STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

TELEPHONIC PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
April 30, 2001
8:25 a.m.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

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THE STATE OF ARIZONA INDEPENDENT REDISTRICTING

COMMISSION convened in Public Session on April 13, 2001, at 8:25 o'clock a.m., in the Capitol Building Executive Tower, 1700 West Washington, Governor's Reception Room, Second Floor, Phoenix, Arizona, in the presence of:

APPEARANCES:

COMMISSION MEMBERS and SUPPORT STAFF:

CHAIRMAN STEVEN W. LYNN, (telephonic)

COMMISSIONER JAMES R. HUNTWORK

COMMISSIONER JOSHUA M. HALL

COMMISSIONER ANDI MINKOFF, (telephonic)

COMMISSIONER DANIEL R. ELDER, (telephonic)

ENRIQUE MEDINA OCHOA, Executive Director

LISA T. HAUSER, Commission Counsel

JOSE de JESUS RIVERA, Commission Counsel

LISA A. NANCE, RPR, CCR, Court Reporter

JOHN ADLER, Arizona State Procurement

SPEAKERS FROM CALL TO THE PUBLIC:

MARK OSTERLOH

ROSIE LOPEZ
APPEARANCES CONT'D:

DESIGNATED SPEAKERS FROM CONSULTANTS UNDER CONSIDERATION:

NATIONAL DEMOGRAPHICS CORPORATION:
   FLORENCE ADAMS, (telephonic)

MARICOPA COUNTY ELECTIONS:
   KAREN OSBORNE
   TIM JOHNSON

Research Advisory Services, INC.:
   R. ANTHONY SISSONS
CHAIRMAN LYNN: All right. We'll call the meeting to order at 8:25 this morning. Just so we are on the record, let's have a roll call.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Present.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Present.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Present.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: And Chairman is present.

Item two, public comment.

This is the time for consideration and discussion of comments from the public. Those wishing to address the Commission shall request permission in advance by filling out a speaker slip. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for
further consideration and decision at a later date.

Are there members of the public that have filled out a speaker slip who wish to be heard?

MR. OCHOA: We have Mark Osterloh, co-author of the Independent Redistricting Proposal, representing himself, who wishes to address the Commission.

Mr. Osterloh.

MR. OSTERLOH: Yes.

Can you hear me?

COMMISSIONER MINKOFF: No. Not well.

MR. OSTERLOH: I'll get closer.

I wanted to hand out a summary of arguments for the proposal I had given the Commission last time around about an independent redistricting thing. A lot of comments have been made in opposition. I wanted to give supporting documents to that. I wanted to hand out comments to that for the Commissioners.

THE OPERATOR: Daniel Elder is not answering.

MR. OCHOA: He's on line with one of the other commissioners.

THE OPERATOR: So you have everybody but Dr. Alder? I'll interrupt you when he calls.

MR. OCHOA: Yes. Thank you.
THE OPERATOR: I'll interrupt when he calls.

CHAIRMAN LYNN: Mr. Osterloh, please continue.

MR. OSTERLOH: The plan I presented, not a crucial thing but important thing I wanted to emphasize was the idea of treating everybody equal. And the randomness of the process would be an important thing. I go into more detail in the issue there.

The second point is that any time we take any criteria of voters into consideration, be it ethnicity or communities of interest, in fact it discriminates against others.

For that reason, I'm recommending that the Commission take that into serious consideration.

One other point I wanted to make was recent information in the newspaper about the North Carolina redistricting case before the Supreme Court that might put the Commission on notice in fact if we do take race into consideration, that makes it a suspect class and can bring strict scrutiny into consideration by the courts. And that's something we have to -- I believe the Commission should take into consideration, also.

I go into more depth in my description of
that.

For that reason, I think if race is seriously considered, it may in fact be more subject to being declared unconstitutional in the long term since that particular case was a five-four vote. And one person can make a significant difference.

Those are my points. I just wanted to give the arguments for the Commission to look at at their leisure.

Thank you very much.

CHAIRMAN LYNN: Thank you, Mr. Osterloh.

We'll take those under consideration.

COMMISSIONER HUNTWORK: Mr. Chairman?

CHAIRMAN LYNN: Is there somebody else wishing to be heard?

MR. OCHOA: Yes. Representative Lugo, Representative Miranda, and Camarot were here this morning and left with us a sample map they wanted to share with the Commission regarding possible redistricting of the congressional districts. I have that and will send everybody copies.

CHAIRMAN LYNN: Okay. Thank you, Mr. Ochoa. Thank you.

Are there other members of the public wishing to be heard?
MR. OCHOA: Nobody indicates they wish to be heard, Mr. Chairman.

CHAIRMAN LYNN: In that case, I'll close that portion of the agenda at that this time recognizing we'll return to it at a later date.

COMMISSIONER MINKOFF: Mr. Ochoa, you indicated you'll sent us a draft map they submitted. Would you send us copies of the material Mr. Osterloh left behind?

MR. OCHOA: Yes.

CHAIRMAN LYNN: Item number three, consultants' best and final offer review, discussion, and possible final selection.

Is Mr. Adler present?

MR. OCHOA: Mr. Adler is not present. He was not present by phone a little bit earlier. I will call the operator and see if she can get a hold of him now, if you so wish.

CHAIRMAN LYNN: All right. Until we know if Mr. Adler will be able to join us, why don't we enter into a discussion based on the information that has been circulated to the Commission and pose any questions that still remain or any comments relative to whether or not we're ready to move forward with a contract.

You may start that discussion by
indicating that Mr. Elder and I have been engaged in
conversation through Mr. Adler's office with Mr. Ochoa
and with the consultants during various times between
the last meeting and this one. And what has become
clear is there are some timing issues that seem to make
it more feasible to try to get the primary contract with
NDC finalized today and then as we consider other
matters on the agenda which will reveal other parts of
our data needs, such as the memorandum of understanding
with Legislative counsel, we will then subsequently be
able to negotiate the other subcontractor requirements.
And those will necessarily have to take a subsequent
sequential role. So the goal hopefully today is to deal
with the NDC proposal, put them on contract as best we
can, and move forward with the list of deliverables that
they've outlined so that we can begin getting our public
outreach and initial grid preparation started.

It is in that context that we should have
any discussion that the Commission feels is appropriate.

COMMISSIONER HUNTWORK: Do you want to go
through our names in order as you did the last time we
had a telephone meeting, Mr. Chairman?

CHAIRMAN LYNN: I'd be happy to do that.

If anyone is seeking recognition, I can recognize
voices.
Mr. Huntwork, however you'd like to do it.

COMMISSIONER HUNTWORK: I think that worked well. I suggest we use the same approach.

CHAIRMAN LYNN: Let me start with Mr. Elder who was on the subcommittee with me. I know he has to go to a meeting here for a brief period of time, so he will absent himself during some of the conversation. I want to get him started, if we can.

THE OPERATOR: Mr. Ochoa, John Adler is not available at this time. He might be in a meeting. I left a message.

COMMISSIONER ELDER: This is Dan Elder.

As Steve mentioned, we had three, four conversations at different times with Florence Adams and Mr. Heslop. I don't remember who all -- oh, Ms. Leoni, Marguerite Leoni, was there, also. We also now subsequently received a e-mail from Lisa Hauser and Jose with consideration of several items, or two items, they'd like to see amended in the contract. And I'm in full agreement with those.

My recommendation is I think we've got about the best blend of what we want NDC to do. I think they are ready to start moving, you know, with this agreement today. And we should go ahead and approve that.
CHAIRMAN LYNN: Let me then call on some
others for comment.

Ms. Minkoff?

COMMISSIONER MINKOFF: Yes. First of all,
I'd like to say I think Mr. Lynn, Mr. Elder, you did an
excellent job of pulling this together. And it seems
like a good proposal to me. I had one question other
than the role of other subcontractors. I presume we'll
be getting into that a little later. I had a number of
questions about EDS, Research Advisory Services, whose
doing what, and so on. This is not the time to do that,
and so on.

The only issue I had this proposal, page
four, I believe it is on the scope of the work document,
talks about the citizen kits that they are going to be
preparing and pulling together. And there's something
similar, also, in the IGA from Maricopa County. I
wondered if that had been thought through, whether there
was overlap here or clear delineation who is doing what
relative to citizen kits.

CHAIRMAN LYNN: Ms. Minkoff, I think
clearly in the proposed IGA with Maricopa County, I
think a number of tasks outlined there are duplicative.
When we get to the IGA, those are appropriate. I think
virtually all the ones that seem duplicative to me are
primary tasks we'd ask NDC to perform not to be included in the IGA with the county. That's my opinion in looking through those.

I think Mr. Elder and I are in agreement on that score having reviewed those, too, as part of our subcommittee work.

COMMISSIONER MINKOFF: Okay. Other than subcontractor issues, that was the --

Excuse me. Oh. One other question I did have in the schedule of deliverables. There's discussion of base maps that are going to be prepared in week one and then a second draft in week two and final draft in week three. I'm not sure what base maps are.

Are those existing districts?

CHAIRMAN LYNN: Let me ask Mr. Rivera or Ms. Hauser to talk about that.

MR. RIVERA: NDC base maps.

COMMISSIONER MINKOFF: Week one schedule deliverables, last item is initial draft outlines for base maps. In week two is a second draft of base maps. And week three is final base maps. And I wasn't sure if those were the existing districts, in which case I'm wondering why we need three drafts. They are what they are.

MS. HAUSER: That is actually a point Jose
and I raised with John Adler and circulated to everyone end of last week. Concerning the timing, the way the scope of work is laid out from week to week, from the standpoint concerning drafting various maps, Jose and I believe that ought to be the development of the grid. There are references in the scope of work to developing the grid at a slightly later point in time.

So we have talked to Mr. Adler about that. And his response was -- I believe was to our concern that, again, overall timing of the contract is fine, probably need to shift things around from week to week. We can address that or that is addressed, he indicated, in the contract changes clause so that we can have some flexibility there.

But we do have the same question you have with respect to draft maps.

COMMISSIONER MINKOFF: Are base maps as you interpreted the grid?

