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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
November 7, 2003
8:30 a.m.

COPY
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

Certified Court Reporter
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1 **The State of Arizona Independent**
2 **Redistricting Commission convened in Public Session on**
3 **November 7, 2003, at 8:30 o'clock a.m., at the Offices of**
4 **the Arizona Redistricting Commission, Suite 230, 1400**
5 **West Washington, Phoenix, Arizona, in the presence of:**

6

7 **APPEARANCES:**

8

CHAIRMAN STEVEN W. LYNN
9 **(Present telephonically.)**

10 **VICE CHAIRMAN ANDI MINKOFF**
11 **(Present telephonically.)**

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

14 **COMMISSIONER DANIEL R. ELDER**
15 **(Present telephonically.)**

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COMMISSIONER JOSHUA M. HALL
17 **(Present telephonically.)**

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2 **ADDITIONAL APPEARANCES:**

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4 **LISA T. HAUSER, Commission Counsel**
5 **(Present telephonically.)**

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

7 **ADOLFO ECHEVESTE, IRC Executive Director**

8 **LOU JONES, IRC Staff**

9 **CHRISTINA GOMEZ, IRC Staff**

10 **LISA A. NANCE, RPR, CCR, Court Reporter**

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11 **MEMBERS OF THE PUBLIC:**

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13 **Paul Davenport**

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PROCEEDINGS

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,

1 before we move into the agenda formally, for the record,
2 I want to indicate that on Wednesday the Governor did
3 sign the appropriation, supplemental appropriation for
4 \$1.7 million, as you all know. I am preparing a letter
5 to the President of the Senate, the Speaker of the House,
6 and Governor thanking each of them for their work in
7 providing the supplemental appropriation.

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

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

18 CHAIRMAN LYNN: Okay. All right.

19 Public comment?

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

22 MR. ECHEVESTE: No, there --

23 CHAIRMAN LYNN: If not, I think it would be
24 appropriate, and I do think there is some information
25 that might be useful to the Commission in terms of

1 ongoing litigation. So I would suggest that we have a
2 brief, and in this case I think probably 15, 20 minutes
3 will do it, Executive Session, and then return to the
4 regular agenda.

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

8 Is it so moved?

9 COMMISSIONER MINKOFF: Yes.

10 CHAIRMAN LYNN: Second?

11 COMMISSIONER ELDER: Second.

12 CHAIRMAN LYNN: All in favor?

13 COMMISSIONER HALL: "Aye."

14 COMMISSIONER MINKOFF: "Aye."

15 COMMISSIONER ELDER: "Aye."

16 CHAIRMAN LYNN: Opposed, say "No"?

17 Motion carries.

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

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

24 (Mr. Huntwork is present telephonically.)

25 CHAIRMAN LYNN: I'd call the regular

1 session back to order.

2 Item IV on the agenda.

3 MS. HAUSER: What is that?

4 MR. ECHEVESTE: That is the other line.

5 CHAIRMAN LYNN: Item IV on the agenda,

6 possible discussion, decision, adoption of resolution

7 related to Commission finances, payment of contractors,

8 the Commission's continued operation and/or possible

9 future legal action or litigation.

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

11 give a brief summary of the, essentially a cash flow

12 report.

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

14 if you would inform the Commission as to the balances in

15 our account at its lowest level and also what the current

16 balance is in light of additional appropriations having

17 been made.

18 MR. ECHEVESTE: Yes.

19 Mr. Chairman, let me just, by way of

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

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

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

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

24 current expenditures, that actually I'm doing on a

25 notebook now, that brought us down to about 95 -- let's

1 see -- about 95,000. And that was the lowest amount that
2 we have -- that's our balance, with all expenses.

3 MS. HAUSER: Not our current balance,
4 though.

5 MR. ECHEVESTE: Taking Doug Johnson out of
6 there.

7 CHAIRMAN LYNN: Mr. Echeveste, I understand
8 the report to say, at its lowest level, we had about
9 \$95,000 left in the original allocation.

