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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

TELEPHONIC PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
April 13, 2001
11:15 a.m.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION
LISA A. NANCE, RPR
Certified Court Reporter
Certificate No. 50349

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
2 COMMISSION convened in Public Session on April 13,
3 2001, at 11:15 o'clock a.m., in the Capitol
4 Building Executive Tower, 1700 West Washington,
5 Governor's Reception Room, Second Floor, Phoenix,
6 Arizona, in the presence of:

7

8 APPEARANCES:

9 COMMISSION MEMBERS and SUPPORT STAFF:

10 CHAIRMAN STEVEN W. LYNN, (telephonic)

11 COMMISSIONER JAMES R. HUNTWORK

12 COMMISSIONER JOSHUA M. HALL, (telephonic)

13 COMMISSIONER ANDI MINKOFF, (telephonic)

14 COMMISSIONER DANIEL R. ELDER, (telephonic)

15 ENRIQUE MEDINA OCHOA, Executive Director

16 LISA T. HAUSER, Commission Counsel

17 JOSE de JESUS RIVERA, Commission Counsel

18 LISA A. NANCE, RPR, CCR, Court Reporter

19 JOHN ADLER, Arizona State Procurement

20

21 SPEAKERS FROM CALL TO THE PUBLIC:

22 None.

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APPEARANCES CONT'D:

DESIGNATED SPEAKERS FROM CONSULTANTS UNDER
CONSIDERATION:

NATIONAL DEMOGRAPHICS CORPORATION:
FLORENCE ADAMS, (telephonic)
ALAN HESLOP, (telephonic)
MARGUERITE MARY LEONI, (telephonic)

ELECTION DATA SYSTEMS:
KIMBALL BRACE, (telephonic)

MARICOPA COUNTY ELECTIONS:
KAREN OSBORNE, (telephonic)
TIM JOHNSON, (telephonic)

Research Advisory Services, INC.:
R. ANTHONY SISSONS

1 Public Session
2 Phoenix, Arizona
3 April 13, 2001
4 11:15 o'clock a.m.

5
6 P R O C E E D I N G S

7 CHAIRMAN LYNN: Let's begin so that
8 we can get this started on time and go as rapidly
9 as is feasible.

10 MR. OCHOA: Steve, may I interject a
11 second?

12 I want you to know the instructions
13 I gave to the operator for who to call: You; the
14 Commissioners; in addition to that Dr. Florence
15 Adams; Mr. Kimball Brace; Mr. Tony Sissons, he's
16 here with us; Ms. Karen Osborne, she's here with
17 us; Alan Heslop and Marguerite Leoni. That's who
18 the operator is contacting to be with us.

19 CHAIRMAN LYNN: Let me ask a
20 technical question. Do we have the ability or how
21 will it work if we wish to go into Executive
22 Session without the consultants present: Is there
23 a way to put it on hold or disconnect, reconnect
24 at some point?

25 MR. OCHOA: We'd probably have to
26 terminate the call and reconnect the call to the

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Phoenix, Arizona

1 Commissioners so they'd be the only ones on the
2 line.

3 CHAIRMAN LYNN: Well, shall we give
4 this a go?

5 COMMISSIONER MINKOFF: Let's do it.

6 CHAIRMAN LYNN: All right. Then
7 let's call the meeting of the Independent
8 Redistricting Commission to order at about 18 past
9 the hour.

10 Is there anyone in the room who
11 wishes to make a public comment to the Commission
12 at this time?

13 COMMISSIONER HUNTWORK: There does
14 not appear to be anyone.

15 CHAIRMAN LYNN: Thank you,
16 Mr. Huntwork.

17 Seeing none, we'll without objection
18 close the public comment period, this public
19 comment period at this time, and move to item
20 three, review of the counterproposal by the
21 Commission, discussion, and possible selection of
22 redistricting consultants.

23 I would like to begin this portion
24 of the agenda by suggesting a methodology. First
25 is, based on the counterproposal, if there are

1 specific questions that we would like to address
2 to consultants, perhaps we ought to do that now
3 and then at the conclusion of those questions
4 directly to the consultants, we may then wish to
5 go into Executive Session to discuss among
6 ourselves items that pertain to dollar figures and
7 other issues relating to that. And then we would
8 return to a public discussion of the -- in terms
9 of any decision making or any direction that we
10 might want to give to staff or to Mr. Adler from
11 procurement.

12 COMMISSIONER ELDER: Mr. Lynn, this
13 is Commissioner Elder.

14 I would like to have included in
15 Florence Adams' comments how she views or
16 envisions our counsel in relationship to Ms. Leoni
17 and their counsel and how the documents are
18 prepared and how the product is put together, the
19 process is put together, how they relate.

20 Second item is the PR, and the
21 outreach, and the public outreach issues. I
22 wasn't clear quite how they would interface with
23 the local people: Would they be local; how they
24 interface together.

25 Those are two issues I would like to

1 have addressed.

2 CHAIRMAN LYNN: Mr. Elder, before we
3 move to those questions, I want to make sure the
4 methodology I outlined to everyone is acceptable
5 to everyone.

6 COMMISSIONER MINKOFF: Sounds
7 reasonable.

8 I have a question, because I have a
9 question that relates to the dollar figures. But
10 we'll ask that also before we go into Executive
11 Session.

12 MS. HAUSER: No.

13 CHAIRMAN LYNN: There may or may not
14 be a need for an Executive Session. My point is
15 it's going to be difficult to have the
16 consultants, ask them to excuse themselves in
17 terms of the Executive Session, and try to get
18 them back. What I was trying to do was have any
19 discussion with them prior to the time we ask them
20 to excuse themselves by phone and our internal
21 discussion.

22 COMMISSIONER MINKOFF: Okay, but --

23 OPERATOR: Excuse me. This is the
24 conference operator.

25 Want me to take roll? There was

1 only one person I was not able to get ahold of,
2 Anthony Sissons.

3 MR. OCHOA: He's here with us at
4 this point in time. Thank you very much.

5 OPERATOR: Thank you.

6 MR. ADLER: This is John Adler.
7 May I interrupt with something at
8 this point?

9 CHAIRMAN LYNN: Please.

10 MR. ADLER: I strongly recommend we
11 do not discuss price in open meeting. We can --
12 you can delegate that to or push that off to us.
13 Discussing price in open meeting would not be
14 appropriate, especially considering that we
15 haven't signed a contract. We may want to, if we
16 don't sign a contract, go to a different firm.

17 COMMISSIONER MINKOFF: My question
18 won't involve discussion of specific dollar
19 amounts. It's about the nature of the price
20 quote. Is that all right?

21 MR. ADLER: As long as dollar
22 amounts are not stated.

23 COMMISSIONER MINKOFF: Right. I
24 don't have to state dollar amounts to get my
25 question answered. That's not an issue.

1 CHAIRMAN LYNN: All right. If
2 there's no objection to the sort of methodology to
3 move forward, perhaps we should go back to
4 Mr. Elder's question which is of Dr. Adams.

5 And, Mr. Elder, why don't you
6 restate the question.

7 And, Dr. Adams, if you would be able
8 to answer that for us.

9 COMMISSIONER ELDER: Okay.
10 Dr. Adams, my question related to two items or two
11 areas within the proposed scope of work and
12 deliverable timetable and work week. It focuses
13 on how counsel, our counsel, Ms. Hauser and
14 Mr. Rivera, would relate to your in-house counsel,
15 the way you were proposing it here in your
16 deliverable.

17 The second item relates to --
18 there's probably six or seven points within the
19 first three, four weeks relating to public
20 relations, development of working papers,
21 development of kits, and various other things.
22 And we had anticipated having our public relations
23 in Arizona do some of that work, also, because of
24 networking, also, and how would that relate to our
25 local firms.

1 DR. ADAMS: Regarding the first
2 question, on the liaison among the attorneys, my
3 understanding is that Ms. Leoni has already spoken
4 with Ms. Hauser and Mr. Rivera about having weekly
5 meetings, possibly twice weekly meetings via
6 conference call, so they keep abreast of what each
7 other is working on.

8 My understanding is that Ms. Leoni
9 is the attorney for National Demographics. She is
10 there to guide us every step of the way so that we
11 properly guide you every step of the way. And
12 then your attorney will be actively advising you.

13 I think the fact that they are
14 talking about having these, these weekly or
15 biweekly sessions, should keep everything
16 straight, at least between the two groups of
17 attorneys.

18 Marguerite, do you have something to
19 add?

20 MS. LEONI: I did have preliminary
21 discussion with Ms. Hauser and Mr. Rivera,
22 emphasized the importance this be a project with
23 no legal surprises. We initially discussed a
24 program where there would be regular discussion so
25 that the issues I'm advising on for National

1 Demographics are fully disclosed and shared and
2 there's shared thought on it with your attorneys.
3 And we had discussed conference calls in the --
4 conference calls with the attorneys on a weekly or
5 biweekly or as-needed basis to implement a
6 no-surprises strategy.

7 COMMISSIONER ELDER: Okay. To
8 further that just a little bit, would it then be
9 our counsels' responsibility to do the writing or
10 the preparation of those statements that they are
11 best related to in the final DOJ document?

12 MS. LEONI: Absolutely. The
13 understanding, Mr. Elder, my understanding, you
14 may tell me it's incorrect, is that the submission
15 will be prepared by your counsel whose experience
16 tells me they are more than capable of doing that.
17 And I would be available as would be the NDC team
18 as necessary to facilitate their job. But the
19 responsibility for the submission would be your
20 counsel.

21 COMMISSIONER ELDER: Okay.

22 MS. LEONI: Okay.

23 COMMISSIONER ELDER: That answers my
24 question, then.

25 DR. ADAMS: You had a second

1 question. You wanted to know about the proposal
2 for outreach. It's National Demographics'
3 philosophy it's principal should very much be
4 involved with the outreach. As we develop those
5 community units of representation, it's important
6 for us to have firsthand knowledge to be speaking
7 to citizens directly. But I would envision that
8 we would work through your executive director and
9 staff and liaise with them to coordinate this
10 outreach effort. That would be my view of it.