COMMISSIONER ELDER: No. This is Dan Elder. No, they are not.

And on that aspect, probably time will hit the first. Second week, one of the bases will be used to develop a grid.

One of the things I asked for identification, would like to make sure we have, I guess
you call it, the morphological, where the mountain ranges, where the rivers, where the edges are that currently divide either communities, that divide access throughout the state without any geopolitical reference.

I wanted to say we need to have something to be able to look at from that standpoint.

The other was let's have a map, make sure we have the county lines. If the grid works out close to a county line, we probably ought to shift so that that unit falls in one district if at all possible.

So those were the general forms of what the base maps would come up that we would then be using to develop the grid from.

COMMISSIONER MINKOFF: Well, it seemed to me from my reading of Prop 106 that the grid should be prepared without taking any of those things into consideration. First thing we do is prepare the grid and then adjust it to take into consideration all those things you just mentioned, political boundaries, communities of interest, et cetera.

I think we need something in here very, very early in the process, relating back to Lisa and Jose's comments, probably before any public meetings, a grid is supposed to be prepared, supposed to be an arbitrary drawing of lines, as I understand it, and
adjusted later on to other considerations.

COMMISSIONER ELDER: That's correct. Try
to lay out week to week in linear fashion. Linear
fashion doesn't take into account what's going on
simultaneously.

COMMISSIONER MINKOFF: Linear doesn't take
into account what --

CHAIRMAN LYNN: NDC, we start with a grid
and that's first.

COMMISSIONER MINKOFF: Maybe put that in
there somewhere. Seems to me that is something that
ought to be done week one.

COMMISSIONER HALL: Mr. Chairman --

COMMISSIONER ELDER: Week four, week four,
final recommendations for grid development and legal
implications, yes, have been doing through week one,
three grid development.

COMMISSIONER MINKOFF: After first round
of public meetings, legal standpoint may be too late.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I agree. Week one
deliverable needs to be the grid. I think that would
leave us open for a challenge as Mr. Osterloh just
recently reminded us with the handout we have in front
of us. It's pretty clear the grid has to come first. I
don't think we can do any other maps prior to the grid
or take any into account other considerations.

I defer to legal counsels' input with
respect to that.

I agree with Ms. Minkoff.

Ms. Hauser, any input?

MS. HAUSER: Mr. Chairman, Mr. Hall, the
flow of -- order of performing some of those tasks does
not have to be addressed. The way the flow of
deliverables should be looked at at this point is in
terms of what NDC proposes to do. And if the change
clause allows us to reorder their priorities, we can
consistently throughout the process give them direction
and reorder priorities.

I don't know we need to at this point go
back and have them redraft and deal with those details
as long as it's clearly understood they will be taking
some direction. And Jose and I are prepared to discuss,
give you legal advice with respect to preparation of the
grid later in today's meeting.

COMMISSIONER ELDER: Mr. Commissioner,
Mr. Chairman, this is Dan Elder. I need to leave for
few moments. I'll announce when I return.

CHAIRMAN LYNN: Thank you, Mr. Elder.
(Mr. Elder exits.)

CHAIRMAN LYNN: Ms. Hauser, in terms of the issue raised by Ms. Minkoff and supported by Mr. Hall, are you and Mr. Rivera of the opinion that the first map that needs to be drawn needs to be a grid and subsequently that that grid needs to be the subject of that public meeting?

MR. RIVERA: I think that's really two questions.

CHAIRMAN LYNN: Yes, it is.

MR. RIVERA: The first question is whether the first map has to be a grid. I think the first answer is yes.

I think Proposition 106 clearly states we have to do a grid, like Ms. Minkoff states, have to do a format, take other aspects into consideration, start with a grid at the very beginning. What occurs after you do the grid, it's adjusted based on all other criteria in 106 with no priority. There should be in all e-mails this morning, should be a memorandum from both Lisa and I that addresses some of these issues we can talk about later.

Yes, you have to have some public meeting that goes after, do the grid to do adjustments before you make adjustments to the grid.
MS. HAUSER: Let me address one thing.

Population -- the grid has only one factor that has to go into it, equal population. So it will be necessary for some map of the state without any lines --

THE OPERATOR: Excuse me, Mr. Ochoa, John Adler on the line.

MS. HAUSER: For some map to be prepared that allows for the population data to be inserted so that then the grid can be developed. So in that sense, there is some kind of map. If that's the base map they're talking about, that goes to Ms. Minkoff's point.

Three drafts goes to a lot, makes us think if they're thinking something else, need population data inserted before drawing the grid.

CHAIRMAN LYNN: It occurs to me the grid, because it only has one variable, population, while it may be the subject, one of the subjects of the first round of public meetings, it doesn't seem to be particularly fruitful to have people comment on a map that only has one of the criteria, criterion, available in it.

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: And that while -- I mean people are certainly free to comment on whatever we put out there for them to look at out there, and that's
fine. We welcome the comments.

I assume the first round of meetings will be more general in nature, how people feel about the process.

If I understand the NDC process, they're recommending, questions they ask, the manner they're asked, get people thinking in ways they'd like to be considered in terms of issues of communities of interest.

MR. RIVERA: You are correct. Do a base line map before adjustments to the base line map, go look at neutral material set forth in Proposition 106. The Supreme Court, as far as geographical material, has said we're not tied to a map. They're interested in general interest, communities of interest, throughout the state.

We'll have public hearings after it, not necessarily to discuss grid alignment of the map but develop the criteria used to adjust the grid of the map.

CHAIRMAN LYNN: I understand.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree with the reading of Proposition 106. But I raise this question, and actually some of our perspective consultants pointed
out to us and got us thinking early on that there are an
infinite number of possible grids. And Proposition 106
does not provide any guidance on which of those
approaches to take other than we must end up with equal
population. And I think that it's going to take a
little bit of time and discussion to decide even if we
do say this -- the first map will be an exercise in
geometry rather than people, it's still going to take a
little bit of time to decide how we'll do the initial
grid.

CHAIRMAN LYNN: I agree with you. That
discussion needs to occur subsequent to a contract,
after we have a contract, or after some period of time,
not in this configuration.

COMMISSIONER HUNTWORK: I agree. I think
the contract as it's written does allow for that.

CHAIRMAN LYNN: Most definitely. Thank
you.

Ms. Minkoff, were you finished in terms of
your comments?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: May I move to Mr. Hall?

MR. OCHOA: Yes.

CHAIRMAN LYNN: Yes.

MR. OCHOA: During the last interruption,
Mr. Adler joined us.

CHAIRMAN LYNN: Yes. Mr. Adler, thank you.

MR. ADLER: Thank you.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: I don't have anything further. I felt it important to make it clear the first week one deliverables is the grid so we're in compliance with the state statute and not leave us open to challenge.

CHAIRMAN LYNN: Certainly week one, prior to any other map being drawn, we need that grid drawn.

COMMISSIONER MINKOFF: Needs to be done before any public meetings. We need the grid first without factoring in input we get in public meetings.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I would also like to compliment you and Dan, Dan Elder, on the job you did on whipping this document into good shape. It is flexible enough to allow us to adjust as we become aware of new factors. It recognizes we have some open questions we don't know the answers to today but allows for us to develop some answers as we proceed. So I think with the two issues that have been raised, I would
be prepared to quickly vote in favor of this contract
and proceed with the time line.

The two factors as I understand them are
just clarification we do intend to have or intent of the
contract is allows flexibility in adjusting items on the
time line from week to week and in fact adjusting scope
of the work generally pursuant to the changes clause
and, secondly, if I understand correctly, there was one
reference in the written contract to working
particularly closely with communities of interest
consisting of Native American groups, particularly in
Navajo and Apache counties. The idea was simply that
was not an exclusive list of the communities of interest
we'd need to focus on.

CHAIRMAN LYNN: Correct. I think we all
agree that was something that needed to be changed.

Mr. Huntwork, are you prepared to make
that motion?

COMMISSIONER HUNTWORK: I am, yes. I
would move with those two clarifications that we approve
the proposed agreement with NDC.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Further discussion?

COMMISSIONER MINKOFF: Let me raise a
couple questions on the cost sheet I did have in my
notes I wanted to raise earlier. I tried to go down the
cost sheet and compare it with the earlier proposals in
terms of where they had changed.

There are two items on there. Once again,
I'm not going to talk about exact dollar amounts.

There are two items on there not in their
initial pricing, one is racial block voting analysis of
an amount for doing that and the other is assistance
with preclearance of final plan. As Mr. Elder is not
there, Mr. Lynn, I'll just ask you.

How are those added in separate line items
but they were not in part of the initial proposal?

CHAIRMAN LYNN: When the initial proposal
was made, if you recall, Ms. Minkoff, there were two
proposals, one was NDC, one Nielsen, Merksamer, for
their work in conjunction with NDC adding their legal
expertise. When we went into renegotiation, there was
elimination of some items from Nielsen, Merksamer as
clearly duplicative of our own counsel. The other thing
that had to happen, those areas where NDC was working
with Nielsen, Merksamer, felt they needed to
collaborate, those needed to be internal costs to NDC as
part of their proposal to us. You are seeing a
reflection of the conversation or series of
conversations that took place between our counsel,
Ms. Leoni, Dr. Adams, that allowed NDC to make use of	heir counsel at critical times in these areas and
changes and reflections of that inclusion rather than
something new being developed.

COMMISSIONER MINKOFF: Okay. Thank you.
CHAIRMAN LYNN: Further discussion on the
motion?
Hearing none, all those in favor of the
motion, with the two caveats that were stated, please
signify by saying "aye."
(Vote taken.)
CHAIRMAN LYNN: And the Chair votes "aye."
And Mr. Elder is absent.
(Motion carries.)
CHAIRMAN LYNN: The contract, then, we are
asking procurement to go to final contract with NDC with
the caveats that were mentioned in the motion.
COMMISSIONER HALL: Mr. Chairman, did
Mr. Adler come on line?
CHAIRMAN LYNN: He did.
COMMISSIONER HALL: In time to be aware of
those caveats or I'm assuming you'll advise him of those
issues?
CHAIRMAN LYNN: Mr. Adler heard the
conversation and caveats of the motion.

