The State of Arizona Independent

Redistricting Commission convened in Public Session on November 7, 2003, at 8:30 o'clock a.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 (Present telephonically.)

COMMISSIONER JAMES R. HUNTWORK (Present telephonically as indicated.)

COMMISSIONER DANIEL R. ELDER (Present telephonically.)

COMMISSIONER JOSHUA M. HALL (Present telephonically.)
ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
(Present telephonically.)

JOSE de JESUS RIVERA, Commission Counsel
(Present telephonically.)

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
CHAIRMAN LYNN: Let's call the meeting to order. We'll do roll call for the record.

Ms. Minkoff.

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Chairman is present. We're awaiting Mr. Huntwork.

Legal counsel. Ms. Hauser?

MS. HAUSER: Yes.

CHAIRMAN LYNN: Mr. Rivera?

MR. RIVERA: Yes.

CHAIRMAN LYNN: Staff?

MR. ECHEVESTE: Yes, we're here.

CHAIRMAN LYNN: Has anyone else joined us in the office?

MR. DAVENPORT: Just Paul Davenport.

CHAIRMAN LYNN: Okay. First, I should,
before we move into the agenda formally, for the record,
I want to indicate that on Wednesday the Governor did
sign the appropriation, supplemental appropriation for
$1.7 million, as you all know. I am preparing a letter
to the President of the Senate, the Speaker of the House,
and Governor thanking each of them for their work in
providing the supplemental appropriation.

The other thing that I think has been
posted publicly is the fact that the Court, the trial
court, has ruled on the summary judgment motion with
respect to the Navajo case, and they have ruled in the
Commission's favor. So that case will not be heard at
trial, although obviously that ruling is subject to
appeal. I think everybody is aware of those, of those
happenings this week.

MR. ECHEVESTE: There was a big article in
the paper this morning on it.

CHAIRMAN LYNN: Okay. All right.

Public comment?

Are there members of the public that wish
to be heard at this time?

MR. ECHEVESTE: No, there --

CHAIRMAN LYNN: If not, I think it would be
appropriate, and I do think there is some information
that might be useful to the Commission in terms of
ongoing litigation. So I would suggest that we have a
brief, and in this case I think probably 15, 20 minutes
will do it, Executive Session, and then return to the
regular agenda.

So, in order to accomplish that, pursuant
to A.R.S. 38-431.03(A)(3) and/or A.R.S. 38-431.03(A)(4),
I'd entertain a motion to go into Executive Session.

Is it so moved?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: All in favor?

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Opposed, say "No"?

Motion carries.

Adolfo, if you would tell us when we're in
a secure position.

(Whereupon, the Commission recessed Open
Public Session to convene in Executive
Session from 8:40 a.m until 9:32 a.m. when
Open Public Session reconvened.)

(Mr. Huntwork is present telephonically.)

CHAIRMAN LYNN: I'd call the regular
session back to order.

Item IV on the agenda.

MS. HAUSER: What is that?

MR. ECHEVESTE: That is the other line.

CHAIRMAN LYNN: Item IV on the agenda,

possible discussion, decision, adoption of resolution

related to Commission finances, payment of contractors,

the Commission's continued operation and/or possible

future legal action or litigation.

To that item, I'd ask Mr. Echeveste if he'd

give a brief summary of the, essentially a cash flow

report.

What I'm interested in, Mr. Echeveste, is

if you would inform the Commission as to the balances in

our account at its lowest level and also what the current

balance is in light of additional appropriations having

been made.

MR. ECHEVESTE: Yes.

Mr. Chairman, let me just, by way of

explanation, point out we -- we were projecting a balance

of about $75,000 when we met last because of anticipated

expenditures of $97,529 that Lisa projected. That did

not -- it was not that high. Subsequently, with the

current expenditures, that actually I'm doing on a

notebook now, that brought us down to about 95 -- let's
see -- about 95,000. And that was the lowest amount that
we have -- that's our balance, with all expenses.

MS. HAUSER: Not our current balance,

though.

MR. ECHEVESTE: Taking Doug Johnson out of
there.

CHAIRMAN LYNN: Mr. Echeveste, I understand
the report to say, at its lowest level, we had about
$95,000 left in the original allocation.

MR. ECHEVESTE: Correct.

CHAIRMAN LYNN: It is your understanding
the Treasurer subsequently credited our account with a
supplemental appropriation of 1.7 million?

MR. ECHEVESTE: That is correct, I believe
effective yesterday.

CHAIRMAN LYNN: So is it then your report
that the current balance for the Commission is somewhere
between $1.7 and $1.8 million?