11 I'll let Alan Heslop address that
12 more, if he's on the line, as he's involved in
13 that portion.

14 DR. HESLOP: Our experience has been
15 it works out best if NDC principals are in charge
16 of them, if we speak to the Power Point, we
17 distribute the instrument, citizen kits, explain
18 all these materials, and the public views us as
19 the people with whom they interact, to whom they
20 give the information on representational lines.
21 Of course, it's also been our experience in many
22 jurisdictions that if the jurisdiction has its own
23 public relations firm, we liaise with them, we
24 share our information with them.

25 We have lists of groups in Maricopa

1 County and outside it that we think should be
2 contacted to come to these meetings, and we would
3 share that information with your own staff and
4 outreach group.

5 DR. ADAMS: We would certainly be
6 liaising with Mr. Ochoa and his staff to set up,
7 to actually set up the meeting, the physical
8 locations of the meetings. I would envision very
9 close coordination with him.

10 CHAIRMAN LYNN: Mr. Elder, why don't
11 we stay with you.

12 Are there other questions you have
13 for the consultants?

14 COMMISSIONER ELDER: I think right
15 now those are the two primary. I guess my concern
16 or what I'd like to delve into a little bit
17 further on the public relations, I believe we need
18 to have more extensive public relations than just
19 the six community meetings we were discussing. It
20 may very well be there's outreach to a whole range
21 of different segments of our community starting
22 with the youngest in schools or school groups that
23 may want to participate in how did you develop a
24 plan and educate them along the way on through,
25 you know, the general citizens to Representatives,

1 our state representatives in both the House, the
2 Legislature and the Senate.

3 So those types of contacts and
4 outreach do not appear, did not appear to be in
5 NDC's proposal to where we're going to need to do
6 that ourselves in a local context. And I just
7 wanted to find out what the linkages were there,
8 if NDC would prepare talking papers, if that's the
9 best phrase, that could be integrated into an
10 outreach program, things along those lines.

11 CHAIRMAN LYNN: To that point, my, I
12 guess, my assumption was that we would formulate
13 our own public relations program to complement the
14 outreach and information gathering that NDC would
15 undertake.

16 COMMISSIONER ELDER: That would work
17 from my end just as long as we make sure that at
18 least that liaison is considered by NDC and it's
19 part of the integration of their outreach program,
20 communities of interest, and, you know, trying to
21 get the public to buy into the process so that
22 when we present the final plan it's not like
23 something is being dropped from them.

24 CHAIRMAN LYNN: I understand.

25 May we move to Ms. Minkoff.

1 COMMISSIONER MINKOFF: Yes. I had a
2 question and I'm going to ask this question
3 obviously without regard to specific dollar
4 amounts which might be a little bit confusing.
5 But in looking at the cost sheet and the summary
6 of the subcontracts, and comparing it with the
7 original submissions that each vender presented to
8 us, I understand that the work that Mr. Sissons is
9 going to be responsible for is kind of a unique,
10 unanticipated thing that is particular to Arizona
11 because of the form that our data is in and that
12 we would have needed to do that regardless of who
13 had come in to help us. And so that I understand.
14 However, it seemed to me that excluding the work
15 that Mr. Sissons needs to do to get our
16 historical, you know, voting records in a way that
17 can be used, that the original NDC proposal was
18 supposed to be a complete proposal to handle the
19 entire redistricting process on a consultant basis
20 for the Independent Redistricting Commission. And
21 I'm looking at the cost sheet in the original
22 proposal, comparing it to the current one.

23 The NDC portion of it is essentially
24 the same. You've taken off the website
25 development and you've added an amount for, you

1 know, supervising the subcontracts. But it ends
2 up being essentially the same.

3 The legal portion of it has gone up
4 by about 30 percent from the original quote. And
5 then there is an amount for the material that EDS
6 is supposed to provide.

7 So my question is, you know, why the
8 significant increase? I understand that using
9 four consultants instead of one is obviously going
10 to be more expensive. What I'm trying to figure
11 out is it appears to me that EDS is doing some
12 things that would have been included in the
13 original NDC proposal because they need to be
14 done. So what I'm wondering is why the NDC
15 portion of the contract is essentially the same
16 and actually with the legal expenses a little bit
17 more than the initial one and then the EDS
18 proposal is kind of tacked on to that.

19 Now, Dr. Adams --

20 You'll have to tell, Mr. Adler,
21 you'll have to tell me whether it's an appropriate
22 question for a public meeting.

23 MR. ADLER: It's been asked, so it's
24 appropriate.

25 COMMISSIONER MINKOFF: It's been

1 asked, but will be the answer be appropriate.

2 MR. ADLER: Yes.

3 DR. ADAMS: I think what you need to
4 understand is that there are data bases and there
5 are data bases. And what Mr. Brace is offering in
6 way of a data base is certainly far expanded from
7 what we originally thought necessary given the
8 terms of the proposal. Now, in talks with our
9 attorney, because the Legislature is going to have
10 such a data base and because Mr. Hall did talk at
11 the meeting about the necessity of having that
12 data base and wanting to basically be ahead of the
13 curve, the meeting I'm referring to is the meeting
14 that the consultants had afterwards, after our
15 last meeting, because of that, we feel that it's
16 important to -- for the Commission to have that
17 data base.

18 COMMISSIONER MINKOFF: Uh-huh.

19 DR. ADAMS: We did not have that
20 extensive data base in our original proposal.

21 COMMISSIONER MINKOFF: Uh-huh.

22 DR. ADAMS: Where there are
23 problems, where we anticipated there might be
24 problems, we would have addressed that area by
25 area. But that is basically the reason for that.

1 Regarding the addition to the legal,
2 that has actually moved from Mr. Brace's proposal
3 to Nielsen, Merksamer's proposal. That is the
4 block of voting analysis person who has a
5 not-to-exceed amount in the Nielsen, Merksamer
6 contract.

7 COMMISSIONER MINKOFF: Uh-huh.

8 DR. ADAMS: For what is necessary.
9 It may not go that high. It's a not-to-exceed.

10 COMMISSIONER MINKOFF: Uh-huh.

11 DR. ADAMS: The kind of analysis
12 you'll be getting is directly from liaisons with
13 that expert rather than going through Mr. Brace's
14 expert.

15 I talked with Mr. Brace about this.
16 That was fine with him. We basically moved that
17 person.

18 COMMISSIONER MINKOFF: Would you
19 repeat for me what that analysis is.

20 DR. ADAMS: The racial block voting
21 analysis.

22 Ms. Leoni, do you have anything to
23 add?

24 MS. LEONI: That's a correct
25 analysis of that, Dr. Adams, Commissioner Minkoff.

1 The quality of data base required a different
2 level of expert. I think it's a very good idea to
3 use the data base available and used by the
4 Legislature. That required a different level of
5 experts on retainer. I prefer to have them on
6 retainer to me and use them as necessary to fit
7 the additional amounts as a not-to-exceed number.
8 I don't want any fiscal surprises to my firm, and
9 that's why it's there. We hope it will be
10 significantly less.

11 COMMISSIONER MINKOFF: Uh-huh.

12 CHAIRMAN LYNN: Ms. Minkoff, any
13 other questions?

14 COMMISSIONER MINKOFF: No. I think
15 that was the major issue that I had.

16 Oh, wait. Actually, there is one
17 thing. Just in terms of understanding the EDS
18 proposal, there are a number of items in
19 parentheses. Are those the optional items?

20 DR. ADAMS: Items in the middle
21 column in parentheses, those are items optional in
22 terms of analysis. You requested we have
23 Mr. Brace on as an hourly or -- an analysis
24 person. Also, there is a section, I believe it's
25 in III, under Roman Numeral III, where --

1 COMMISSIONER MINKOFF: Mr. Brace's
2 proposal.

3 DR. ADAMS: Mr. Brace's cost sheet,
4 that is to be provided by Mr. Sissons.

5 COMMISSIONER MINKOFF: Uh-huh.

6 DR. ADAMS: That's just his cost
7 should it be necessary for him to do it.

8 COMMISSIONER MINKOFF: My other
9 question just about this, I notice there's nothing
10 in there about the 1992 election.

11 DR. ADAMS: There's nothing in
12 Mr. Sissons' proposal. That is in Mr. Brace's
13 proposal. I had a discussion with Mr. Sissons
14 about that.

15 COMMISSIONER MINKOFF: Uh-huh.

16 DR. ADAMS: He was not prepared to
17 develop the 1992 data. We believe it's important
18 to at least look at it even though we understand
19 it's body and it's difficult. That's why we have
20 it in Mr. Brace's proposal.

21 COMMISSIONER MINKOFF: Where is it?
22 I'm looking at Mr. Brace's proposal, see 2000,
23 '98, and '94.

24 DR. ADAMS: It should be --

25 COMMISSIONER MINKOFF: I --

1 DR. ADAMS: I hope you got the most
2 recent revision I sent to Mr. Adler.

3 COMMISSIONER MINKOFF: Mine is dated
4 4-10-01.

5 DR. ADAMS: Okay. Let me see. Turn
6 to that page.

7 DR. HESLOP: III, party registration
8 and voting history data, Arabic five.

9 COMMISSIONER MINKOFF: No Arabic
10 five on mine. I did not get the most recent one.

11 COMMISSIONER HUNTWORK: Nor do I.

12 DR. ADAMS: Appendage four to
13 Mr. Brace's proposal.

14 COMMISSIONER MINKOFF: Yes. I'm
15 looking at an appendix sheet.

16 DR. ADAMS: Okay.

17 COMMISSIONER MINKOFF: Looking at
18 budget redistricting data. I don't have number
19 five under Roman Numeral III.

20 COMMISSIONER ELDER: Andi, this is
21 Dan. One, two, three, four, another four.

22 COMMISSIONER MINKOFF: Has the same
23 thing.

24 COMMISSIONER ELDER: It looks like
25 four was copied twice.

1 COMMISSIONER MINKOFF: Not really,
2 because the dollar amounts are different.

3 COMMISSIONER ELDER: Hum.

4 DR. ADAMS: I know now you do have
5 an old version.

6 COMMISSIONER MINKOFF: Uh-huh.

7 DR. ADAMS: The version first sent
8 to us, they have 1994 twice, and it was simply a
9 typo. The second one where it says 1994 twice,
10 the second of those should be 1992.