10 MR. ECHEVESTE: Correct.

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

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

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

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

21 CHAIRMAN LYNN: Thank you.

22 Any questions of Mr. Echeveste?

23 COMMISSIONER HUNTWORK: Mr. Chairman,
24 Mr. Huntwork?

25 COMMISSIONER HUNTWORK: If we look at all

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

6 MR. ECHEVESTE: Lisa --

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

11 MR. ECHEVESTE: Correct.

12 COMMISSIONER HUNTWORK: 95 covers
13 everything that happened up to the present time?
14 Correct?

15 MR. ECHEVESTE: Correct.

16 COMMISSIONER HUNTWORK: I want to know if
17 it does.

18 MR. ECHEVESTE: Absolutely.

19 COMMISSIONER HUNTWORK: Okay.

20 CHAIRMAN LYNN: Any other questions of
21 Mr. Echeveste?

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

25 COMMISSIONER HUNTWORK: Mr. Chairman.

1 **CHAIRMAN LYNN: Mr. Huntwork.**

2 **COMMISSIONER HUNTWORK: We were, of course,**
3 **at the beginning of October, forced to make some very**
4 **hard decisions with the idea in mind that we were about**
5 **to run out of money. And in the course of that, among**
6 **other things, we ordered our attorneys to stop working.**
7 **The Court on the other hand ordered them to continue**
8 **working. And they were ethically obligated to do so.**
9 **The issue that now, situation that now confronts us is**
10 **that the decisions we took on the premise that we were**
11 **going to run out of money have never eventuated. We in**
12 **fact did not run out of money and, in fact, the, thanks**
13 **to quick action of the Legislature and the quick action**
14 **of the Governor in signing the new appropriation, we have**
15 **enough money to pay all of our interim expenses and**
16 **enough money to go full speed ahead with the trial**
17 **pending in Superior Court. So for all those reasons,**
18 **Mr. Chairman, I would make the motion that we pay in full**
19 **for all legal services that have been rendered to date by**
20 **our attorneys at their standard hourly rates.**

21 **CHAIRMAN LYNN: Is there a second to that**
22 **motion?**

23 **COMMISSIONER ELDER: Second.**

24 **CHAIRMAN LYNN: Moved and seconded.**

25 **Discussion on the motion?**

1 **If not, all those in favor of the motion,**
2 **signify by saying "Aye."**

3 **COMMISSIONER MINKOFF: "Aye."**

4 **COMMISSIONER HALL: "Aye."**

5 **COMMISSIONER ELDER: "Aye."**

6 **COMMISSIONER HUNTWORK: "Aye."**

7 **CHAIRMAN LYNN: Chair votes "Aye."**

8 **Opposed, "No"?**

9 **Motion carried and is so ordered.**

10 **Any other item of business under Item IV of**
11 **the agenda?**

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

16 **Mr. Huntwork, anything to report on this**
17 **item?**

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

1 continued to be open for further discussions.

2 CHAIRMAN LYNN: And we certainly should
3 express to Maricopa County and their representatives our
4 appreciation of their williness to intercede in the
5 action, to intercede in securing supplemental
6 appropriations.

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

9 If not, is there anything further from
10 legal counsel?

11 MR. RIVERA: No.

12 CHAIRMAN LYNN: Anything further from
13 staff?

14 MR. ECHEVESTE: No.

15 CHAIRMAN LYNN: Anything from the
16 Commission?

17 Item VII, adjournment.

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

21 For the Commissioners, the anticipation is
22 we will not anticipate we'll need a meeting next week.
23 Trial preparation and trial continues. If that becomes
24 necessary, we'll properly notify the public and notify
25 you of the need for a meeting and, as always, consult

1 with you about when that meeting could occur.

2 Thank you all very much. We are adjourned.

3 COMMISSIONER MINKOFF: Thank you.

4 COMMISSIONER HUNTWORK: Thank you.

5 COMMISSIONER MINKOFF: Bye.

6 (Whereupon, the hearing concluded at

7 approximately 9:43 a.m.)

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