The State of Arizona Independent

Redistricting Commission convened in Public Session on October 27, 2003, at 1:30 o'clock p.m., at the Offices of the Arizona Redistricting Commission, Suite 230, 1400 West Washington, Phoenix, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN (Present telephonically.)
VICE CHAIRMAN ANDI MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER (Present telephonically.)
COMMISSIONER JOSHUA M. HALL
ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
CHRISTINA GOMEZ, IRC Staff
LISA A. NANCE, RPR, CCR, Court Reporter

MEMBERS OF THE PUBLIC:
Paul Davenport
Elvia Diaz
Michael Mandell
John Mills
COMMISSIONER MINKOFF: I'll call the
meeting to order.

MS. HAUSER: She's in charge of pushing the
button on the recorder.

COMMISSIONER MINKOFF: I'll multi task.

COMMISSIONER HALL: You and the Governor.

COMMISSIONER MINKOFF: 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 unless it is the subject of an
item already on the agenda.

I don't have any speaker slips.

Is there any public comment?

MR. ECHEVESTE: No.

COMMISSIONER MINKOFF: No, there is not.
Next item on the agenda, Steve, I'll throw back to you. Possible vote to go into Executive Session.

CHAIRMAN LYNN: Correct. I'd ask at this time pursuant to A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) you entertain a motion for an Executive Session.

COMMISSIONER MINKOFF: I'll do that.

Is there a motion to go into Executive Session?

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER MINKOFF: Second?

COMMISSIONER HALL: Second.

COMMISSIONER MINKOFF: All in favor?

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: "Aye."

COMMISSIONER MINKOFF: Motion passed.

MS. HAUSER: For clarification with the statute, it is for purposes of receiving legal advice and consulting with counsel.

COMMISSIONER MINKOFF: Do we have any idea about how long the Executive Session could take?

MS. HAUSER: It could be --
MR. RIVERA: A while.

MS. DIAZ: An hour?

CHAIRMAN LYNN: I'd guess an hour.

COMMISSIONER HALL: We have Pepsis for the press in the hallway.

MS. HAUSER: Always bring a book to read.

MS. GOMEZ: Everyone showed up. Two more spectators.

MR. RIVERA: Kristina, make sure --

COMMISSIONER HALL: Who is it?

MR. HUTCHISON: Mandell and John Mills.

COMMISSIONER HALL: Okay. Thanks.

MS. HAUSER: They were late. Keep people away from the door.

MS. GOMEZ: She'll keep them outside.

(Whereupon, the Public Session was recessed while the Commission went into Executive Session from 1:42 p.m. until 2:45 p.m.)

(REcess taken.)

(Whereupon, the Commission resumed Public Session at approximately 3:24 p.m.)

COMMISSIONER MINKOFF: Call the Commission back into order in Public Session.

Because we had such an abbreviated Public Session beforehand, we want to offer another opportunity
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 unless it is the subject of an item already on the agenda.

Is there any public comment?

MR. ECHEVESTE: No speaker forms are filled out.

COMMISSIONER HALL: Hold on, this is the first time John hasn't had anything to say.

COMMISSIONER MINKOFF: We have received news, by the way. I'll call on our Chairman in the far north country to announce the news we have just been informed of.

CHAIRMAN LYNN: Madam Chairman, I want to inform the Commission and the public that we received notification this afternoon that the Governor has amended the call for Special Session to include the supplemental appropriation for the IRC.

COMMISSIONER MINKOFF: That is wonderful
news and I'm sure that I share the opinions of my fellow
Commissioners in saying that is really excellent news and
we look forward to positive resolution of that issue.

COMMISSIONER ELDER: Ms. Chairman, any
timing when they'll put the agenda out for the Special
Session, know when it's going to be heard so we might
anticipate the results of funding?

CHAIRMAN LYNN: At this point it depends on
the Legislature. They now have the ball in their court.
They will schedule this at the time that's most
convenient for them.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Yes.

MS. HAUSER: In terms of the Legislature's
schedule, my understanding is in talking to Legislature
staff, in the event Governor were to add the matter to
the call, that if the members are willing to waive
certain rules, the Commission's funding request can be
acted upon, I mean start to finish, within a 24-hour
period. If those rules are not waived, then it will take
a minimum of three days to get something to the
Governor's desk, whereupon she then has 10 days, but
hopefully decided -- five at this point, because it's
during session, but hopefully at this point having made a
commitment to include it in the call, she would be
looking favorably upon a bill when received.

COMMISSIONER MINKOFF: What is the vote that is needed to suspend the rules, simple majority or --

MS. HAUSER: Two-thirds to suspend the rules.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: Vice Chair, I'd ask those members of the Commission addressing the Commission this afternoon with members of the Legislature should be aware this afternoon at the time they get their amended call, I only ask you share with them the urgency we are operating under and urge them to do everything within their power, both sides of the aisle, to do what is fair for the people of Arizona and make this happen as quickly as possible.