11 COMMISSIONER MINKOFF: Okay. So
12 what is listed as number four, this aggregate
13 precinct level data from REF year data base, the
14 second one should be number five in 1992?

15 DR. ADAMS: That's correct.

16 CHAIRMAN LYNN: As we move forward,
17 let me ask not only for the public record's sake
18 but our own, because of the nature of equipment
19 we're using, when one speaks, it renders part of
20 the other system unable to hear if two people are
21 speaking at the same time. When you ask your
22 questions or make comments, if you would then
23 remain silent on the phone as answers are given,
24 we may be able to hear a little better. It's just
25 the nature of the technology.

1 Mr. Hall, would you care to go next?

2 COMMISSIONER HALL: Thank you,
3 Mr. Chairman. It's good to be with all of you via
4 telephone.

5 Couple questions I have, want to
6 address a couple questions already addressed.

7 I want to know from a general
8 standpoint if I offer these suggestions and maybe
9 ask the vender or other Commissioners' opinion
10 relative to those. I think all of us probably
11 have a number of questions with respect to the
12 costs. And I'm wondering if it would be
13 appropriate for, at some time in the future of
14 this meeting, that we maybe authorize at least two
15 members of the Commission that would sit down with
16 Mr. Adler when those negotiations actually are
17 finalized and really iron through a lot of the
18 cost issues.

19 I think it's clear in a number of
20 areas that there is considerable overlap and some
21 areas that probably would need to be trimmed. And
22 I don't know what the Chair's pleasure would be
23 with respect to that or other Commission members,
24 but I guess what I would see that our purpose or
25 scope is, at this point, is really to identify

1 what we perceive to be the flow of information,
2 the relationship of the variety of the
3 consultants, and -- in insuring that all of the
4 items that we feel are appropriate, are necessary,
5 are included in what we see before us.

6 Mr. Lynn, did you have a response to
7 that general focus before I move on to my
8 questions or would you like me just to move on?

9 CHAIRMAN LYNN: No. Let me respond
10 to that, Mr. Hall.

11 I think you bring up a very good
12 point. I view this meeting today, public meeting
13 today, as an opportunity to ask clarifying
14 questions so as to understand fully the combined
15 proposal which is the first time we've seen a
16 proposal including all the consultants with which
17 we wish to engage or with whom we wish to have a
18 relationship. Having done that, or clarified
19 issues, or having a full understanding of how the
20 proposals fit together, my understanding of the
21 procurement procedure suggests that any
22 negotiation, and again, notwithstanding that we
23 may have a discussion in Executive Session today
24 about numbers and about other points of concern,
25 any further discussion relating to the negotiation

1 of a contract with NDC or any of the
2 subcontractors should be done through Mr. Adler.
3 And whether we choose to be a part of that, I
4 certainly concur, Mr. Hall, I think one or two of
5 us might sit with him and work through that
6 process to get to the place where we believe we've
7 got the balance that we're looking for.

8 So I guess just to be a little bit
9 more clear about procedure, I think we should ask
10 any of the clarifying questions we want to ask in
11 public session. I think we then should go into
12 Executive Session to discuss the matters
13 appropriate to be discussed in that session. Then
14 I think we ought to reconvene publicly and give
15 instruction both to Mr. Adler and to any
16 representatives of the Commission who may be
17 joining him in concluding the negotiations with
18 the prime contractor and/or the subcontractors.
19 And I would suggest that for sort of the procedure
20 we follow today.

21 COMMISSIONER HALL: Do any other
22 Commissioners, would they like to respond to that
23 general suggestion before I move on?

24 COMMISSIONER MINKOFF: I think that
25 makes a lot of sense. I agree with what the

1 Chairman said.

2 While I have the floor, I'd like to
3 say one other question I thought of I'd like to
4 ask when everybody is through. Please call on me
5 again.

6 CHAIRMAN LYNN: Will do.

7 COMMISSIONER HALL: Is that my phone
8 that's dead?

9 MR. OCHOA: No. You are on.

10 COMMISSIONER HALL: I have someone
11 beeping in my ear.

12 I wonder if it's possible to remove
13 that persistent dial tone before I move forward.

14 CHAIRMAN LYNN: It may not be.

15 MS. HAUSER: Roll call?

16 COMMISSIONER HALL: Would it be
17 appropriate to take roll call, see if we lost
18 somebody?

19 CHAIRMAN LYNN: Mr. Elder?

20 COMMISSIONER ELDER: Here.

21 CHAIRMAN LYNN: Ms. Minkoff?

22 COMMISSIONER MINKOFF: Yes.

23 CHAIRMAN LYNN: Mr. Hall, still
24 here?

25 COMMISSIONER HALL: I'm still here.

1 COMMISSIONER MINKOFF: What about
2 the consultants, still here?

3 MR. BRACE: Kim Brace, still here.

4 MS. LEONI: This is Marguerite.

5 MS. OSBORNE: This is Karen Osborne.

6 DR. HESLOP: Dr. Heslop.

7 MS. LEONI: I think we may have lost
8 Dr. Adams.

9 CHAIRMAN LYNN: Dr. Adams, are you
10 back with us?

11 COMMISSIONER ELDER: Is Dr. Heslop
12 here?

13 DR. HESLOP: Yes. Marguerite Leoni
14 and I have knowledge of the proposal.

15 CHAIRMAN LYNN: We're okay to move
16 ahead?

17 DR. HESLOP: Yes.

18 COMMISSIONER HALL: If appropriate,
19 I want to give a brief report of the meeting we
20 had subsequent to the Commission, in essence, and
21 thank each of the consultants. I feel like
22 they've done overall an excellent job with respect
23 to trying to incorporate, I think, a variety of
24 demands and a complex situation we've placed upon
25 them.

1 Dr. Adams made a comment that
2 Mr. Brace's data base is more expanded than they
3 originally thought would be necessary. And I
4 think it was the Commission's feeling that was the
5 case, also, and, therefore, as we met, felt they
6 could utilize the expertise Mr. Brace offers with
7 respect to his skills crunching numbers and
8 providing that data base.

9 My question to you, Dr. Heslop, now
10 that you folks have been able to interact with one
11 another and analyze in detail what services are
12 available and technically that EDS is one of your
13 subcontractors, do you feel that the level of data
14 base that Mr. Brace is going to provide is
15 necessary, you know, understanding that we can
16 either buy a car ranging from a Geo Prism to a
17 Rolls Royce?

18 I guess my question is where is the
19 threshold and what is your feeling with respect to
20 the level of detail we need on that data base?

21 DR. HESLOP: I think that's a
22 political question.

23 Our approach, as you know, was the
24 development of what we referred to as an Arizona
25 unit of representation data base. Florence has a

1 data base for Arizona. It has a lot of the
2 information that we believe is necessary for the
3 process. It has all the information that we
4 believe necessary to begin the process. And when
5 we had finalized the grid, it was our intention,
6 then, to develop special data for particular areas
7 of need, for example, areas of heavy Hispanic or
8 American Indian population, we would develop
9 specialized information there with regard to
10 competitiveness. We would have general
11 registration and then would be able to fine tune
12 it in terms of political data that we develop.
13 That was our approach.

14 It is a different approach from that
15 of EDS. EDS will have the information, very full
16 information, that is available to the Legislature.
17 The Legislature could be a player in your process.
18 And I will say that you couldn't have a better
19 data base consultant than Kimball Brace. And he
20 will provide information which if there is a
21 political need will be entirely appropriate,
22 useful, accurate information for you.

23 COMMISSIONER HALL: So as our
24 primary consultant, then, would you counsel this
25 Commission to utilize Mr. Brace's data base as we

1 have intended, we're intending to do at this
2 point, or would you look at that and given your
3 expertise say we'd do fine with your data base and
4 move forward?

5 DR. HESLOP: I'd suggest you use the
6 EDS data base given our understanding you
7 expressed to Florence and Marguerite in the
8 meeting last week given your understanding of the
9 relationship with Leg. counsel, with the
10 Legislature. I think it makes appropriate, good
11 sense.

12 Do you have anything to add to that,
13 Marguerite?

14 MS. LEONI: No, Alan. I think you
15 stated it well.

16 It's my view as well that the
17 process, public process, will go much smoother if
18 everybody has available the same data and is using
19 the same data base; otherwise, subsequent issues
20 and issues of representation will get distracted
21 and there will be debate over who has best data
22 base.

23 Under these circumstances, I think
24 it's advisable to have available whatever will be
25 otherwise publicly available so we will understand

1 the issues and be able to respond in that manner.

2 DR. HESLOP: If I may put it in the
3 terms you use, if another party in this Arizona
4 process is driving a Rolls Royce, I don't think
5 you want to have a Chevy.

6 COMMISSIONER HALL: I thank you for
7 your continuance of the analogy.

8 Mr. Brace, did you want to weigh in
9 on that question?

10 MR. BRACE: I think they have done
11 an eloquent job of stating what we have to offer.

12 You know, we do -- one of our
13 critical things is to make sure it's right. It
14 takes extra time to do that, and that's what is
15 reflected in the cost. But -- having testified in
16 multitudes of court cases, you have to have things
17 right. And that's what we specialize in.

18 COMMISSIONER HALL: In your opinion,
19 and again, folks, I'm not trying to put any of you
20 on the spot, I think it's important for this
21 Commission to really identify what is pertinent to
22 us being successful at the end of the day and what
23 may not be.

24 In your opinion, Mr. Brace, is it
25 important for us to include whatever additional

1 information and/or amendments that Mr. Sissons can
2 add to your data base?

3 MR. BRACE: Yes. In terms of what I
4 understand from what Tony has and what we are
5 pulling together and putting together for the
6 Legislature, I think there will be a good marriage
7 of that. There will also be a cross check
8 capability with that, which is important as
9 another level of validity checks, to make sure
10 that things are in there right and precincts are
11 defined properly, and that sort of thing.

12 COMMISSIONER HALL: While I'm
13 working you over, Mr. Brace, a couple questions.

14 We'll probably address some of the
15 figures later as we indicated earlier. I guess,
16 just for our education, maybe you can help us
17 understand some of the terminology you've utilized
18 throughout your proposal so as we as a Commission
19 discuss these issues, we can insure that we are
20 properly assessing what our needs are or may be.