COMMISSIONER HALL: Did he hear the discussion Ms. Minkoff made?

MR. ADLER: I would like clarification. Maybe we can talk about it off the line.

CHAIRMAN LYNN: We'll do that, make sure, we wanted to be sure we're clear on what to change.

COMMISSIONER HALL: Great.

CHAIRMAN LYNN: Given the two things, you have authority to move to final authority and execute it.

MR. ADLER: So I can execute it?

CHAIRMAN LYNN: Correct.

With respect to other consultant contracts, notwithstanding we have additional agenda items subsequent, I do want to reiterate that, at this moment, as we still have finalizing on the memorandum of understanding with Leg. counsel and we still have finalizing of the intergovernmental agreement with Maricopa County, that we would not be able to talk about the other contracts specifically in terms of approving them. But certainly if there are issues that you wish to raise at this point other than we've already talked about, again, depending on our memorandum of understanding with Legislative counsel, we should be
able to put together a definitive list of data needs that would be secured either from EDS or RAS, again depending on what Leg. counsel has already ordered and our agreement with them. Once that's done, we should have an unduplicated list of data requirements for us to begin the process and it would then be appropriate for us to make those subcontracts with those two entities to provide the data.

One caveat Mr. Elder wanted to include, and, Mr. Alder, this would be directed to you more than anyone else, is be sure any contract we signed with any of the subcontractors providing data makes it very clear once we have satisfied our end of the contract financially, that the data is ours, that we can replicate it and share it at our pleasure. We own it. It's our property.

MR. ADLER: Okay.

CHAIRMAN LYNN: That would allow us to operate under the proposed memorandum of understanding with Leg. counsel.

Any other discussions under proposed understanding with Leg. counsel?

COMMISSIONER HALL: Just one. With respect to the IGA and also to contract with EDS or Mr. Sissons, make clear we're going to supervise and
have an organization with public relations and
statements relative to the press or any of those
matters, I think it needs to be clear with those who are
the subcontractors or working for the Commission that
those channels or communication channels are followed
with respect to those issues. In other words, we're not
hiring Mr. Brace to take interviews with the press. I'd
like those things to be specific in agreements and
contracts so it's very clear with respect to that
matter.

CHAIRMAN LYNN: Mr. Hall, I understand
that point. It's very easy to put a paragraph in for
the contractors, with respect to work done under
contract for the Commission and work done with the
Commission, shall not speak directly to the press but
will allow the Commission to do that on their behalf.

Other comments?

COMMISSIONER MINKOFF: Yes, Mr. Chairman.
When we get to the point that we are negotiating
contracts with EDS and Research Advisory Services, I
think it's important to have a very clear, clearly
delineated list of exactly who is doing what so that we
can understand it, NDC can understand it, they can
understand it, very simply that we are contracting with
EDS to provide this particular data base covering these
particular items, same thing with RAS, so we know what
we're getting and who we're getting it from.

CHAIRMAN LYNN: That comment is correct
and right on target.

What I hope, before we leave this item
today, the mission might allow either Mr. Elder or
myself, as we've done to this point, or in some other
configuration, to move forward with final negotiations
and contracts with the other subcontractors for data on
the basis of the following sort of scenario, first, that
we complete our memorandum of understanding with Leg.
counsel and once executed by both parties we would have
an idea of the information that is available from that
source; we would then in consultation with our primary
contractor, NDC, and our legal counsel, determine, if
you will, an unduplicated list of data that we need to
complete the task; subtract from that any data we're
receiving either under primary contract from NDC or in
our relationship with Legislative counsel and come up
with data needs as yet unmet; those would be met by EDS
or RAS specifically and, forthrightly, not only what
they're going to do, when going to do it and at what
cost. We hope to move ahead with that, along that
procedural line without returning to the Commission for
a subsequent discussion. But I'm open obviously for
anyone that has a different opinion on that score.

COMMISSIONER MINKOFF: I don't have a problem with that. My concern is at the conclusion of that process, what I would like is a description of the various sources and what specifically is coming from each one of those sources.

CHAIRMAN LYNN: Absolutely.

COMMISSIONER HUNTWORK: Mr. Chairman.

COMMISSIONER ELDER: I returned.

CHAIRMAN LYNN: Thank you, Mr. Elder.

Any other comments regarding subsequent discussions with subcontractors?

COMMISSIONER HUNTWORK: I agree and think you've done such a good job you've earned the right to work with other contractors.

COMMISSIONER HALL: Do they.

COMMISSIONER ELDER: Do we get a raise?

COMMISSIONER MINKOFF: Holding out for three times.

CHAIRMAN LYNN: I appreciate that. I think we're moving in a very good spirit of appreciation.

There was an awful lot of negotiation done by Mr. Adler, Ms. Hauser, Mr. Rivera, Mr. Ochoa. Other people were involved in the process. Mr. Elder and I
were the beneficiaries of their good work as well.

So if we are then prepared to move to item four on the agenda, we will take up consideration of the memorandum of understanding with Arizona Legislative counsel. You have a draft in your possession, I believe.

Ms. Hauser, do you wish to be heard?

MS. HAUSER: Mr. Chairman, the comments and questions I received from members of the Commission for the most part have been addressed. I think Mr. Huntwork and I didn't follow up. I don't know -- I gave him a call back on his questions. We didn't connect again. I don't know if he feels they've been adequately answered. Rather than going through those all again, perhaps it's better for me to respond to answers of the Commission.

Deliverables. Let me answer about one of -- Mr. Elder asked about the timetable for deliverables.

Speaking with the Executive Director of Legislative Counsel, it certainly seems that the tone of the agreement and consistent with its purpose, that any data would be shared on an immediate basis. That is not in there. I have not seen a question posed by a Commission member that I thought warranted going through
the time consuming exercise of changing the MOU and
taking it back through all four caucuses of the
Legislature. It is not the easiest document in the
world to amend. However, if that is necessary, we can
certainly do that.

Rather than having it amended sort of
willy-nilly before the meeting, I tried to answer those
questions and see where today takes us.

COMMISSIONER ELDER: This is Mr. Elder.

One of the comments I made or requests
that I made was that NDC take responsibility for
identifying the dates of deliverables from EDS and RAS
so that it made sure it fit in and folded into their
process. And she said that she would. And it in effect
has. So I assume that she has been in contact with EDS.
That was my criteria. I didn't want finger pointing:
We didn't get data, therefore, we can't perform. We
were assured by Ms. Adams that would not occur.

CHAIRMAN LYNN: Other comments with
respect to the MOU?

COMMISSIONER HALL: Mr. Chairman, I'd like
to make a motion we accept the memorandum of
understanding.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I'll second.
CHAIRMAN LYNN: Discussion?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: One question I would like our counsel to address, for me at least, and that is whether the confidentiality or lack thereof that we have with respect to our data is compatible with the goals of Leg. counsel. I guess the question would be is all of our data a public document and automatically available to any member of the public who requests it? Is that also true of Leg. counsel? If it is true, why do we need this agreement? If it's not true, is everybody prepared to, I guess, live with the fact when Leg. counsel gives us information, we then have to be free to live with it and disclose it according to rules that apply to us?

MS. HAUSER: Mr. Chairman, Mr. Huntwork, the agreement relates only to raw data. Any interpretation or value added to the data is not subject to the agreement. With respect to added elements more confidential, it's not really implicated by the agreement at all. The data itself is a compilation of, in most instances, voting history data that exists as a public record in the various counties of the state. It is a time consuming and difficult
process to put that together in a format that can be successfully used by the Commission. And there is, as the Commission knows, a fair amount of cost involved in doing that.

So whereas the information is public record, when -- if someone were to come to us and request and/or go to Legislative counsel and request as a matter of public record the data that they have, the law would allow a cost to be assessed for receiving that information that would have something to do, perhaps, in some part, and this is a somewhat unresolved area, whether just the cost of reproducing or sharing in the cost of the production in the data.

So certainly the reason we have the agreement with Legislative counsel is for one thing they're subject to slightly different public records rules than perhaps some of the rest of government agencies. But also -- so it deals with that particular issue as far as cost. And they are willing to share data with us at no cost providing we do the same with them.

How we handle any requests that the Commission sees for data at that point is an entirely different issue. And we are certainly in response to, this goes back to one of Mr. Elder's comments, we are at
liberty to give data, the same data we give to
Legislative counsel, to anyone else. There's no
restriction on that whatsoever.

CHAIRMAN LYNN: Ms. Hauser, for some
reason, maybe it's your proximity or lack of proximity
to the speaker phone, you're cutting out tremendously
whereas others aren't. You are cutting out
tremendously.

Mr. Huntwork.

COMMISSIONER HUNTWORK: That answered my
question.

MR. RIVERA: It answered part of the
question.

I'm further away than Lisa. One of the
questions, what we have to look at, what we can charge
for data, what data is raw data, whether we want to
charge for data, xeroxing, or part of developing the raw
data. That's still an unanswered question. It's
something we'll have to answer when we get requests for
information.

MS. HAUSER: I'd add, I'd have some
recommendation, as would Jose, how the Commission ought
to deal with that. It's a different issue we can deal
with later.

COMMISSIONER MINKOFF: I'm confused by the
last that statement. I assumed, reading the MOU, there
would not be any data costs passed on, that the only
costs would be duplicating.

COMMISSIONER HALL: I think Ms. Minkoff,
it's other parties other than Leg. counsel.

MS. HAUSER: Correct.

CHAIRMAN LYNN: Per the MOU, Leg. counsel
exchange data at no cost other than duplicating.

COMMISSIONER MINKOFF: Right.

CHAIRMAN LYNN: Further discussion on the
MOU?

COMMISSIONER HALL: Call the question.

CHAIRMAN LYNN: Mr. Hall, you called the
question.

Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: One question or
comment for Jose or Lisa: Is there anything in the
agreement, the MOU, or Leg. counsel's agreement with the
consultants, that allows them to give or transfer data
to another entity?

