back?
19
20 (Record read.)
21
22 COMMISSIONER HALL: Thank you.
23
24 CHAIRMAN LYNN: Discussion?
25
26 COMMISSIONER HALL: I agree with the
27 motion except I don't think there's any need for
28 meeting Friday; authorize them to go forward.
29
30 COMMISSIONER MINKOFF: Whether we do
31 or do not schedule a meeting Friday next week,
32 I'll have the same problems as today.
33
34 CHAIRMAN LYNN: With respect to?
35
36 COMMISSIONER MINKOFF: With respect
to being on a cellphone and limited in the amount
of time I'm going to be able to spend.

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CHAIRMAN LYNN: Thank you.

Further discussion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Thank you.

The question has been called for.

COMMISSIONER MINKOFF: I have a question on the call to the question. If we pass this motion, are we mandated to have a meeting next Friday?

CHAIRMAN LYNN: Yes.

COMMISSIONER ELDER: Yes.

COMMISSIONER MINKOFF: Can we ask the maker of the motion to withdraw just that portion of it?

COMMISSIONER HUNTWORK: Tentatively schedule a meeting next Friday. If the following Monday would be better --

COMMISSIONER MINKOFF: We shouldn't tie ourselves down to time in a motion, leave it if and when --

COMMISSIONER HUNTWORK: Let me explain my reason for that, Andi, was I do want to have another meeting. And I don't want to have to give the two days' notice.

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COMMISSIONER MINKOFF: Uh-huh. What do you mean don't want to have to give two days' notice? Have to.

COMMISSIONER MINKOFF: You don't want to have --

COMMISSIONER HUNTWORK: Don't want to wait until a future time and --

COMMISSIONER MINKOFF: I suggest we pass the motion and decide before we leave today when the next meeting will be.

CHAIRMAN LYNN: Or a suggestion is to let the nature of the progress of negotiations dictate when the next meeting occurs.

COMMISSIONER MINKOFF: I think Jim is concerned if we wait for negotiations to conclude, another two days gets tacked on the end of it.

COMMISSIONER HUNTWORK: Right.

I'd accept an amendment instead of we schedule a meeting next Friday, or tentatively schedule a meeting next Friday, that it simply says that before we enter into the contract we will have to have another meeting to approve the contract.

What I also hope to accomplish is

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next Friday, even if we didn't have the contract completed, that it would be completed enough I would feel comfortable delegating --

COMMISSIONER MINKOFF:  Hold on.

COMMISSIONER HUNTWORK:  -- delegating authority.

I meant it to say schedule a meeting at the earliest time determined by the Chairman.

CHAIRMAN LYNN:  Mr. Elder, is that amendment acceptable?

COMMISSIONER ELDER:  That's acceptable.

CHAIRMAN LYNN:  We have an amended motion on the floor.

Is there further discussion?

If not, let me do this by roll call since it's the only way I can figure out who's voting.

Mr. Elder?

COMMISSIONER ELDER:  Aye.

CHAIRMAN LYNN:  Ms. Minkoff?

COMMISSIONER MINKOFF:  Aye.

CHAIRMAN LYNN:  Mr. Hall?

COMMISSIONER HALL:  Aye.

CHAIRMAN LYNN:  Mr. Huntwork?

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COMMISSIONER HUNTWORK: Aye.

CHAIRMAN LYNN: Chair votes: Aye.

Motion carries five zero.

Is there other business under this item to come before the Commission today?

Hearing none, item four, second -- second opportunity for public comment.

COMMISSIONER HUNTWORK: Mr. Chairman, I would observe there is no one here present to comment.

CHAIRMAN LYNN: And I would be surprised if that were not the case.

COMMISSIONER HUNTWORK: There could be a body at the back of the room we don't see.

CHAIRMAN LYNN: Thank you, Mr. Huntwork, for that observation. It's most helpful.

Item five, agenda items and dates for future meetings.

We already have a tentative meeting, not for any particular date, but to be determined by the progress of the negotiations. And it would be at the call of the Chair with proper notice given.

Are there other items you would like