21 When you utilize the terminology
22 "geocode," what does that mean?

23 MR. BRACE: What geocode is is to
24 take an address of an individual and be able to
25 place it on a spatial plane or on a map. That is

1 what geocoding does.

2 So in the context of what we were
3 proposing, we have found that when you have access
4 to a voter file of registered voters and you can
5 geocode or place those registered voters on a map
6 and have them down at the level of census blocks,
7 it gives a much better way of doing what we call
8 disaggregation; which is in order to build these
9 kind of data bases, to have the ultimate
10 flexibility, you have two levels of geography.
11 You have precincts at one level of geography which
12 are made up of a multitude of blocks. And what
13 you need to do, because in a number of instances,
14 in redistricting, you end up having to split
15 precincts in order to get a good indication of
16 analysis and political leaning. When you have to
17 split precincts, you have to disaggregate the
18 election results down to the block.

19 The best method we have found in
20 doing that is to do that on the basis of where the
21 registered voters actually live as opposed to the
22 voting age population.

23 COMMISSIONER HALL: Okay. Have
24 you entered into a contract with Leg. counsel?

25 MR. BRACE: Yes, we have.

1 COMMISSIONER HALL: Okay. If I may
2 address a question to Ms. Leoni --

3 Is it Leoni?

4 MS. LEONI: Yes.

5 COMMISSIONER HALL: In your opinion,
6 based on what I have before me, would you agree
7 with me when I state there's a number of
8 activities which you have, this corresponds with
9 the question that Mr. Elder had, that a number of
10 the activities which you have indicated that you
11 may perform would overlap with duties and
12 activities that our counsel would perform?

13 MS. LEONI: Mr. Elder.

14 THE REPORTER: I'm sorry. I can't
15 hear.

16 MS. LEONI: I apologize. I will
17 speak up.

18 I can't tell you that, Mr. Hall. I
19 know that these attorneys are attorneys to the
20 Commission. I am an attorney to your consultant.
21 I am not sure of the scope of their duties for
22 you.

23 For example, I don't know whether
24 among the things you would have them do would be
25 to review the website and legal clear all updates.

1 Now, it would seem, from a matter of
2 convenience and expedition, it may be more
3 convenient for me to do that because the
4 additional website materials will come from NDC so
5 when they do arrive at the elections department,
6 they will already have been reviewed. So it's a
7 difficult question for me to answer without
8 knowing exactly what the scope of services is that
9 are being provided to the Commission by your
10 counsel.

11 COMMISSIONER HALL: I guess the
12 point I'm speaking to, the Commission, as you
13 know, placed an RFP for counsel that has greatest
14 expertise in the areas we're relating to. I want
15 to insure that through the process -- we feel we
16 have outstanding counsel -- our counsel is the one
17 providing the direction with respect to legal
18 matters and that they are -- in other words, that
19 their word is, of course, with direction from the
20 Commission, is the final word; so you would see
21 that your activities would directly correspond
22 with them and interact closely with them.

23 MS. LEONI: Without a doubt,
24 Mr. Hall. They are your attorneys. And this was
25 an issue that immediately occurred to the three of

1 us. I don't think there's any difference of
2 opinion there. And I am utterly respectful of
3 their relationship with you.

4 DR. HESLOP: Marguerite, may I
5 suggest that perhaps we have not fully explained
6 your involvement in our technical and line drawing
7 process, that you are involved at each level of
8 the development of our materials, both the AURs,
9 the grid, and every other line that goes on the
10 map?

11 MS. LEONI: Yeah. It's a very -- I
12 would have -- I hope that comes out from the
13 description of the legal services as it blends
14 into the progress of work week by week. It is a
15 team approach so that legal issues are, first of
16 all, identified at the ground level and identified
17 as plans develop so that when you get to the end
18 of the process, there are not to be issues teased
19 out for lack of early review that could become
20 serious issues at the Justice Department.

21 And so my involvement with NDC is
22 quite involved. I don't get a call now and then.
23 Sometimes we're together looking at maps, looking
24 at problems and demographics and registration data
25 and, second, the implications of it.

1 MR. ELDER: Ms. Leoni, my concern
2 with that last comment is I don't, this is my
3 personal opinion, I don't think I want you
4 filtering the information out before it gets to
5 our counsel. If there's issues and things coming
6 up and decisions being made on lines moving, if we
7 can be making sure they're apprised and part of
8 the process saying yes, there's weak legal
9 foundation and lines should be moved, to go
10 through doing eight, nine iterations through your
11 counsel and present something at the end to the
12 counsel would not be a process that I would favor.

13 MS. LEONI: I feel counsel will be
14 apprised.

15 CHAIRMAN LYNN: Mr. Hall.

16 COMMISSIONER HALL: Mr. Sissons, you
17 thought you'd sit there quietly.

18 MR. SISSONS: Yes, but I'm still
19 awake.

20 COMMISSIONER HALL: Granted I have
21 two, three packages of information. I'm still
22 struggling with the order. That's my fault, no
23 one else's.

24 I did not see in my packet where we
25 have a detailed breakdown of the specific

1 activities you will perform and the detailed
2 breakdown of your costs that you have proposed.
3 Was that in here?

4 MR. SISSONS: Well, I believe it
5 probably is not. What I provided to Dr. Adams was
6 a description of the kinds of work that would need
7 to be done to, in essence, repair the data base.

8 COMMISSIONER MINKOFF: I'm having
9 trouble hearing.

10 MR. SISSONS: I'll try and speak
11 louder.

12 I did provide to Dr. Adams a
13 description of the kinds of problems that need to
14 be fixed in that data base, or at least the
15 electronic version of that data base that has been
16 accumulating in the Secretary of State's Office.

17 COMMISSIONER HALL: Right.

18 MR. SISSONS: And my -- and then in
19 an e-mail to Dr. Adams, which she said she would
20 make as part of my proposal --

21 COMMISSIONER HALL: I have a copy of
22 that.

23 MR. SISSONS: -- I spelled out the
24 fact that, in essence, my bid to do the work would
25 be a repeat of the bid that I made to Leg. counsel

1 six months ago. But then at the end of the memo I
2 mentioned that if it was necessary to turn that
3 work around in a six-week time period, which is a
4 bit faster than I was planning to do it, that I
5 would need an additional 30,000 additional dollars
6 for additional staff to work with me.

7 COMMISSIONER HALL: I understand
8 that.

9 Thank you for providing the material
10 which I have.

11 The question is relating to I see
12 where you've identified what you identify as some
13 of the problems. I see the e-mail you referenced
14 and the block referenced in that addition for a
15 more rapid schedule.

16 I guess my question is: What -- at
17 the end of the day, what are we getting? And what
18 I'd like to see is something saying this is what
19 I'm delivering to you, not only a time line, but
20 also specific items delivered and a breakdown of
21 that bid and a copy of that bid and bid them out
22 as to the costs for specific activities versus
23 just one number.

24 MR. SISSONS: Okay. Yes, I do
25 understand the question you are asking.

1 Well, when I bid this work initially
2 in my bid to the Legislative counsel, it was to --
3 it was figured on the basis of a dollar amount per
4 precinct to review all of the electronic files,
5 convert them into a format that could be entered
6 into the redistricting computer, and in many of
7 the cases where there are discrepancies between
8 the precinct level, electronic information
9 submitted by the counties, and the total vote
10 information they submitted separately to the
11 Secretary of State, to resolve those -- to visit
12 the county elections offices and attempt, to the
13 greatest extent possible, to resolve those
14 differences.

15 COMMISSIONER HALL: Great. So what
16 I'm asking, without objection, Mr. Chairman, is
17 Mr. Sissons deliver to the Commission a written
18 scope of work, written list of deliverables with
19 that scope of work, with a written timetable and
20 detailed breakdown of cost proposal for the
21 benefit of Mr. Adler and members of the
22 Commission. I think it's also for the benefit of
23 Mr. Brace and NDC so everybody knows whose on
24 first and what everybody is supposed to be doing.

25 CHAIRMAN LYNN: Mr. Sissons, is that

1 something you can provide to -- I think in terms
2 of consistency, is that something you could
3 provide to Dr. Adams so we could consider it in
4 terms of the overall scope?

5 MR. SISSONS: That is something I
6 can provide very quickly.

7 CHAIRMAN LYNN: Then we would ask to
8 you do so.

9 MR. SISSONS: I will. Thank you.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Mr. Chairman,
12 that's all the questions I have right now. Thank
13 you.

14 CHAIRMAN LYNN: I'll ask again in a
15 moment. Thank you.

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I've been
18 noting questions as we go along. Not
19 surprisingly, many of them have been answered.

20 I do have a few things I'd like to
21 go back and ask one more thing about.

22 Number one, with respect to the
23 legal services, I do understand that we would
24 have, in effect, there would be a separate lawyer
25 for NDC who would be a member of that team. And

1 we would have our own lawyers. If I'm
2 understanding correctly, then, we don't have an
3 attorney-client relationship with Ms. Leoni. She
4 is really a subcontractor or a component part of
5 the NDC cost.

6 We don't have a confidential
7 relationship with her, because she is -- she's not
8 our attorney. And it would seem appropriate to
9 me, in that light, that we would control, we'd
10 have clear differentiation on those matters on
11 which we are all relying on the advice of our
12 attorneys for, of the Commission's attorneys.

13 The example that comes to my mind
14 immediately is one of the first things, and that
15 is the legal opinion regarding setting up this
16 initial grid. It would seem to me that that would
17 be a matter of Arizona law and we would ask our
18 Arizona counsel to advise us on that.

19 We have some noise on the line here.

20 Is that correct? Do you agree with
21 that? Have I mischaracterized that?

22 CHAIRMAN LYNN: To whom are you
23 directing that question, Mr. Huntwork?

24 COMMISSIONER HUNTWORK: I guess
25 Ms. Leoni.

1 MS. LEONI: I lost half of your
2 question with some noise.

3 You noted initially that my client
4 relationship would run to NDC.

5 COMMISSIONER HUNTWORK: Right.

6 MS. LEONI: And the -- is it the
7 scope of duties of your attorneys?

8 COMMISSIONER HUNTWORK: I understand
9 you didn't hear it. Let me repeat it and maybe
10 even clarify it a little bit.

11 I would envision a contract with NDC
12 in which the work they require, the work you do
13 for them is included in one of their, part of
14 their cost either as a breakdown reimbursable or
15 simply part of the total contract cost. But with
16 an issue like the question of how we set up the
17 initial grid and the legal opinion as to whether
18 we've done it correctly or not, we would certainly
19 be looking to our counsel for that.