COMMISSIONER MINKOFF: Mr. Chairman, you can be assured that will happen when we meet with the Legislature later today.

All right, are there any further motions in public session going forward?

COMMISSIONER HALL: There are, Madam Chair.

Before we go there, though, I'd like to express my appreciation to the Governor and confidence in the Legislature that this matter can be resolved
expeditiously and that this Commission is allowed to go forward and fulfill our Constitutional mandates. So I think that is important that we note publicly.

COMMISSIONER MINKOFF: Absolutely. And I would like to second those statements.

Any further business before the Commission?

COMMISSIONER HUNTWORK: Madam Chairman, I would like to propose a motion.

I move that we instruct our attorneys to continue work in our defense of the pending state court litigation as long as any funding remains available consistent with the other expenditures and priorities that the Commission has previously identified including representation of the Commission at a hearing on motions to be heard on October 31st. In making this motion, we recognize that additional funding has not yet been appropriated and the existing funding will still run out prior to the commencement of trial.

COMMISSIONER MINKOFF: Is there a second?

COMMISSIONER ELDER: Second.

COMMISSIONER MINKOFF: Was that Mr. Elder?

COMMISSIONER ELDER: Yes.

COMMISSIONER MINKOFF: Moved and seconded.

Any discussion?

All in favor?
Chairman Lynn: "Aye."

Commissioner Elder: "Aye."

Commissioner Minkoff: Chair votes "Aye."

Motion passes unanimously.

Anything further?

Commissioner Hall: Madam Chairman, I think that, as I indicated earlier, I'm confident the Legislature will act promptly and that the Governor will respond favorably in light of the fact she's added this session; however, I don't think that that precludes us from seeking every other available opportunity to acquire the appropriate and necessary funds to defend the maps which we've drawn for the people of Arizona. We've received information from other parties, specifically Maricopa County, that they have -- they are very concerned about the possibility of a default and the fact that the judge has alluded to potentially taking over map drawing responsibilities and, therefore, are very interested not only from a principled and Constitutional standpoint but from a Constitutional standpoint in light of the fact Maricopa County represents 56 percent of the population of the State of Arizona in our maps being properly defended. Therefore, I would make a motion that
we would move to direct counsel to make a request of Maricopa County to enter into an inter-governmental agreement to assist the Commission in meeting its financial obligations, its trial and other Commission business.

COMMISSIONER MINKOFF: It's been moved.

Is there a second?

COMMISSIONER HUNTWORK: Second.

COMMISSIONER MINKOFF: Moved and seconded.

Any discussion?

CHAIRMAN LYNN: Madam Chairman.

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: I would only move to Mr. Hall's motion that whereas this motion is a specific request, and I think it is certainly an appropriate request to make, that we -- that we also bear in mind that we have other matters pending before the Supreme Court in the state that are designed to achieve the same result; in that instant a Constitutional appropriation.

I think the important thing here is this Commission is so determined to do the work that we were asked to do by the voters of Arizona that we are doing everything within our power to move forward in an appropriate manner to complete our task. And this motion is certainly absolutely within the appropriate realm of completing our
work, and I certainly support it.

COMMISSIONER MINKOFF: Any other comments?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Madam Chairman, I think in supporting this motion I want to give voice to a couple very important principles and concerns.

Obviously, whatever the terms of the arrangement might prove to be, they must continue to assure the independence of the Independent Redistricting Commission.

Should we be able to accept funds from Maricopa County and should they be able to provide them, they must come with no strings attached, and that includes in my mind a couple of dimensions: Number one, they must not have any -- they must explicitly have no strings attached, there must be a clear understanding Maricopa County cannot direct or indirectly influence the decisions that are made by the Commission and its counsel in the defense of our actions; and, secondly, the arrangement would have to be durable, that is an arrangement that can be terminated in midstream, in my view, at least, does not provide the necessary independence.

I'm confident that the people in Maricopa County who will be working with this, on this, are fully aware of these considerations.

Maricopa County has been a contractor with
the Commission and has provided us with services as we
have gone through this process. There has never been a
hint of anything other than support and recognition of
our constitutional role. And I'm sure that will
continue. But I think it is important to emphasize and
make sure our counsel are directed as to the will of the
Commission, that these principles would be fully embodied
in any agreement that was negotiated.

COMMISSIONER MINKOFF: Anything else?

All right. As to the motion on the floor,

all in favor?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

Chair votes "Aye."

Motion passes unanimously.

Is there any other business before the

Commission?

Motion to adjourn?

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER MINKOFF: Second?

COMMISSIONER HALL: Second.

COMMISSIONER MINKOFF: All in favor?
COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER MINKOFF: Any opposed?

Motion passes unanimously.

The Commission stands adjourned.

(Whereupon, the Public Session of the Independent Redistricting Hearing concluded at approximately 3:35 p.m.)

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BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 15 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 2nd day of November, 2003.