MR. ECHEVESTE: Yes, approximately 1.795,
or so.

CHAIRMAN LYNN: Thank you.

Any questions of Mr. Echeveste?

COMMISSIONER HUNTWORK: Mr. Chairman,
Mr. Huntwork?

COMMISSIONER HUNTWORK: If we look at all
accruals during, up to the present time, up to the point
at which the 1.7 came in, what would they total,
including Doug, and legal fees, and everything else all
wrapped together, just -- I don't want you to break it
out, Adolfo, give me a lump sum, please.

MR. ECHEVESTE: Lisa --

COMMISSIONER HUNTWORK: Don't break
anything out, all office expenses -- I want to make sure
I understand that -- what that 95,000 represents. We
have 1.7 moving forward.

MR. ECHEVESTE: Correct.

COMMISSIONER HUNTWORK: 95 covers
everything that happened up to the present time?

Correct?

MR. ECHEVESTE: Correct.

COMMISSIONER HUNTWORK: I want to know if
it does.

MR. ECHEVESTE: Absolutely.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Any other questions of
Mr. Echeveste?

If not, the Chair would entertain a motion
relative to expenses incurred in conjunction with our
legal defense up to this point.

COMMISSIONER HUNTWORK: Mr. Chairman.
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: We were, of course, at the beginning of October, forced to make some very hard decisions with the idea in mind that we were about to run out of money. And in the course of that, among other things, we ordered our attorneys to stop working. The Court on the other hand ordered them to continue working. And they were ethically obligated to do so.

The issue that now, situation that now confronts us is that the decisions we took on the premise that we were going to run out of money have never eventuated. We in fact did not run out of money and, in fact, the, thanks to quick action of the Legislature and the quick action of the Governor in signing the new appropriation, we have enough money to pay all of our interim expenses and enough money to go full speed ahead with the trial pending in Superior Court. So for all those reasons, Mr. Chairman, I would make the motion that we pay in full for all legal services that have been rendered to date by our attorneys at their standard hourly rates.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?
If not, all those in favor of the motion, signify by saying "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "No"?

Motion carried and is so ordered.

Any other item of business under Item IV of the agenda?

If not, Item V, "possible discussion, decision, and/or approval of an IGA with Maricopa County for the purpose of providing financial assistance to the Commission."

Mr. Huntwork, anything to report on this item?

COMMISSIONER HUNTWORK: Mr. Chairman, Maricopa County continued to be very cooperative and receptive to our request to -- for assistance right up until the moment that the legislation was passed and the Governor signed the bill. At that point, obviously, further discussions became moot for the time being and we discontinued them but on the note that if their assistance was needed in the future, at least the door
continued to be open for further discussions.

CHAIRMAN LYNN: And we certainly should express to Maricopa County and their representatives our appreciation of their willingness to intercede in the action, to intercede in securing supplemental appropriations.

Item VI, any discussion related to Item VI on the agenda?

If not, is there anything further from legal counsel?

MR. RIVERA: No.

CHAIRMAN LYNN: Anything further from staff?

MR. ECHEVESTE: No.

CHAIRMAN LYNN: Anything from the Commission?

Item VII, adjournment.

The Commission will stand adjourned subject to the call of the Chair and proper notification of a subsequent meeting.

For the Commissioners, the anticipation is we will not anticipate we'll need a meeting next week.

Trial preparation and trial continues. If that becomes necessary, we'll properly notify the public and notify you of the need for a meeting and, as always, consult
1 with you about when that meeting could occur.
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3 Thank you all very much. We are adjourned.
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5 COMMISSIONER MINKOFF: Thank you.
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7 COMMISSIONER HUNTWORK: Thank you.
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9 COMMISSIONER MINKOFF: Bye.
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11 (Whereupon, the hearing concluded at
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13 approximately 9:43 a.m.)
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1 STATE OF ARIZONA )
2 ) ss.
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing hearing was
5 taken before me, LISA A. NANCE, RPR, CCR, Certified Court
6 Reporter in and for the State of Arizona, Certificate
7 Number 50349; that the proceedings were taken down by me
8 in shorthand and thereafter reduced to typewriting under
9 my direction; that the foregoing 13 pages constitute a
10 true and accurate transcript of all proceedings had upon
11 the taking of said hearing, all done to the best of my
12 ability.
13
14 I FURTHER CERTIFY that I am in no way
15 related to any of the parties hereto, nor am I in any way
16 interested in the outcome hereof.
17
18 DATED at Phoenix, Arizona, this 30th day of

20 ____________________________
21 LISA A. NANCE, RPR, CCR (AZ)
22 Certified Court Reporter
23 Certificate Number 50349

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