20 MS. LEONI: Correct.

21 COMMISSIONER HUNTWORK: I would not
22 expect to pay twice for that opinion. So I guess
23 I'm asking: Is that the basis for a common
24 understanding? And do you have any questions
25 about it? Did you also hear my comments about

1 confidentiality?

2 MS. LEONI: Yes. I do understand
3 that.

4 What I would be providing to NDC
5 would be legal opinions that I would imagine would
6 be, as appropriate, shared with you in that the --
7 some of the development issues would certainly be
8 presented to you, for example the location of
9 particular grid polygons, that they would be
10 presented to you with a highlighting of initial
11 legal issues, and preliminary analysis, at least,
12 about how those may cut for or against particular
13 lines, particular polygons. Those would then I
14 imagine by the Commission be referred to your
15 attorneys if you felt there were a resolution that
16 would need to be done here.

17 The authority -- the relationships
18 between your attorneys and the logistics make it
19 somewhat difficult, and I also believe the
20 contractor relationship for your attorneys to be
21 working as legal counsel also to NDC. But the --
22 my advice and counsel to NDC would be part of the
23 product delivered to you. And I believe it would
24 be a different product than is delivered by your
25 own attorneys.

1 COMMISSIONER HUNTWORK: Well,
2 essentially I think you are describing a process
3 where you would be rendering legal advice to us
4 through NDC.

5 MS. LEONI: Advice would be to NDC
6 for example a particular grid square while meeting
7 the equal population standard presents issues with
8 regard to minority voting rights. That would go
9 in the NDC report to you. That legal issue would
10 be highlighted, raised, analyzed as appropriate.
11 And I imagine then at that point, those issues
12 would be delivered to your counsel to be among the
13 arsenal -- among the information they would have
14 to ultimately advise you on the legality of the
15 final plan.

16 COMMISSIONER HUNTWORK: Okay. All
17 right. Let me jump to a completely different
18 subject here. I would like to ask Mr. Brace a
19 question.

20 MR. BRACE: Okay.

21 COMMISSIONER HUNTWORK: What is the
22 scope of your contract with Leg. counsel? Could
23 you tell us all of the services that you've been
24 employed to provide to them?

25 MR. BRACE: What we are providing

1 for them is we are taking all of the election
2 results for them back to '96 and keypunching
3 those, or converting them from electronic form
4 into a uniform format, filling in any holes that
5 may exist. And we are also creating precinct
6 boundaries for all of those and making sure that
7 the precinct boundaries that had already been done
8 coincide then with the identifications on the
9 election returns for each year of election returns
10 that we're doing. We're doing that for both the
11 primary elections as well as the general
12 elections, from current back to 1996.

13 COMMISSIONER HUNTWORK: Okay. A
14 couple thoughts there. I'm trying to understand
15 this completely.

16 If I understood what Mr. Sissons
17 said just a minute ago, the conversion of that
18 data into a uniform format was also a part of what
19 he was proposing to do. So that would be -- I
20 just note that I think that's a duplication.

21 MR. BRACE: That's true, but I'm not
22 charging you for that.

23 COMMISSIONER HUNTWORK: Are you
24 charging us for anything you are doing for Leg.
25 counsel?

1 MR. BRACE: No. The only thing I'm
2 charging you for is going back before '96 where
3 Leg. counsel has decided that from their
4 standpoint they don't think politically that they
5 need it for their political analysis purposes.
6 That's different than what your needs are for
7 voting rights analysis and in talking with
8 Marguerite and NDC people from that standpoint,
9 too.

10 COMMISSIONER HUNTWORK: All right.
11 Looking at your proposal to us, the portion
12 attached to it as the appendix, which of the items
13 on there correspond to work you are doing for Leg.
14 counsel?

15 MR. BRACE: Well, unfortunately I'm
16 at a disadvantage. I'm in Virginia Beach,
17 Virginia, today with another client. I'm not in
18 my office. And I'm at a double disadvantage. I
19 don't have what was ultimately submitted to you.
20 You know --

21 COMMISSIONER HUNTWORK: Okay.

22 MR. BRACE: I have, or my staff has,
23 what was given to NDC.

24 COMMISSIONER HUNTWORK: Let me ask
25 Mr. Adler who is sitting here: Would it be

1 appropriate to read through this and ask him
2 without going through numbers for a description of
3 line items?

4 MR. ADLER: Sure.

5 COMMISSIONER HUNTWORK: Okay. We
6 have in Roman Numeral I something called
7 geographic data. Item A, prepare 2000 TIGER line
8 base plan.

9 MR. BRACE: Right.

10 COMMISSIONER HUNTWORK: Each of
11 these, tell me whether you're doing it for Leg.
12 counsel or not.

13 MR. BRACE: In that instance we are
14 because we need the TIGER files in order to create
15 the precinct equivalencies.

16 COMMISSIONER HUNTWORK: May I -- is
17 Karen Osborne on the line?

18 MS. OSBORNE: Yes, I am. And Tim's
19 here with me.

20 COMMISSIONER HUNTWORK: Karen, is
21 this something you have also done or are preparing
22 to do?

23 MS. OSBORNE: Go ahead and answer,
24 Tim.

25 MR. JOHNSON: Yeah. That's done

1 already for statewide data. We don't have the
2 precincts filled in. That's something Leg.
3 counsel has, TIGER files converted into shape
4 files.

5 THE REPORTER: Shape file?

6 MR. JOHNSON: A shape file is the
7 way the geographic information system treats did
8 the data layer. Streets are a shape file, or --
9 that's a term for a data layer.

10 COMMISSIONER HUNTWORK: Create
11 Congressional and Legislative District layers.

12 Kim, I guess this is something you
13 are doing?

14 MR. BRACE: Actually for Leg.
15 counsel, no.

16 COMMISSIONER HUNTWORK: Tim, is that
17 something -- I know you're not doing detailed
18 shape files. Is this something you are doing or
19 would come out of your work?

20 MR. JOHNSON: Yes. That's done
21 already, too.

22 COMMISSIONER HUNTWORK: Create
23 election precinct layers. I understand what you
24 said about that. I understand what Tim said about
25 it.

1 Kim, that is something you are doing
2 for Leg. counsel, right?

3 MR. BRACE: We are doing back to '96
4 for them but not before then.

5 COMMISSIONER HUNTWORK: Okay.
6 According to this, you would be charging us for
7 that work back to '96. How was that -- but not
8 very much, but --

9 MR. BRACE: No. It's certainly not
10 as much as what we've charged Leg. counsel. What
11 is being charged to you is conversion, dealing
12 with bringing files over and basically pulling
13 together duplicates.

14 COMMISSIONER HUNTWORK: Okay.
15 The -- this could take quite awhile.

16 Mr. Chairman, there might be --
17 there's got to be a better way to do this. And
18 yet we need this information.

19 CHAIRMAN LYNN: Mr. Huntwork, I take
20 your point, see where you are going, and agree
21 completely. I think if we can note as a direction
22 to Mr. Adler, in terms of continuing negotiations,
23 to continue this format through the list to insure
24 that there is no duplication or where duplication
25 exists that only appropriate charges are made to

1 the Commission.

2 COMMISSIONER HUNTWORK: Okay.

3 MR. ADLER: Yes, sir. I have that
4 direction and I think the consultants do, also.

5 COMMISSIONER MINKOFF: Mr. Lynn, I
6 might add to that to direct Mr. Adler to add
7 Maricopa County Election Department to that as
8 well to see if there's any overlap.

9 CHAIRMAN LYNN: Again, Ms. Minkoff,
10 consultants was plural, coordinate the work.

11 If you will work with all four
12 consultant groups to not duplicate either cost or
13 activity.

14 COMMISSIONER HUNTWORK: Another
15 question I have in my mind is now that Mr. Brace
16 has expressed the scope of his work for Leg.
17 counsel, I want to go back and reexamine one of
18 our earlier premises which was NDC recommending
19 that we substantially expand the scope of our data
20 because all this data would be floating around
21 anyway. It sounds as if it isn't floating around
22 anyway. Leg. counsel has made a very modest
23 request, it sounds like, to me.

24 CHAIRMAN LYNN: Mr. Brace, could
25 you, without --

1 And again, you have contractual
2 issues with Leg. counsel.

3 MR. BRACE: Right.

4 CHAIRMAN LYNN: Which may or may not
5 be our business.

6 To the extent you feel comfortable
7 commenting to Mr. Huntwork's point, when the work
8 is completed for us and the work is completed for
9 Leg. counsel, could you characterize the nature of
10 the two sets of data that each will have in terms
11 of completeness, in terms of volume, in terms of
12 whatever characterization you could make of it?

13 MR. BRACE: Well, from the
14 standpoint of Leg. counsel, we're doing that work
15 without regard to what Mr. Sissons has done or is
16 continuing to do. Leg. counsel has gone to us to
17 pull it all together despite anything else that
18 might be there.

19 Now as far as the Commission is
20 concerned, our work we envision with the
21 Commission is quite a bit of crosschecking of what
22 we have done with Leg. counsel and what Tony is
23 putting together as an additional verification
24 phase that is going forward.

25 CHAIRMAN LYNN: Mr. Huntwork.

1 COMMISSIONER HUNTWORK: Let me run
2 through big categories just so I understand. And
3 please bear with me.

4 Are you -- is EDS doing the
5 geocoding and all of the disaggregation for Leg.
6 counsel?

7 MR. BRACE: No.

8 COMMISSIONER HUNTWORK: Are you
9 doing the racial block voting analysis for them?

10 MR. BRACE: No.

11 COMMISSIONER HUNTWORK: I don't know
12 if you can comment on this or not or if you care
13 to, but with regard to additional services later
14 on, for example, providing expert testimony
15 regarding the data that you have provided, does
16 your agreement include that or is it just the
17 number crunching at this time?

18 MR. BRACE: At this time, it's just
19 the number crunching.

20 COMMISSIONER HUNTWORK: Okay.

21 I think I have -- just bear with me,
22 because I made notes of questions and crossed a
23 number of them off as they got asked. I'll review
24 my notes briefly.