MR. RIVERA: I'm not sure what you mean by
"data," Commissioner.

COMMISSIONER ELDER: If I had a contract
with a client, that would be confidential, they could
not disburse my set of plans for somebody else's use.

Is there a clause that allows Leg. counsel to give us
data from EDS, a clause when we get to our contract with
EDS for the balance of data that allows us to give it to
Leg. counsel?

MS. HAUSER: Mr. Chairman, Elder, I'm
assured by Leg. counsel nothing prevents sharing of data
with us. It is their data just as the data our
contractors prepare for us will be our data to do with
what we will.

CHAIRMAN LYNN: Any discussion?

If not, we'll move to a vote to approve
the memorandum of understanding with Arizona Legislative
Counsel.

All those in favor, signify by saying
"aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed say "no."

Motion carries unanimously.

Item five, intergovernmental agreement

with Maricopa County Recorder.

MS. HAUSER: Mr. Chairman, Lisa Hauser.

One clarification prior to moving on. The MOU has been
prepared for execution by the Executive Director on your
behalf, on behalf of the Commission. It is being
executed by the Director, Executive Director of Legislative Counsel on behalf of the make-up of that body. Is that something that the Commission is okay with, to have Enrique execute?

CHAIRMAN LYNN: Yes. I think there was some discussion with you about that specifically. I've heard nothing to the contrary. I believe that is perfectly fine.

COMMISSIONER HUNTWORK: Mr. Chairman, I believe that it would be, since we have no specific by-laws that deal with the authority of the Executive Director, I believe would it be wise to specifically authorize him to sign it.

COMMISSIONER HALL: Second it.

CHAIRMAN LYNN: Discussion?

All in favor?

(Vote taken.)

CHAIRMAN LYNN: Opposed "no."

"Ayes" have it.

Without formal by-laws in place, to the extent we grant that authority, it should be on a case-by-case basis.

COMMISSIONER HUNTWORK: I agree.

CHAIRMAN LYNN: Ms. Hauser, all you need is the MOU?
MS. HAUSER: Yes. Thank you.

CHAIRMAN LYNN: IGA. Maricopa County. As I mentioned earlier in reviewing this particular IGA, I have several concerns with respect to scope of work I see as largely duplicative, as something either NDC or somebody else will be doing.

I would want to suggest we re-re-draft this IGA basically to cover two general tasks. The first, provide local GIS support to the Commission through Mr. Johnson's expertise, whether a weekly, hourly, or some other basis; frankly, I'm not sure it's something we need full time for, therefore, hourly might be the right way to do it. And the second thing might be creation and maintenance of a website. Those are the two areas I think the county can be most useful to us. And I'm certainly open to others. Those are ones that seem to strike me as primary tasks I would have the county do.

COMMISSIONER HALL: I agree with that, Mr. Chairman.

CHAIRMAN LYNN: Any other comments?

COMMISSIONER MINKOFF: Yes.

Relative, actually, to your comments, I had a question in terms of the scope of the work. There's a lot in here, without a separate cost basis,
it's a lot of Tim Johnson's work, presumably, draft maps, distributing draft maps. Are you saying you believe this would be done by NDC and we don't need him doing this or these will be maps he'll do for us?

CHAIRMAN LYNN: Draft maps distributed for public consumption will be done through our primary contract with NDC. That's not to say Mr. Johnson will not be involved with other contractors.

COMMISSIONER MINKOFF: Assisting them.

CHAIRMAN LYNN: Assisting on our behalf or providing some local support. The primary role, as I see it, I think the critical maps will be created in one location and one location only, so we control that process.

COMMISSIONER MINKOFF: Let me read, for example, for, for instance, pricing schedule, creation of current congressional district map, demographic profile used, base line, and basically the same thing for the legislative district.

CHAIRMAN LYNN: We'd take that out. NDC would do it rather than Maricopa County.

COMMISSIONER ELDER: Commissioner Elder, in my mind, we'd have them process data electronically, submit from NDC. Map, ask for a revision, NDC makes the revisions, e-mail to the web, plot it so the
commissioners get the data. We'd manage the web and
output flow.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: My view of the
role of Maricopa County has been that they provide an
extraordinarily cost effective way of covering a lot of
the territory that we need to cover. To the extent that
the language here might imply they were primarily
responsible for drawing maps, I agree with you that
definitely needs to be changed. But I think at the
request of us or a consultant, he might participate in
drawing of maps in a variety of ways.

There does need to be one point of
control. I wouldn't want to, personally, cut out
anything from here other than to clarify that it's at
the request and under supervision of NDC and/or the
Commission just because of the extraordinary level of
expertise and extraordinary cost-effectiveness of using
Maricopa County's existing facilities, to the extent
possible.

CHAIRMAN LYNN: Again, intent, if you look
at the preamble, first page of Exhibit 1 where they say
Tim Johnson, GIS programmer, will provide professional
staffing services, they say on a full-time basis, that
again is subject to what our needs really are, enroll
Mr. Johnson, satisfy a wide range of staffs for GIS and
internet requirements and use the county's internet
wide-range software. On that basis, that's a reasonable
a summary, what we'd like to have available to us. And
specifically to direct that resource, either in concert
with NDC or in reaction to things we're provided so that
we have that capability rather than hiring that staff
in-house on our own.

MS. HAUSER: Mr. Chairman, let me also
just state, point it out, consistent with Mr. Huntwork's
statement, tying into the MOU we're about to execute
with Legislative counsel, it should be noted Tim Johnson
actually prepared the precinct equivalency data that
Legislative counsel is going to be transferring to us.
So to the extent we have the flexibility at NDC's
request to have Tim explain or work with that data he
created, that is particularly useful.

CHAIRMAN LYNN: I think under general
scope of services, that's certainly the kind of thing
we'd have him do.

COMMISSIONER HALL: Right.

COMMISSIONER MINKOFF: Mr. Chairman, I
want to make sure we're not penny wise and pound foolish
in dealing with this IGA. I want to second what
Mr. Huntwork said in terms of, number one, the
tremendous amount of information and resources Maricopa
County has to share with us and, number two, the
cost-effectiveness of our getting that information. My
preference would be to have Tim Johnson available to us
according to their IGA on a full-time basis.

I think we're going to have plenty to keep
him busy. And the cost of providing him to us is a very
small amount. I can't imagine that we're going to save
that much money by doing it on an hourly basis.

It would be my recommendation let's tweak
who's doing what, make sure we're not holding Tim
responsible for things that need to come from NDC.
They're going to make use of him. They'll make use of
him. He'll be plenty busy most of the time.

I recommend we not go to an hourly basis
but just have Tim available to us during the course of
our work.

MR. OCHOA: Mr. Chairman, Karen Osborne is
sitting with us in case any Commissioners had any
questions.

CHAIRMAN LYNN: Again, one of the things
that has to be done is the IGA, we're clearly not ready
to move forward with it at this moment. One of the
reasons for having the discussion, the need to modify
the scope of services, I have no problem with making
sure we have as much of Mr. Johnson's time as we need to
do the job. If that means retaining him for the
duration of the process on a full-time basis, certainly
the county and we are prepared to do that.

I think what we do need to do is make sure
as someone who would be available to the Commission for
its purposes full time not only clearly outline the
scope of work Mr. Johnson is going to perform but, in
the same vein, we outline the manner in which work from
him may be requested, that is to say that we need to
make sure that if he's available as a resource, that we
understand how work orders, if you will, or assignments
are made to him, by whom, under what authority, in
effect control, I want to use that term advisedly,
control that work done so we're comfortable. He's a
resource and knowledgeable; make sure his work is done
in a manner most coordinated and complete a fashion
possible.

Having said that, I'm not as concerned
about the full-time, part-time basis.

COMMISSIONER HALL: I agree. Hone it down
and say use Mr. Johnson's services as needed. There's
no question what he can offer. That's the intention of
the Commission members from the beginning.
Task nine, county, evaluate, respond to all input received on draft redistricting plans. I don't see the role of Mr. Johnson as evaluating or responding to any input relative to the draft redistricting plans. I think that is probably going to be handled via different avenues. So some of these things I think are just not necessarily what we think to be the scope of what we'd have him do.

COMMISSIONER MINKOFF: I just wanted to add to that I think there are tasks for him to perform. Tasks not to perform is responding to public comment. Since they'll be monitoring the website, statistically analyzing, responding is a policy oriented kind of thing.

COMMISSIONER HALL: Or evaluating.

COMMISSIONER MINKOFF: Analyzing, yes.

COMMISSIONER HALL: No, I wouldn't think he'd analyze either.

COMMISSIONER MINKOFF: Statistically is important. He could do that for us.

CHAIRMAN LYNN: Part of the contract with NDC, take public comment from the website, and other sources, and respond, I believe, in their terms, in 72 hours.

COMMISSIONER HALL: Other comments in
general, generally in all agreements make sure we're not buying a bunch of equipment. Work with the county some sort of leasing situation where I feel certainly we're better all the way around given the fact we'll have no need for this equipment hopefully this time next year.

Only two points I have in general, the previous comment to public relations and insure all communication to the county is directed through us and whoever we establish as our public relation contact. And the final point was with respect to paragraph 7.1, Mr. Johnson will continue to direct county GIS.

My question is really for Ms. Osborne. Relative to that do you see at present from any standpoint at all, Ms. Osborne, he will continue to direct the county's GIS?

MS. OSBORNE: Mr. Chairman, Mr. Hall, Karen Osborne, Director of Elections, Maricopa County. We've worked it out so Mr. Johnson can help us, both entities, to be able to do that.

The purpose of wording of our contract, we welcome however you want to narrow the scope of work, or whatever you'd like to put in there. In all the redistricting we've done, all the things we put in here, we wanted to make sure you knew you had no extra cost from us for this, also to make sure those things were
delineated in here; if you asked him to do them in the
heat of battle, they were covered and it was very clear
we were -- Tim has the abilities to do these things and
can do them.

In regard to any of the points in here,
these are things we offer to you, certainly are not
mandatory. And we are more than happy to avoid the
press and send them to you.