25 CHAIRMAN LYNN: If I may move on to

1 Ms. Minkoff, we'll have follow-up and come back to
2 you.

3 COMMISSIONER MINKOFF: Thank you,
4 Mr. Chairman. I have a couple questions. I had
5 three. One got answered.

6 My first question is about the
7 proposals from Maricopa County. And we had talked
8 about having Tim Johnson kind of move over in
9 house and do all the GIS work for the Commission.
10 And their proposal includes that. And what I
11 wanted to know is if that is something that we
12 need independently or is that duplicative of the
13 work of any of the other consultants?

14 CHAIRMAN LYNN: To whom are you
15 asking the question?

16 COMMISSIONER MINKOFF: Whomever can
17 answer the question.

18 Certainly Maricopa County. I'd like
19 to hear from EDS and NDC, find out if work he's
20 doing is work we'd have to contract for anyway or
21 if it's duplicating something they're providing
22 for us.

23 CHAIRMAN LYNN: I guess the real
24 question is the issue of the Commission employing
25 through whatever means an in-house GIS specialist

1 to provide services as necessary as we move
2 through the process.

3 Perhaps we ought to start with
4 Dr. Heslop and then go to Mr. Brace.

5 DR. HESLOP: Well, look, I think
6 this is a question that the Commission needs to
7 answer itself. I think you have a clear idea of
8 the sort of materials that we'll be bringing
9 before you. We will be presenting geographic
10 materials, statistical materials with regard to
11 the equal population grid, the Arizona units of
12 representation we will be compiling in readily
13 understandable GIS form, the operational results
14 of our meeting. All of these will be prepared in
15 such a way you can make use of them in your
16 meetings and in such a way that they can be
17 provided to the media.

18 If there are, beyond the product for
19 which we are responsible, GIS needs, then clearly
20 you have expert capabilities available to you.
21 And I think that the Commission really needs to
22 spell out in its own agenda what those additional
23 GIS materials may be.

24 I return to the thought I expressed
25 in the beginning here, namely that the NDC

1 proposal was a comprehensive one. We believed,
2 when we made it, that it included all of the
3 materials that you would need for the process.
4 But that was our understanding, and you may now be
5 broadening your understanding of your need.

6 CHAIRMAN LYNN: Mr. Brace?

7 MR. BRACE: Well, in terms of our
8 work, in terms of GIS, we have procedures and
9 processing steps that we have developed over a
10 long period of time that ends up giving us the
11 kinds of attributes and information, additional
12 fields on the TIGER fields, we find necessary in
13 order to do our work. And these are different
14 than what might be generically in the TIGER files.
15 So however Tim might process that TIGER file would
16 be different than what we would process and how we
17 would be adding fields for our own work purposes.
18 I don't believe there's a duplication from that
19 standpoint.

20 We know because of our programs and
21 what we have what we need in the GIS processing.
22 Since we're not doing any web work or anything
23 like that, there's no duplication there.

24 CHAIRMAN LYNN: Let me direct a
25 question to Ms. Osborne or Mr. Johnson from

1 Maricopa County.

2 Given your understanding of the
3 division of labor between what Mr. Brace is
4 preparing in the way of data and what we would be
5 getting from NDC along the way, would you briefly
6 for us describe how you see Mr. Johnson's role
7 with the Commission on an ongoing basis?

8 MR. JOHNSON: Okay. I'll go ahead
9 and take that one.

10 I see the role sort of shifting from
11 our original, which would have been a lot of
12 overlap. In the new role I would see my
13 on-the-spot availability for any kind of analysis
14 that the Commissioners would like to run to get a
15 feel for what would happen if they did this or
16 what if that.

17 The data that we've developed we've
18 just taken from the publicly available TIGER files
19 and converted, like I said, to the GIS data
20 layers.

21 I think Mr. Brace is prepared to add
22 quite a bit more information to that. In that,
23 there's not much duplication.

24 CHAIRMAN LYNN: You see your role as
25 needed to perform GIS functions locally against

1 the data provided by either of the other
2 consultants?

3 MR. JOHNSON: Correct. In some
4 respects, to create data on the fly. That may be
5 something for questions that arise on the spot or
6 pre-planned ones. I think Mr. Brace's data base
7 would pretty much cover it.

8 CHAIRMAN LYNN: Ms. Minkoff.

9 COMMISSIONER MINKOFF: Yes. Let me
10 ask a follow-up question then.

11 The County Elections Department has
12 essentially presented us two options in their
13 proposal. The first option is one I think we all
14 talked about initially, is have Tim come in
15 essentially full time and be loaned to us for the
16 duration of this project.

17 Based on the discussion we just had
18 in terms of what we need in GIS services in-house
19 versus what the consultants are going to provide
20 for us, is that still what you would recommend?

21 Tim, what I'm asking, what you
22 described, is that going to keep you occupied?
23 Are we going to have need of you full time,
24 essentially 40 hours a week?

25 MR. JOHNSON: I think so. I think

1 between the website and the GIS services there
2 will be more than enough to keep me busy.

3 COMMISSIONER MINKOFF: Okay. Thank
4 you.

5 COMMISSIONER ELDER: Mr. Chairman,
6 this is Dan Elder.

7 A question, following up on some of
8 the data base and what NDC and Tim may very well
9 have, something that is important to me is the, I
10 don't know what you want to call it, morphology of
11 the state, transportation systems, where the edges
12 are.

13 When you said "spacial data," did
14 that include a base or as part of your base
15 information the roadway systems, rivers,
16 mountains, topography, whatever it might be?

17 MR. BRACE: That's all included in
18 the TIGER files in terms of visible features. The
19 only thing that may not be in the TIGER files is
20 the Z factor or topography.

21 THE REPORTER: Z factor?

22 MR. JOHNSON: Z factor. You have an
23 X coordinate and Y coordinate which tells where,
24 the latitude and longitude you are. Z is how high
25 up from the ground you. That's known as the Z

1 factor.

2 MR. SISSONS: Calibration.

3 CHAIRMAN LYNN: Let me return to
4 Mr. Huntwork.

5 COMMISSIONER HUNTWORK: No,
6 Mr. Chairman. I looked at all my notes. I think
7 I'm satisfied, for the time being, anyway.

8 CHAIRMAN LYNN: Thank you.

9 Mr. Hall, anything occur to you in
10 the interim?

11 COMMISSIONER HALL: Yes, sir. Thank
12 you, Mr. Chairman.

13 So just to clarify for me, I
14 probably have a question for Mr. Brace.

15 Essentially what you are doing for
16 Leg. counsel is what Mr. Sissons is going to do
17 for us from '96 forward?

18 MR. BRACE: Yeah, probably.

19 COMMISSIONER HALL: Would you agree
20 with that, Mr. Sissons?

21 MR. SISSONS: From what I've heard
22 this morning, that would seem to be the case.

23 MR. BRACE: Now, I don't know how
24 far down the ballot Tony is looking at going in
25 terms of what kind of offices are being

1 contemplated from his data base.

2 COMMISSIONER HALL: Mr. Sissons, how
3 far down the ballot are you going?

4 MR. SISSONS: Including all federal
5 contests, statewide contests, county elected
6 officials, Legislature, Congressional --
7 Congressional would be included in all federal
8 ones, propositions. I would not be including the
9 school board, mosquito abatement, those sort of
10 bottom-of-the-ballot kinds of posts because by and
11 large the counties did not include that level of
12 detail in the electronic files they submitted to
13 the Secretary of State.

14 COMMISSIONER HALL: Is that
15 essentially what you are including, Mr. Brace?

16 MR. BRACE: We are not including, if
17 my note taking was coherent, we're not including
18 the county election officials that Tony just
19 mentioned in our data base. We're including all
20 statewide federal, Congressional, state
21 Legislative contests, and a selected number of
22 propositions.

23 COMMISSIONER HALL: Would it be --

24 I guess as I hear, listen to the
25 whole Commission, is it safe probably to say that

1 all of us are concerned that, you know, that we're
2 paying double for the same product? I think
3 that's pretty clear.

4 I guess we're going to look to your
5 firm at NDC as the general contractor, for lack of
6 a better word, or primary consultant, to assist us
7 in discerning, you know, where there may be areas
8 of overlap.

9 Would it be appropriate or could we
10 ask Mr. Brace that you would also give the
11 Commission a proposal of what you would -- get us
12 a copy of the work you are performing for Leg.
13 counsel?

14 MR. BRACE: Well, under my contract,
15 that's not for me to give.

16 COMMISSIONER HALL: Is that
17 proprietary information?

18 MR. BRACE: As all of my contracts,
19 what I do for my clients.

20 COMMISSIONER HALL: Right.

21 MR. BRACE: They are my client's.

22 COMMISSIONER HALL: Let me rephrase
23 the question.

24 In light of the fact you are already
25 performing the work, and I assume your contract

1 does not prohibit you from performing identical
2 work for somebody else.

3 MR. BRACE: That's correct, at this
4 point in time.

5 COMMISSIONER HALL: In light of the
6 fact you are performing the work, I wonder what,
7 if you can give us a cost proposal for what it
8 would cost for you to perform the identical work
9 for us in addition to what you've already
10 proposed, '96 forward.

11 MR. BRACE: I believe that was in
12 fact in my original proposal.

13 COMMISSIONER HALL: It is. Yeah.
14 Okay.

15 CHAIRMAN LYNN: That proposal didn't
16 contemplate Mr. Sissons' work or others.

17 MR. BRACE: That's right.

18 COMMISSIONER HALL: Are you
19 indicating in light -- there would be no change
20 even though you would already have done the work,
21 the costs would be the same?

22 MR. BRACE: That's not what you
23 asked.

24 What -- as I understood is what you
25 asked was what would be the cost if Mr. Sissons

1 was not doing the work. And that is what I had
2 proposed originally. When I proposed that, I used
3 the exact same numbers that at that time I was
4 proposing to the Legislature.

5 COMMISSIONER HALL: Right.

6 MR. BRACE: Now they have taken that
7 up.

8 COMMISSIONER HALL: Right.

9 MR. BRACE: Now, as the data is not
10 mine to give to you, if you came to me and asked
11 me to do that work again, which is what I would
12 have to do, then I would charge you the same thing
13 that I'm charging the Legislature.