One of the great features of this
agreement is to make certain in any contract there are
no outside costs, make certain there's nothing
additional for what you choose. We'd welcome the path
of how Tim's work is assigned and who his responses go
to. We have absolutely no desire to be out of step with
the Commission or have Tim's work asked for by anyone
else, prefer it be exclusively be through one area and
be able to respond that way so it's very, very clear.

CHAIRMAN LYNN: Ms. Osborne, this is
Mr. Lynn. Just to clarify, what we have as a proposal
from Maricopa County is in effect a menu of services
included in Mr. Johnson's work with us. We can pick and
choose any and all of them as we see fit.

MS. OSBORNE: Any or all at any time, and
they're included in the cost.

CHAIRMAN LYNN: Thank you.
Further discussion on the intergovernmental agreement?

COMMISSIONER HUNTWORK: Mr. Chairman,

with that clarification, I think it doesn't come out from the document as clearly worded, with that clarification, I at least would be prepared to authorize, move we proceed with this agreement and authorize you or you and Mr. Elder and finalize it and execute it on our behalf. This is, again, the clarification in my mind is these services would be provided at the request of the Commission pursuant to a procedure that we will work out at a later time.

CHAIRMAN LYNN: Would you care to offer that as a motion, Mr. Huntwork?

COMMISSIONER HUNTWORK: I so move.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second.

Discussion?

COMMISSIONER MINKOFF: I would also like to point out in the proposal the issue raised by Mr. Hall about wanting to be careful about purchasing a lot of equipment. We're not going to need this after six months. The bulk of the equipment in there, it says it can be leased. And certainly that's something we should explore before committing to purchase. In the
proposal, it says to lease or purchase.

CHAIRMAN LYNN: Thank you.

Mr. Elder?

COMMISSIONER ELDER: Move to call the

question.

CHAIRMAN LYNN: It has been called.

Further discussion?

Hearing none, all those in favor of the

motion, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Those opposed, "no."

Motion carried unanimously.

CHAIRMAN LYNN: Is Mr. Adler still with

us?

MR. ADLER: Still with you, just quiet.

CHAIRMAN LYNN: Thank you for being with

us.

We'll excuse you.

We're concluded at that point with what

deals with procurement.

MR. OCHOA: Mr. Chairman.

CHAIRMAN LYNN: Perhaps we haven't. Part

of the Executive Director deals with procurement.

MR. OCHOA: Sorry. Part of the Executive

Director deals with procurement.
CHAIRMAN LYNN: Let's go to this part of the discussion. Maricopa County, we'll thank them. At this part, if they are needed elsewhere, fine.

MS. OSBORNE: Thank you.

COMMISSIONER MINKOFF: I've been tremendously impressed with the level of cooperation from the Maricopa County Election Department, the way they've handled this and, going forward, with the assistance they've provided us.

CHAIRMAN LYNN: Thank you. That's the sentiment of the entire Commission.

Ms. Osborne, if you are still there.

MS. OSBORNE: I am.

CHAIRMAN LYNN: You have from day one been more than happy to help, more than willing to assist in any way you could. We appreciate that.

The other thing we want to continue to do is work through you, we hope, in working with the local county election officials to make sure the work we do is helpful in assisting in the work they ultimately have to perform. We'll hopefully count on your continued support to make that liason work.

MS. OSBORNE: I'll hopefully be able to do it. We know the better your lines, the better our lines. We hope at the end that product will be
satisfactory.

CHAIRMAN LYNN: Item six, Executive Director's report.

Mr. Ochoa, any aspect of the report for which you prefer discussion in Executive Session?

MR. OCHOA: No. I think I can discuss it in general.

CHAIRMAN LYNN: Thank you. Want to take the next item, walk us through the subpoints?

MR. OCHOA: Sure. I wanted to bring you up to date regarding -- I'll just follow the list that you have there. Regarding financials, the more expensive of the items we dealt with were 20 so thousand dollars for remodeling of the offices. That's been completed, by the way. The initial phase of it is complete. They're now remodeling three additional offices that will house Maricopa County, NDC, and the other consultants as needed. And we have an additional office that can be used by the Commissioners and legal counsel, if they so wish. But, of course, my office is the bigger one of the offices; and you are all welcome to use it and throw me out at any time.

The other thing I should mention in regards to the office space, one of the areas, corner of the areas.
THE OPERATOR: Excuse me. I have
Dr. Adams on the line. She wants to know if you still
need her.

CHAIRMAN LYNN: I did. As long as she's
on the line, let's talk to her for a second.

THE OPERATOR: Okay. I have to put her
through.

MR. ADLER: Good chance to ask -- let's
see, two questions you wanted to ask.

CHAIRMAN LYNN: We can do that after the
fact. Just wanted to let her know we moved forward.

MR. ADLER: Okay.

COMMISSIONER ELDER: Enrique, Dan Elder.

While waiting for Dr. Adams to come on the line, do you
have a plan for Mr. Patterson on how the three offices
will be configured and access to the main office?

MR. OCHOA: I just got them. Let me
describe it. Along the wall of the gallery you had on
the left-hand side, put one, two, three offices.

THE OPERATOR: Dr. Adams is on the line.

CHAIRMAN LYNN: Good morning, Dr. Adams,
this is Mr. Lynn.

DR. ADAMS: How are you.

CHAIRMAN LYNN: Without objection, let me
suspend the rules a moment and go back to the item of
subcontractors. We won't keep you, Dr. Adams. It's just a matter since you were on the line we wanted to let you know the Commission this morning unanimously approved the procurement department moving ahead with the contract with NDC on the basis of the information submitted subject to two minor revisions, one in the deliverable schedule and scope of work and the other wording in another portion of the contract, but that as submitted, that contract now has authority to be concluded through the Department of Administration, Procurement; and that will happen hopefully, Mr. Adler, within 24 hours, because we need to get started.

DR. ADAMS: Okay. Excellent. And you did get the changes. I know Mr. Adler got the changes I sent on Sunday that responded to the attorneys' concerns.

CHAIRMAN LYNN: Those were not distributed but as a matter of final inclusion will be incorporated.

DR. ADAMS: I'm happy.

MR. ADLER: Fine with me.

CHAIRMAN LYNN: We'll negotiate contracts for data with EDS, RAS, and coordination of that data will be through you.

DR. ADAMS: Okay. Very fine.

CHAIRMAN LYNN: Thank you.
By the way.

DR. ADAMS: Yes?

CHAIRMAN LYNN: As soon as the contract is signed, I'll expect two things. I will hope my fellow Commissioners join me. First is want to schedule a subsequent meeting of the Commission at which time we would go over in more detail the time frame and the process as you will outline for us so we can clear whatever parts of the calendar are necessary to complete the task and better understand the methodology you're using to gather data and work us through both the grid and subsequent mapping.

DR. ADAMS: Very good.

CHAIRMAN LYNN: We'll do that at our earliest convenience.

DR. ADAMS: We'll be at your service.

Thank you so much. Bye bye.

(Dr. Adams leaves the conference.)

CHAIRMAN LYNN: You may then return to the Executive Director's report.

MR. OCHOA: Mr. Elder, I am currently distributing a copy of the office plan that you were inquiring about. If I may continue in that regard, basically the only change is additional of offices along that gallery you had of what would be the south side of
Enrique, the only concern is the intent I had for the gallery is I wanted to be able to have posted a historical sequence process going through, generate a sequential map for guests and visitors as they come in, guests and visitors.

MR. OCHOA: Okay. I wasn't privy to discussions, apologize. There may still be there, along that wall, we're going to put the offices, and have space to put up maps and so forth. Additionally, at the end of the third office there's going to be another space also utilized, a fourth office that goes into that vault.

COMMISSIONER ELDER: Enrique, my concern is what I'd like to do, the group of doors, if we have to have doors coming through, have the doors in pairs to maximize wall space. Not one on the right side of the office, eight foot space for maps, another eight foot space. Try to group them.

MR. OCHOA: That's how they are now, group them.

The fourth area was going to be closed, fourth office. I negotiated with Mr. Patterson to pay for a door there and leave the whole vault area open at
no charge for us. We'll have the benefit of all of that wall space.

Can you visualize where I'm talking about?

We'll have that wall space, can leave it open, utilize it, and maybe do it in a real nice way, access it or use it at the very least for maps to analyze.

COMMISSIONER ELDER: Okay. Send out one of the maps today. If you have to do it in two, three pieces to make it faxable, that's okay.

MR. OCHOA: I'll do it right after the meeting with you.

COMMISSIONER ELDER: Okay.

MR. OCHOA: By the way, that additional remodeling cost us $6,000, approximately.

CHAIRMAN LYNN: Over and above the 20 originally authorized?

MR. OCHOA: Yes. They went over the $20,000 and requested an additional transfer, if I recall correctly, $2,800 to finish the initial job. They indicated the air conditioning ducts were the change is what led to that additional cost.

CHAIRMAN LYNN: Okay.

MR. OCHOA: Next thing I wanted to tell you, in regards to staffing, the State has a requirement before you can fill a position, you have to establish
the position. So you have to give them a description, called a PDQ, specific position description. That takes generally between the fastest of tracks, two weeks, regular track, two to three months, sometimes even longer.

So we've gone through the process of establishing the positions I shared with you all initially in the initial organizational graph so at least we could have positions and fill them if we felt appropriate. At the same time, if we needed to combine and not fill them, we had options. The State requires, before being able to fill positions, you have to go through establishing positions.

To date, last Friday, I got the first authorization for executive -- basically the person I was looking to help me with office management. They entitled it executive staff assistant, executive staff assistant. The way that position is described, a person to assist me in processing documentation, job requests, various office requirements through the state process.

So I will be looking to fill that position next week.

All the positions they're establishing for us under the state classification are uncovered, means appointed, can go through the interview process, can be
handled in a variety of ways, but they have the option of being able to be appointed, since the time period they'll be working is not clearly defined and at this time, of course, we're looking at six to nine months. And they recommended that we do it that way or it has to be done in that way.