14 COMMISSIONER HALL: Okay.

15 Is it safe to say you already have a
16 copy of all of the voter history, voter history
17 data Leg. counsel has?

18 MR. BRACE: Not at this time. It's
19 still in Leg. counsel's possession, may be making
20 it's way Eastward as we speak.

21 COMMISSIONER HALL: You will have
22 access to that information?

23 MR. BRACE: Yes.

24 COMMISSIONER HALL: Mr. Ochoa, do we
25 have, did we receive copies of that information

1 for the Commission's benefit?

2 MR. OCHOA: Not as of yet. Legal
3 counsel requested that information. We're
4 awaiting that information.

5 COMMISSIONER HALL: Do we have a
6 response?

7 MS. HAUSER: I have a meeting with
8 the director of Legislative counsel 1:00ish today.
9 We left it a little loose depending on when this
10 ends; but yes.

11 COMMISSIONER HALL: Early
12 indications are there are not problems of us
13 receiving copies of all that data?

14 MS. HAUSER: Yes. The devil is in
15 the details, but they seemed receptive.

16 COMMISSIONER HALL: What devilish
17 details do you perceive?

18 MS. HAUSER: I don't know with
19 respect to cost and those types of things. I'll
20 hear that with respect to our request for
21 acquiring information.

22 COMMISSIONER HALL: The first
23 analysis seems they'll want to charge us for the
24 information?

25 MS. HAUSER: I assume so. How much

1 that is, I guess, is a question.

2 COMMISSIONER MINKOFF: If I could
3 chime in on that, I've spoken with Mike Braun
4 previously about this. And I got an indication
5 that the cost would not be great; that they do
6 want us to share in the cost of developing the
7 data, but it is not a large item.

8 CHAIRMAN LYNN: In the interests of
9 time and moving things along, I want to ask the
10 Commissioners, let me do it sort of in a roll call
11 fashion, are there other questions you need to ask
12 of the consultants at this time or might you be
13 ready then to consider an Executive Session so as
14 to discuss numbers and/or other issues?

15 Let me start with Mr. Elder.

16 COMMISSIONER ELDER: Yes. I have
17 one question for the consultants.

18 On page five, we're going through
19 the process where NDC is analyzing the material,
20 AUR, data bases, et cetera. And it comes down to
21 about the fifth, sixth paragraph. "After detail
22 review by voting rights attorneys," and goes in
23 there and finishes with "at this time the
24 Commission will decide how many grid plans it
25 wishes to modify."

1 It almost seems like -- well, shoot.
2 Wrong spot. Never mind.

3 Seven -- the sixth page, seventh
4 paragraph down. In any case, what I'm going at,
5 "NDC staff makes editorial board visit." I don't
6 know what an editorial board visit represents.
7 Seems like we're having the second set of public
8 comments followed by no revisions to plans based
9 on comments or no input based on comments, and
10 then we're just going to a final Congressional
11 Legislative plan.

12 Is there space in there to make
13 revisions after a second round of public hearings?

14 DR. HESLOP: Commissioner, if I may
15 respond to that.

16 Yes, it is absolutely our intention
17 after each of the public meetings NDC would be
18 working with the Commission and its staff to
19 figure out what those public meetings have meant
20 with regard to adjustment in the plans. And those
21 adjustments would be taken immediately after each
22 public meeting to the Commission.

23 In fact, just looking at page six,
24 third paragraph up, I see we have said "After each
25 public meeting, NDC will work with the Commission

1 and staff to incorporate needed changes in
2 Congressional Districts and Legislative
3 Districts." That process is fully anticipated.
4 With regard to editorial boards, it's been our
5 experience, Commissioner, that it is extremely
6 important to gather as much media support for the
7 final version of a plan as possible.

8 And our experience is that going
9 perhaps with Commission staff, Commissioners,
10 however you wish to instruct us to proceed, that
11 your consultants can go before the publisher and
12 editors and major reporters of the principal daily
13 newspapers in the state and explain and defend our
14 plan and do the same with the electronic media.
15 So this is part of our involvement, proposed
16 involvement in the outreach for the final version
17 of your plans.

18 COMMISSIONER ELDER: Okay. Thank
19 you.

20 CHAIRMAN LYNN: Ms. Minkoff.

21 COMMISSIONER MINKOFF: Yes. Thank
22 you.

23 The answer to that previous question
24 has brought up a question in my mind. It seems to
25 me, according to your answer, Mr. Heslop, that the

1 final plan is developed of the contract after the
2 second round of public meetings. Prop 106
3 provides after that plan has been adopted by the
4 Commission there is 30 days during which both the
5 public and the Legislature gets to comment on that
6 plan. And then we have a period when we have to
7 consider whether we want to make any revisions in
8 the plan.

9 It seems to me that would occur
10 sometime during the 10th copyright, if that
11 support is included in your proposal.

12 DR. HESLOP: We'd be supporting
13 reactions to any alternative plans provided by the
14 Legislature or indeed by any other entity. And we
15 would be in a position then to not only defend
16 your plan but also your instruction to incorporate
17 changes advanced by these other entities in the
18 plan.

19 Yes. We'd be supporting you
20 throughout the process.

21 COMMISSIONER MINKOFF: I want to
22 make sure you understand when you say "At the end
23 of the seventh through tenth weeks, Commission
24 choose final Congressional and final Legislative
25 State plan," those are not necessarily final

1 plans.

2 DR. HESLOP: We understand that. If
3 you wish, we can make that statement rather
4 clearer in our schedule of activities.

5 COMMISSIONER MINKOFF: All right.
6 Thank you.

7 CHAIRMAN LYNN: Mr. Hall?

8 COMMISSIONER HALL: No.

9 CHAIRMAN LYNN: Mr. Huntwork?

10 COMMISSIONER HUNTWORK: No further
11 questions.

12 CHAIRMAN LYNN: Let me say that from
13 the position of the Chair, virtually all of the
14 questions that I would have posed to consultants
15 have been asked in one form or another by other
16 members of the Commission.

17 I would like to ask Mr. Brace one
18 more question. And it may have been asked and
19 answered, Mr. Brace, but from your perspective,
20 because you are uniquely involved in preparing
21 data for more than one entity in the State of
22 Arizona either at the present time or shortly will
23 be, based on your analysis of not only our
24 discussion but our RFP, if we were, or I should
25 say when we begin to draw our maps, is it your

1 opinion that the Commission will have the most
2 complete set of data from which those maps are to
3 be drawn of anyone you are aware of in the state?

4 MR. BRACE: Well, you -- when you
5 say on which to draw --

6 CHAIRMAN LYNN: From which to draw.

7 MR. BRACE: Okay. I'm just
8 concerned in terms of your duty under the -- under
9 the proposition was that the data that you are
10 using is to be used not to draw but to analyze the
11 impact of your drawing. Keep that in mind.

12 CHAIRMAN LYNN: Rather than parsing
13 the words, I guess for anyone that may be involved
14 in creating maps in whatever manner, will our data
15 set be as complete as anyone's?

16 MR. BRACE: Yes. I believe so.

17 CHAIRMAN LYNN: And more complete
18 than most?

19 MR. BRACE: I believe so.

20 CHAIRMAN LYNN: All right.

21 That's the only declaration I wanted
22 beyond what has been discussed.

23 I would suggest at this time we
24 consider whether or not we would wish to go into
25 Executive Session and, concurrent with that, I

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 MR. BRACE: Commissioner, Kim Brace.
7 Since I'm not in Washington, I'm at a client site
8 in Norfolk, I have to go to the airport to catch a
9 flight.

10 CHAIRMAN LYNN: We understand that,
11 Mr. Brace, and understand probably Executive
12 Session would be without consultants present.

13 MR. BRACE: Okay. If --
14 You had talked earlier about
15 reconvening public session. I will be back up in
16 my office probably by 6:00 o'clock Washington time
17 at which time I can certainly call Enrique and see
18 if we're back in, you are still on, or whatever.

19 CHAIRMAN LYNN: I don't think that
20 will be necessary, but let's see how the rest of
21 the meeting progresses. We understand your
22 schedule.

23 MR. BRACE: Okay.
24 Is there a motion to go into
25 Executive Session?

1 COMMISSIONER HUNTWORK: Mr. Chairman,
2 I would like to move we go into Executive Session
3 and on the advice of counsel specify we're doing
4 so pursuant to 38.431.03 which pertains to
5 discussion or consideration of records exempt by
6 law from public inspection.

7 CHAIRMAN LYNN: Thank you,
8 Mr. Huntwork.

9 Second?

10 COMMISSIONER ELDER: Second.

11 CHAIRMAN LYNN: Thank you,
12 Mr. Elder.

13 We will vote on that with the
14 understanding that we will move into Executive
15 Session following a five-minute break, or
16 thereabouts, without objection.

17 All those in favor of Executive
18 Session, signify by saying "Aye."

19 (Vote taken.)

20 CHAIRMAN LYNN: Opposed, "No."

21 (Motion carries.)

22 COMMISSIONER HALL: Mr. Chairman, I
23 presume we hang up and will be called back?

24 MR. OCHOA: Steve, everybody hang up
25 and we'll call back directly.

1 CHAIRMAN LYNN: Since there's no
2 dial-in number, we each separately could stay on
3 the line, if we wanted to.

4 MR. OCHOA: We have to be sure
5 nobody else is on the line.

6 MS. HAUSER: You can't be sure. You
7 can't be sure unless you call back.

8 CHAIRMAN LYNN: I think it's
9 probably better because of the break, as well. I
10 think it's probably better if we all hang up, have
11 Mr. Ochoa reconvene the Executive Session through
12 the --

13 MR. OCHOA: -- Capitol operator.

14 COMMISSIONER MINKOFF: Mr. Chairman,
15 I need to mention my cellphone is approaching the
16 limits of its battery capacity. I'll stay on as
17 long as I can, but you may lose me.