I interviewed a few people, or at least have spoken with a couple of people that have been recommended by the personnel department. Christine Bronson was helpful in getting some people to speak to me about possibly working for us.

Initially the hesitation, of course, for people that are working within the state to come to work with us is not knowing exactly how long they're going to work. She also processed an opportunity for employees, state employees, to work with us entitled a mobility assignment which provides people the opportunity to request permission from their employer to work with us for six months to 36 months and have their position assured to return to when they finish the job for us.

So that particular mobility assignment I understand in state government is hard to get. You have to thank personnel for allowing us to use that particular mechanism. Maybe we will be able to take advantage of it.
I'll move forward according to your wishes on the positions.

More than likely, the office management position, plan to first appoint or plan to hire, I am thinking of moving on that as soon as possible.

I will make some of the resumes that were shared with me available to Commission, if they so wish, or proceed and make that decision accordingly.

The offices, as I mentioned, are finished, and now, as of last Friday, the telephone communication system was established. And Wednesday they will be transferring the current phone system I have to that office.

They have -- they're going to put phones in each of the offices. Two or three will have capabilities for internet, internet capabilities.

What else can I tell you?

The telephone system is going to have an answering mechanism that will transfer from various people who are assigned to receive the initial calls, transfer automatically to whoever is able to answer first, and also have the capability of assigning individual private numbers to respective offices.

COMMISSIONER HALL: So if I called the number right now, who answers?
MR. OCHOA: If you call the number right now, it goes directly to me, to me.

COMMISSIONER HALL: Right this second?

MR. OCHOA: Right now, an answering service. Enrique, never called myself.

COMMISSIONER HALL: Machine or live person?

MR. OCHOA: No live person answers the phone. Answering service or -- answering message, takes a message is what it does. I want it to do it.

I notice the Commission entered into an agreement for receptionist service through the accounting service of the Boards and Commission staff. But apparently it wasn't assigned that way initially, so right way it goes directly to that answering service.

COMMISSIONER HALL: That was my understanding was DOA via Ms. Meeks, they are doing accounting.

MR. OCHOA: Correct.

COMMISSIONER HALL: And would provide receptionist service in the event you're not in there.

I understood we'd have actually --

COMMISSIONER MINKOFF: I thought that was short-term relief reception services, not full time.

MR. OCHOA: Not full time. I've been
answering the current flow, 15 calls a day to couple
dozen, 24, still managable. If we bring a person in
quickly, we're still okay.

Any questions, line A?

COMMISSIONER MINKOFF: One question, Enrique. As we get further down the process, the
authorized contract with NDC, IGA with Maricopa County,
et cetera, and we're going to start expending
significant dollars, I think it would be appropriate
that on some kind of periodic basis that financial
reports be made available to us so we know where we are
and how much we're spending, where we're going.

MR. OCHOA: I agree. Only planning doing
on it on a monthly basis, accrual month, and weekly
reports. Only one received, one indicated $5,000 cost
for mailing. And 4,000 of that I asked to clarify. It
was because of the initial RFP initialed for technical
consultants. Should be receiving one end of this month,
and I will share it with you when I receive it.

CHAIRMAN LYNN: To that end, we should
have a budget developed that gives us parameters in
terms of operation of the office. If you'd draft a
budget, submit it to us to discuss at a future meeting.

MR. OCHOA: Very good. I'll do so.

Item B, which is why I wanted Mr. Adler to
stay with us. We discussed for the RFP, for outreach
effort, there be combined outreach efforts being done
with various contractors. It had been stated initially
the six meetings proposed would not be sufficient and we
should do others. I mentioned to you all that possibly
we could also do an educational tour throughout the
state to talk about Proposition 106 and the work of the
Commission. And in that vein I started researching the
possibility of how to do that.

There are various state agencies that have
done state outreach contracts: health services, some
for training, various things.

So I've been working with the procurement
office to finalize and get together a draft to do that.
Within that, of course, we don't necessarily want to go
through this process again to take the time of the
Commissioners. Mr. Adler was explaining to me what they
have in the state, a concept called delegated
procurement authority. I was going to ask if he could
please explain how that works or if he could minimize
using the time of the Commissioners for this effort.

Mr. Adler.

MR. ADLER: There are several issues you
want to address there. Number one, we have done and
some of the agencies have done on their own, the larger
agencies, some form of public relations or outreach contract. It's not difficult to do. And we could certainly guide you through that process. As far as delegated authority, you have -- I think you've been working with Bill Hernandez to do some of your routine day-to-day purchases.

MR. OCHOA: Correct.

MR. ADLER: You can continue to do that, whatever you've worked out with Bill.

We can provide your office with delegation of authority up to $10,000 per transaction.

MR. OCHOA: There you go.

I've also been working with Lori Meeks. In regards to purchase of equipment, we need authority that needs to be much higher. We already got, I don't know if it's outside the parameters we have to work with, a purchase order issued last Friday for $25,000. The idea for that was one copier. A copier costs $11,000. We're going to be buying other computerized equipment we'll need for our work. I think that amount -- if we're addressing the same issue or if it's different, we're going to be making purchases of a larger amount.

MR. ADLER: There's a real good training program for you, Enrique, to help you with that.
When I speak to delegated authority, I'm speaking of items not on state contract.

MR. OCHOA: Ah.

MR. ADLER: Most of your needs are on state contract. That is unlimited. You can purchase a million dollars should the Commission give you permission to do that, furniture, office supplies, computers, computer software, that type stuff. Most of what you need is under state contract.

What is not covered are services like public relations or outreach services. Those have to be contracted separately.

MR. OCHOA: Very good. I appreciate that.

COMMISSIONER ELDER: Enrique, I have some concerns on various levels.

One, do we have any kind of idea what kind of reduction rates we need for a copier? We get into a whole series of questions to justify an $11,000 copier and, B, we just concluded discussions on Maricopa County; and Andi pointed out items in there are leased.

I think we need a plan in place prior to going out and saying let's go get an $11,000 copier.

MR. OCHOA: Dan, I'm only using this as an example. I think the idea I'm working under is leasing all equipment we can possibly lease or need to lease.
I've heard that clearly from the Commission, only from
the Commission. Other copiers run from four, five,
$6,000. As mentioned, correct, lower costs, utilize
5,000 sheets a month, 10, 15. The area we're working on
is to clarify the project, also waiting to a certain
degree on the work with consultants, see what kind of
support they'll need as well.

COMMISSIONER ELDER: Enrique, there are
two, three levels to look at. One, when we get ready to
publish, I don't believe, my personal opinion, we'll do
that in-house. That will be oursourced to a printer or
graphics company. Send it out Friday, have it in-house,
Monday, Tuesday.

I'm still concerned when you say five, six
thousand. We need to know what task items are for, from
that, items and equipment support what type task. I
don't see we have anything that indicates these tasks,
characteristics at all. And your making these decisions
seems to be making me a little shaky.

MR. OCHOA: That's why I haven't made any
decisions.

COMMISSIONER HALL: Dan, you're right, you
can lease a copier for less than 200 a month and have
all the bells and whistles, and that's sufficient for
our internal needs.
MR. OCHOA: Having said that, if there's no other questions on procurement authority, that aspect of it, maybe move into item C, that is the item I was asked to put on the agenda, Commissioner Hall.

CHAIRMAN LYNN: Before you move ahead,

COMMISSIONER ELDER: This is Mr. Elder.

Along with a draft budget for the office, a draft production of needs and/or equipment we're going to try and acquire and rationale for what we need it for and why. If you'd submit that, I'd appreciate it.

MR. OCHOA: Okay.

COMMISSIONER MINKOFF: One further thing, publishing needs. I'm wondering if that's something the state can provide to us at cost.

COMMISSIONER ELDER: Outstanding, if they have a printing or publication carrier.

COMMISSIONER MINKOFF: Something we should investigate.

MR. OCHOA: Okay.

CHAIRMAN LYNN: Is item D there at someone else's request?

MR. OCHOA: You know what, the way I should have worded it, basically, is invitations we've received, Commission attend seminar, workshop, or something.
CHAIRMAN LYNN: What is that?

MR. OCHOA: Basically to let you know Saturday we received a Latino Fair Representation Conference invitation. Commissioner Huntwork, Commissioner Minkoff, Jose Rivera, and I attended. It was a very worthwhile event, I think. People asked basic questions of us. We did a brief presentation as to work of the Commission.

Basically they're very concerned -- not concerned. Wanted to know -- wanted information regarding our time lines. We tried to give them some answers. I gave out copies of Proposition 106. I think we were all in agreement hopefully we'll finish the job by fall of this year.

We did describe again some of the process and time lines described earlier in the work NDC will be doing and other contractors will be doing for us.

CHAIRMAN LYNN: Wasn't any action of the Commission required on that?

MR. OCHOA: No.

CHAIRMAN LYNN: Then to item C.

By the way, just to let the public stenographer know, Lisa, we'll break soon as this item is concluded.

COMMISSIONER HALL: She's doing great.
I've been checking on her, Mr. Chairman.

Mr. Chairman, as I indicated early in this meeting, I just think it would be appropriate, as do you know, Andi indicated as to budgetary purchasing concerns, parameters, procedures, controls be set and simultaneously there's a need to set parameters and procedures with public relations, not only responding to requests, also time for us to become more proactive; therefore, I just -- I think it's something possibly to discuss and garner the best ideas of the members of this Commission and see what we need to do, but not only control communication but also to enhance it.

CHAIRMAN LYNN: Comments from the Commissioners on this subject?

COMMISSIONER ELDER: Mr. Lynn, this is Commissioner Elder. Couple questions. Enrique, when you interviewed, you said you would outsource public relations.

MR. OCHOA: Yes, sir.

COMMISSIONER ELDER: I think earlier on this month we wanted you to go ahead and start to establish a dialogue to do that.

MR. OCHOA: Yes.

COMMISSIONER ELDER: What progress have you made?
MR. OCHOA: That's exactly what I was addressing when I asked Mr. Adler to clarify for us. In order to outsource, I have to do it through the procurement process. And specifically what I have addressed is I've asked them to share with me and help me through the process of developing that RFP so we can get it out there and then we can get individuals or companies to help us in that effort.

COMMISSIONER ELDER: This is Mr. Elder again.

Is Mr. Adler still there?

MR. ADLER: I'm still here.

COMMISSIONER ELDER: Mr. Adler my sense is we've now lost approximately a month in this process from when we first wanted to commence it. Is there a vehicle or way we can acquire services or hire staff, whatever it is, so we don't have to go through an RFP, a couple weeks interview, selection process a month down the line when it's too late?

MR. ADLER: The only way to do that, sir, is to seek our authority to make an emergency procurement. That means you have to tell us the circumstances that make this an emergency and why you can't seek competition.

The purpose of procurement laws, number
one, are to get the best value but also give every
company in that particular business a chance at
competing for the opportunity to sell that service.
That's why the process does take some time.

If the Commission were to request
emergency procurement authority and we approve it,
chances are that would become a newspaper, newsworthy
item, especially for one of companies that didn't get a
chance to compete. Those can be very controversial at
times.

If you are looking for a public relations
firm or firm to do outreach, there's probably 40 or 50
in Phoenix, probably five to ten would want to compete
for that, including a couple Hispanic owned businesses.
That's just my suggestion is that you do
go ahead and try to do an RFP.

CHAIRMAN LYNN: At that end, what is
fastest, if we went the route of critical, or whatever
you referred to the process as, but then also issued, I
guess where I'm going, rather than having the
requirement, advertised for two weeks, can we go through
and be proactive from the extent we could contact those
firms and maybe have a four-day RFP, or something like
that?

MR. ADLER: If you are not talking about
spending much money. If you are talking about spending 35,000 or more, we're required to go through that process. Actually three weeks, not two weeks, of legal advertising. If it's less than that amount, you can do something abbreviated. It's called a small purchase, if it's less than $35,000.

COMMISSIONER ELDER: John, what I'm looking for is a creative way to go ahead and try to acquire the services, authority, an abbreviated process, still in effect go through the process where we're not exposed to the protests from firms that didn't have the opportunity of the abbreviated or shortened opportunity.

MR. ADLER: I couldn't get you shorter than -- can't get you to four days. Even the NDC -- the contract we did with NDC, that was an abbreviated process.

I'd say you are looking at at least three weeks to get through the entire process, includes negotiations, the signing a contract and all the Commission meetings that are necessary before you can sign a contract.

CHAIRMAN LYNN: John, Steve Lynn.

The alternative, however, is to hire somebody as staff rather than a consultant and with the adoption of the -- of those position description and
qualification outlines that Enrique submitted, one, I believe, was outreach specialist, or something like that.

MR. OCHOA: Yes, sir.

CHAIRMAN LYNN: We could put somebody in that virtually immediately, could we not?

MR. OCHOA: No. The process the State gives to put someone in is much like procurement. You give the State the paper. The process coincides with various state positions available. They give it a title, state personnel, seven people have to write, sign off on it. And usually the fastest they can do that is generally a couple weeks. I'm waiting at this time as we speak for approval of all those positions, trying -- I was trying to foresee there was the possibility we might hire staff or might do the RFP or a combination.

Also, as Mr. Adler mentioned, might go through the small purchases; and, in other words, higher staff and at the same time identify a small purchase type RFP contract process, identify the specific job needed to be done. That would be a quicker process Mr. Adler mentioned than the regular RFP.

COMMISSIONER MINKOFF: How quick is that process?

MR. OCHOA: Mr. Adler, how fast?
MR. ADLER: Could be as quick as five days.

If I may suggest something else, it may be controversial, but this Commission has taken a different approach to contracting than most Commissions. Most Commissions leave the decisions in the hands of the Executive Director thus having to avoid Commission meetings to discuss negotiable issues, provide general direction. Let the Executive Director proceed with that. That would make things a lot easier, especially on contracts somewhat less critical, public relations or outreach.

CHAIRMAN LYNN: In our process, that's not less critical. It's absolutely critical.

We have a couple issues. Enrique, if you wanted to hire a secretary tomorrow, it would take two weeks to get her on board?

MR. OCHOA: Yes.

CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera, help.

MS. HAUSER: Mr. Chairman, I have expedited the hiring process through the state before. I think at this point what would be appropriate is to have a meeting and/or conversation between yourself, Enrique, and either Mr. Rivera or I and the Director of
DOA to see if we can't get this process moving quicker.
There is normal and what is possible to do. You can get
greater cooperation at higher levels, not to criticize
the folks, people you're dealing with. They're dealing
with the situation.

CHAIRMAN LYNN: Based on Mr. Hibbs' response in the past, I'd expect he'd be as helpful as he could be.

I'd welcome that and ask you set that up as quickly as possible so we get that process started.

MR. OCHOA: Mr. Chairman, I want to mention I appreciate that support. I've asked for a couple of those meetings previously. Both administrators are busy. Sometimes it takes a couple weeks get in to see them.

MS. HAUSER: Mr. Chairman, I've worked with Mr. Hibbs before and would be happy to make a call, see if we can expedite that.

CHAIRMAN LYNN: Thank you. I'll be available whenever you need me. I'll be in next day after tomorrow.

MS. HAUSER: Great. We'll shoot for that.

COMMISSIONER HUNTWORK: Mr. Chairman, on that point I wanted to just say my preference would be to leave open the possibility of hiring an outside firm
rather than a full-time staff member. I don't necessary
prefer an outside firm. I definitely want that option
available, partly because in the same way we determined
early on with counsel, sometimes the best talent is not
available to come and work full time on your staff.
That may or may not be the case. I definitely don't
want to preclude considering all options.

CHAIRMAN LYNN: I think the purpose of the
get-together with Mr. Hibbs is to see which of the
processes can be streamlined and to what extent.

COMMISSIONER HUNTWORK: Fine.

CHAIRMAN LYNN: Other comments on the
staffing issue, actually, specifically, with regard to
public relations?

COMMISSIONER HALL: Mr. Chairman, in the
interim, my suggestion in the interim is we define some
procedures until we have a person we can direct all
public relation matters to. It would be my preference
in light of the fact you do public relations is that
somehow you, with your level of expertise in that area,
take control of this process. You know, I -- I've read
a couple of articles about this Commission that, you
know, quite frankly, I don't think accurately represent
what occurred or what is occurring. I don't fault the
press for that. I fault the communication they're
receiving from a variety of unfocused sources. That's
my concern presently. And then helping be more
proactive in efforts to give information they need and
deserve.

CHAIRMAN LYNN: Thank you, Mr. Hall.

Other comments?

Without objection, we'll proceed to try to
streamline those processes as best we can. And I will,
also, without objection, work with Mr. Ochoa and with
counsel to try to set up some protocols for press
relation so as to better manage the information flow
that goes to the public.

Further comment on the Executive
Director's report?

Mr. Ochoa?

MR. OCHOA: Mr. Chairman, I've been
thinking how to ask this question. I would like some
direction from the Commission. As Mr. Huntwork
mentioned, I also want to keep the option of outside
contractors to do specific jobs that I foresee we will
need. I've mentioned it somewhat before, but I want to
identify specific individuals that can address various
fractions of the Native American population, various
mining communities in the southeast, agricultural
communities in the southwest, Hispanics, African
Americans, Asian populations. The idea would be that I think it would be important for us to identify individuals or companies that can best help us inform those populations and include them in the work that the Commission has to undertake.

CHAIRMAN LYNN: Are you suggesting that the Commission undertake either a contractual relationship or some other relationship with a number of companies each to deal with a different subpopulation?

MR. OCHOA: I would say, if necessary, yes. I haven't, in my experience, working with media or public relations agencies, or other entities in the State of Arizona, haven't found anyone that can address all of those concerns. I think we would be wise to try to identify those entities that could help us get down to those levels. Also -- well, that is of utmost importance to me, to be able to get it to as many -- to get the information regarding the work of the Commission and the needs of the Commission to as many communities of interest as we can identify.

MS. HAUSER: Mr. Chairman?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Part of that public outreach is going to be something that NDC, one of the starting points that I think we could engage in to help that
process would be to think I think contact all of the
election directors in all 15 counties and get from them
the information that they use with respect to the
interest groups in their communities. They have that
already. That will be of some assistance to us. One I
can give in particular, in the Navajo, Apache, Coconino
counties, they have Navajo election outreach workers who
speak Navajo, go on the reservation, visit chapter
houses, take outreach information about the election
process in general. It is certainly possible, for
example, with that population we simply contract for
that service through the counties and do that on a basis
that we're dealing at least with people who clearly know
what they're doing in that particular area. I think we
could contact the counties first and see what resources
are available.

CHAIRMAN LYNN: That same sort of
networking, if I can use that term, would be appropriate
in terms of virtually every other group we'll deal with.
We're not addressing populations that somehow sprung up
overnight and haven't been addressed by others at a
previous time. It's only a matter of tapping into
resources available and make sure we're not only
sensitive to but make the best use of networks that
already exist.
COMMISSIONER HALL: In the process initiated and in process in Northwestern Arizona and working with the county recorder there with respect to the Native American Navajo language people, I'm already full swing there. We're making those contacts. My sense is, in most cases, it won't require any kind of formal contract per se. It's a matter of creating liaisons to assist us in the process. They're as interested as we are in a quality product. I can tell you in that end of the state we're going to be fine.

CHAIRMAN LYNN: Any other comment?

COMMISSIONER ELDER: Commissioner Elder.

I guess I'll come off the same way I did on the NDC contract. I don't want to see a cast of thousands out there being managed by the Commission or in effect by the director. I think we need a single point source responsible to manage outreach, public relations, and they then be responsible to set the network up to work with Mr. Hall in the northern area of the state with the Navajos, or Hopi, or whatever the other interest groups may be.

I do not want to go out there and have nine, 10, 12 contracts or resources and then come back and it not be coordinated.

COMMISSIONER MINKOFF: Seems to me,
especially listening to Ms. Hauser's comments, this is
looking more like a staff position than a contract
position. If we're going to work through the various
county election positions, based on Ms. Hauser's
descriptions, that's an excellent way to do it, know who
the people are, and open lines of communication, we need
somebody to supervise and manage those 15 county
contacts.