18 CHAIRMAN LYNN: We understand that.
19 We'll have to press ahead.

20 COMMISSIONER MINKOFF: Okay. You
21 mean I'm not indispensable?

22 COMMISSIONER ELDER: Mr. Chair?

23 CHAIRMAN LYNN: Mr. Elder.

24 COMMISSIONER ELDER: If at a
25 different number, do we need to give that to the

1 Capitol operator or do they still have the number
2 they reached us at?

3 MR. OCHOA: Will you be at the same
4 number, Mr. Elder?

5 COMMISSIONER ELDER: I ended up in
6 Mr. Lynn's office and gave them a revised number
7 because my battery was going dead this morning,
8 also. So they called me back at a different
9 number than you have, Mr. Ochoa. The machine says
10 3629, don't know what prefix.

11 CHAIRMAN LYNN: 884, number is 520
12 area code.

13 Dan, answer all messages there.

14 COMMISSIONER ELDER: Have a pile
15 scooted off to the side.

16 CHAIRMAN LYNN: Without objection,
17 we'll take a break and await a return phone call
18 to go into Executive Session.

19 COMMISSIONER ELDER: Fair enough.
20 Talk to you all in few moments.

21 (Recess taken.)

22 (Whereupon, at 1:05 p.m., the
23 Commission recessed Open Public Session and
24 convened in Executive Session.)

25 (Recess taken.)

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

1 on such contracts, including any appropriate
2 Executive Sessions.

3 CHAIRMAN LYNN: Is there a second to
4 the motion?

5 COMMISSIONER ELDER: Second.

6 CHAIRMAN LYNN: Discussion?

7 COMMISSIONER HALL: I wonder if we
8 can have the tape play back the motion.

9 MR. RIVERA: Have the court reporter
10 read it back.

11 MR. OCHOA: Want the court reporter
12 to read it back?

13 (Record read.)

14 COMMISSIONER HALL: Thank you.

15 CHAIRMAN LYNN: Discussion?

16 COMMISSIONER HALL: I agree with the
17 motion except I don't think there's any need for
18 meeting Friday; authorize them to go forward.

19 COMMISSIONER MINKOFF: Whether we do
20 or do not schedule a meeting Friday next week,
21 I'll have the same problems as today.

22 CHAIRMAN LYNN: With respect to?

23 COMMISSIONER MINKOFF: With respect
24 to being on a cellphone and limited in the amount
25 of time I'm going to be able to spend.

1 CHAIRMAN LYNN: Thank you.

2 Further discussion?

3 COMMISSIONER ELDER: Call the
4 question.

5 CHAIRMAN LYNN: Thank you.

6 The question has been called for.

7 COMMISSIONER MINKOFF: I have a
8 question on the call to the question. If we pass
9 this motion, are we mandated to have a meeting
10 next Friday?

11 CHAIRMAN LYNN: Yes.

12 COMMISSIONER ELDER: Yes.

13 COMMISSIONER MINKOFF: Can we ask
14 the maker of the motion to withdraw just that
15 portion of it?

16 COMMISSIONER HUNTWORK: Tentatively
17 schedule a meeting next Friday. If the following
18 Monday would be better --

19 COMMISSIONER MINKOFF: We shouldn't
20 tie ourselves down to time in a motion, leave it
21 if and when --

22 COMMISSIONER HUNTWORK: Let me
23 explain my reason for that, Andi, was I do want to
24 have another meeting. And I don't want to have to
25 give the two days' notice.

1 COMMISSIONER MINKOFF: Uh-huh. What
2 do you mean don't want to have to give two days'
3 notice? Have to.

4 COMMISSIONER MINKOFF: You don't
5 want to have --

6 COMMISSIONER HUNTWORK: Don't want
7 to wait until a future time and --

8 COMMISSIONER MINKOFF: I suggest we
9 pass the motion and decide before we leave today
10 when the next meeting will be.

11 CHAIRMAN LYNN: Or a suggestion is
12 to let the nature of the progress of negotiations
13 dictate when the next meeting occurs.

14 COMMISSIONER MINKOFF: I think Jim
15 is concerned if we wait for negotiations to
16 conclude, another two days gets tacked on the end
17 of it.

18 COMMISSIONER HUNTWORK: Right.

19 I'd accept an amendment instead of
20 we schedule a meeting next Friday, or tentatively
21 schedule a meeting next Friday, that it simply
22 says that before we enter into the contract we
23 will have to have another meeting to approve the
24 contract.

25 What I also hope to accomplish is

1 next Friday, even if we didn't have the contract
2 completed, that it would be completed enough I
3 would feel comfortable delegating --

4 COMMISSIONER MINKOFF: Hold on.

5 COMMISSIONER HUNTWORK: --
6 delegating authority.

7 I meant it to say schedule a meeting
8 at the earliest time determined by the Chairman.

9 CHAIRMAN LYNN: Mr. Elder, is that
10 amendment acceptable?

11 COMMISSIONER ELDER: That's
12 acceptable.

13 CHAIRMAN LYNN: We have an amended
14 motion on the floor.

15 Is there further discussion?

16 If not, let me do this by roll call
17 since it's the only way I can figure out who's
18 voting.

19 Mr. Elder?

20 COMMISSIONER ELDER: Aye.

21 CHAIRMAN LYNN: Ms. Minkoff?

22 COMMISSIONER MINKOFF: Aye.

23 CHAIRMAN LYNN: Mr. Hall?

24 COMMISSIONER HALL: Aye.

25 CHAIRMAN LYNN: Mr. Huntwork?

1 COMMISSIONER HUNTWORK: Aye.

2 CHAIRMAN LYNN: Chair votes: Aye.

3 Motion carries five zero.

4 Is there other business under this
5 item to come before the Commission today?

6 Hearing none, item four, second --
7 second opportunity for public comment.

8 COMMISSIONER HUNTWORK: Mr. Chairman,
9 I would observe there is no one here present to
10 comment.

11 CHAIRMAN LYNN: And I would be
12 surprised if that were not the case.

13 COMMISSIONER HUNTWORK: There could
14 be a body at the back of the room we don't see.

15 CHAIRMAN LYNN: Thank you,
16 Mr. Huntwork, for that observation. It's most
17 helpful.

18 Item five, agenda items and dates
19 for future meetings.

20 We already have a tentative meeting,
21 not for any particular date, but to be determined
22 by the progress of the negotiations. And it would
23 be at the call of the Chair with proper notice
24 given.

25 Are there other items you would like

1 placed on that agenda?

2 COMMISSIONER MINKOFF: Mr. Chairman,
3 we have an issue we need to deal with, and that is
4 the need for all of us to take the mandatory
5 ethics training. And I would like to put it on
6 the agenda. I think we can handle it much more
7 streamlined than the straight process and have
8 somebody come in to one of our meetings and do it
9 in four hours or less rather than the all-day
10 session the State has.

11 COMMISSIONER ELDER: I have a point
12 here. I asked at the last meeting of Lisa Hauser
13 if the two-hour or whatever it was we had
14 presentation on open meeting laws, whatever it
15 was, would suffice for open meeting law. I
16 haven't heard back on that.

17 COMMISSIONER MINKOFF: Put it on the
18 agenda, make sure we find out.

19 CHAIRMAN LYNN: Let's add "report
20 from counsel."

21 MR. RIVERA: Right.

22 CHAIRMAN LYNN: "On legal matters"
23 to the agenda and hear at that time on the issue.

24 MS. HAUSER: Right.

25 CHAIRMAN LYNN: Other matters to

1 hear on agenda items?

2 MS. HAUSER: This is Lisa Hauser.

3 I also expect we may have a proposal
4 from Legislative counsel. If I have a proposal
5 from them as of today, what I will do is go ahead
6 and draft something in the form of an inter-agency
7 service agreement that can be presented to the
8 Commission at the next meeting.

9 CHAIRMAN LYNN: Without objection,
10 we'll add that as well.

11 COMMISSIONER MINKOFF: What about
12 the inter-agency service agreement with Maricopa
13 County?

14 MS. HAUSER: I believe that's
15 covered in Mr. Huntwork's motion.

16 COMMISSIONER HUNTWORK: That's
17 covered.

18 COMMISSIONER MINKOFF: Long motion.
19 Sorry.

20 CHAIRMAN LYNN: Ready to go?

21 COMMISSIONER ELDER: One other item,
22 and it's maybe something Enrique can do with
23 direction with Mr. Johnson. Will we have the
24 website hosted or have an on-site server and
25 website? And if the answer is yes one way or

1 another, then I would like to have that on the
2 agenda so we can have that up and running with the
3 website.

4 CHAIRMAN LYNN: I may be mistaken.
5 My recollection of the discussion among
6 consultants, one of the things we wanted to
7 contract with Maricopa County to do was host the
8 website.

9 COMMISSIONER ELDER: That ought
10 to be on the agenda to authorize them to proceed
11 hiring whatever hardware, software, main server at
12 the state, or however we're doing that.

13 CHAIRMAN LYNN: Need to negotiate
14 that in the IGA.

15 MS. HAUSER: Good idea.

16 CHAIRMAN LYNN: Any other agenda
17 items?

18 MR. OCHOA: Mr. Chairman, I think
19 I'd also add an ongoing agenda item, executive
20 director's report, to the agenda items.

21 CHAIRMAN LYNN: Thank you,
22 Mr. Ochoa. Do that. I think not only executive
23 director's report, the report from counsel.

24 MR. RIVERA: Yes.

25 CHAIRMAN LYNN: And just make it a

1 standard, at that point. And if there is no
2 report, that's fine. At least it accommodates.

3 MR. OCHOA: Thank you, sir.

4 CHAIRMAN LYNN: Any other
5 suggestions for future agendas?

6 If not, the Commission stands
7 adjourned until call of the Chair pending
8 negotiations with the consultants.

9 (Whereupon, the hearing concluded at
10 approximately 2:35 p.m.)

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2 STATE OF ARIZONA)
) ss.
3 COUNTY OF MARICOPA)

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6 BE IT KNOWN that the foregoing hearing
7 was taken before me, LISA A. NANCE, RPR, CCR,
8 Certified Court Reporter in and for the State of
9 Arizona, Certificate Number 50349; that the
10 proceedings were taken down by me in shorthand and
11 thereafter reduced to typewriting under my
12 direction; that the foregoing 85 pages constitute
13 a true and accurate transcript of all proceedings
14 had upon the taking of said hearing, all done to
15 the best of my ability.

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

19 DATED at Phoenix, Arizona, this 19th
20 day of April, 2001.

21

22

LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

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