COMMISSIONER HUNTWORK:  Well --

CHAIRMAN LYNN:  Mr. Huntwork?

COMMISSIONER HUNTWORK:  Andi, I hear both.

This is not just a secretarial or clerical function,
though.

COMMISSIONER MINKOFF:  No.

COMMISSIONER HUNTWORK:  It's a very high
level function, very important to our work. And we want
the best talent available to assist us with this.

COMMISSIONER MINKOFF:  Absolutely. I'm
saying I think this is probably a staff person rather
than a PR person, high level staff person.

CHAIRMAN LYNN:  It may be both. That's
what Mr. Huntwork is saying.

COMMISSIONER HUNTWORK:  I'm saying a
little more than that. I'd be surprised if it wasn't an
outside contractor to do the most creative thinking for
us and a staff person to assist with a lot of the more
routine work.

MR. OCHOA: May I ask one more question?

The idea, this is going off maybe tying in
to the public relation concern Mr. Hall mentioned, one
of the thoughts crossed my mind, in addition to the
hearings we've been discussing, we hold some information
meetings, forums throughout the state. What prompted
the idea, Saturday when we went to the workshop,
basically it was people coming to go to see what the
process is all about. One of the organizations had
statistical information, had maps, broke them down into
districts, and kind of went into an exercise of trying
to draw district lines. It was an educational process
they were going through. I thought it was very
informative. The people there thought they got
something out of it.

Do we need to do something of that nature
throughout the state, explain they can talk about it in
general, also tie in requirements of Proposition 106,
explain what that process requires? They were going
through a very general process of how to put together
districts. Within that they were doing of course part
of the work the Commission will have to do, consider
different parts of the thinking process, have to go into
establishing boundaries, again, not tied into formal
hearings, an informal process, generate press from as
well throughout the state, a number of counties, number
of cities, a number of times we can discuss, just idea
having informational hearings throughout the state?
Would the Commission be -- would they like something
like that is what I'm saying.

COMMISSIONER MINKOFF: Isn't that what NDC
is supposed to be doing?

COMMISSIONER ELDER: Yes. Did Enrique
read the RFP?

MR. OCHOA: Yes, I did. They said six
hearings. When I spoke with them, initial discussions
were -- they were not as responsive to the specific
communities we all know throughout the state here in
Arizona. You have to remember they are from California.
So part of this thought process I'm going through, in
essence, is to supplement some of those areas I thought
they might be lacking.

CHAIRMAN LYNN: I want to keep the
discussion on the concept of the agenda item, public
relations discussion and need for parameters. I again
reiterate, I'll take a look at and discuss with
Mr. Ochoa subsequent to this meeting and move forward
hopefully on an expedited process to get that on board.
Other comments on this agenda item?

If not, may we take a break so the public recorder can take a break. When we return, let's take 10 minutes and then return to the agenda.

MS. MINKOFF: Those of us on the line stay on line?

CHAIRMAN LYNN: Without objection, we'll break until 10:30.

(Recess taken.)

MR. OCHOA: I believe everybody is ready.

CHAIRMAN LYNN: The Commission will stand in order, please.

Can you tell whether or not there are members of the public who wish to be heard at this time?

MR. OCHOA: Yes, sir. I have just received a request from Rosie Lopez, Redistricting Chair and Founder of the Arizona Hispanic Committee Forum.

CHAIRMAN LYNN: Would you ask her to step up to the microphone, if possible, because it's very hard for us to hear, Mr. Ochoa. If she could, Ms. Lopez position herself near the speaker phone.

MS. LOPEZ: I'm Rosie Lopez, started the Hispanic Community Forum back in 1987, am also the Redistricting Chair for the forum, for the same forum.

I wanted to share with you some background
we have with the Redistricting Commission,
redistricting.

We didn't have a Commission in 1990. We
were the ones that challenged the Legislature at the
last one, 10 years ago, because it was not what we
wanted. We didn't think it was fair and equitable. So
the Department of Justice ruled in our favor and things
changed somewhat and we were allowed to have input.

I just wanted to share that with you. We
are very involved.

I have not been able to attend the
meetings. From this point on I will be attending.

I also want to applaud you and the group
for having hired Jose Rivera and Enrique Medina Ochoa.
I've known them for years. They are people with
integrity and I've known them for years. I also want to
echo with Enrique, themselves, if you want to do
outreach, being expert at organizing communities, hire
different populations, identify people to do things. I
can't do the same job a Native American can in a Native
Navajo Nation, Native American tribes. Same thing with
Hispanics. Nobody can do better jobs recruiting
Hispanics. Nobody can do better recruiting African
Americans. Whatever monies the Commission has, I hope
you intending on also spending money in the Hispanic
community, various communities just mentioned. I hope this is a case for once where you have money to work with. That is one of my recommendations.

I would also like to be placed on the mailing list from this point on. I went to the other building. You are moving to the Industrial Commission building?

CHAIRMAN LYNN: Our offices are 1400 West Washington. It's a state building, not the Industrial Commission. Our permanent offices are Suite 10, the basement suite.

MS. LOPEZ: Those are all the comments I have for now.

CHAIRMAN LYNN: Thank you, Ms. Lopez. I look forward to seeing you for the remainder. We appreciate your input.

Other members of the public wishing to be heard?

There doesn't appear to be anybody.

At this point, item eight, agenda items and dates for future meetings.

I wonder if I might suggest to the Commission, notice may be short, time is also short. Would it be possible for others to schedule an initial meeting with NDC for them to outline their proposal to
us in more detail, go over the time frame to look at a
schedule to give us an indication of how often and how
many meetings we'd be having over the course of the
summer and wonder if we could do that as soon possible,
as soon as this Friday?

COMMISSIONER ELDER: This is Mr. Elder.

Friday is fine with me.

COMMISSIONER MINKOFF: Friday is fine with
me if we do it earlier in the day. I'm not available
after 2:00 o'clock.

CHAIRMAN LYNN: Not a problem. Start as
early as feasible on Friday, hopefully be finished early
as well.

COMMISSIONER HUNTWORK: I'm taking a
red-eye Thursday night to Washington D.C. and have a
meeting Friday morning. With the time difference, I
should be available by 9:00 o'clock by phone.

CHAIRMAN LYNN: Is it acceptable,
Mr. Huntwork, if we did it that way?

COMMISSIONER HUNTWORK: Certainly.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: How long do you
anticipate the meeting would be? I understand it's
impossible with a meeting to answer.

CHAIRMAN LYNN: I guess the agenda items
for this meeting will be relatively sparse. What we're trying to do, get consultants on board, get them in front of us to talk about the details of the process and where we go from here. If we limit the agenda items in that meeting, conclude in a two-, three-hour time frame.

COMMISSIONER ELDER: This is Commissioner Elder.

Mr. Lynn, I wonder if we can include, even if only include a half hour to hour discussion of the grid, as Andi mentioned earlier in the proposal with NDC, I wanted to make sure that came to the fore. And I'd like to have a round table discussion with the contractor, with the Commissioners, with our counsel as to what the grid represents and how it fits into the process.

CHAIRMAN LYNN: I think that could be included in our initial meeting.

Hearing no objection, if we might schedule, then, a meeting for this Friday, beginning at 9:00 a.m. And we'll need to get from Mr. Huntwork his location so we can include him by phone.

I intend to be in Phoenix for that meeting. Mr. Elder is nodding his head, so he intends to be in Phoenix as well. And we would have, really, a singular agenda item, our agenda item essentially to be
a discussion with the consultant about the process and
the time frame and; two, obviously we'd have call to the
audience as we always do, call to the public; and if
there were specific items from the Executive Director or
legal staff, do that.

The goal is to focus virtually all of the
meeting on the relationship with the consultant and get
them started on the process.

Without objection, we'll proceed in that
regard.

Move to item nine. Commissioners should
have received, may not have had a chance to read, should
have received a memo from legal counsel on ethics
training.

Ms. Hauser, I want to thank you for that
memo, because I think it not only delineates correctly
but very appropriately the charge that we have.

We do need to schedule one last bit of
ethics training, which will take place concurrent with a
future meeting, not the one on Friday but one in the
future.

There are some dates available for the
person that needs to conduct that training. Until we
know from NDC what the schedule looks like, I don't know
which dates will be in play.
What I suggest -- for those that haven't read the memo, what it states clearly, we do not have to attend the day-long schedule. Some things we received from Ms. Skladany from the Attorney General's thing go to our credit. There is one segment of training we still need to receive. That person is available a number of days during the month of May. So we have to figure out which day we're going to meet and have that coincide and put it on the agenda.

Anything else on that item that needs to be discussed today?

MS. HAUSER: No.

CHAIRMAN LYNN: If not, report from legal counsel.

COMMISSIONER MINKOFF: Mr. Chairman, do we need to go into Executive Session to get the report from legal counsel?

MS. HAUSER: Yes.

CHAIRMAN LYNN: It's up to them to determine that, part of what they want to tell us what they've written to us. I'll leave that to Mr. Rivera and Ms. Hauser.

MS. HAUSER: Yes. Members of the Commission, if you've asked for legal advice, it's best to do that in Executive Session.
CHAIRMAN LYNN: Motion?

COMMISSIONER HUNTWORK: I move we go into Executive Session for the purpose of receiving legal advice from legal counsel.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second.

CHAIRMAN LYNN: All those in favor signify, "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

(Motion unanimously passes.)

CHAIRMAN LYNN: We'll now go into Executive Session.

If you'll now ask those in attendance other than staff and legal counsel to excuse themselves.

(Whereupon, at 10:35 a.m., the Commission recessed Open Public Session and convened in Executive Session.)

(Recess taken.)

(Whereupon, at approximately 11:04 a.m., the Executive Session concluded and the Commission reconvened in Open Public Session at approximately 11:04 p.m.)

COMMISSIONER HALL: Mr. Chairman, it appears no one reentered the room.
CHAIRMAN LYNN: Any other business to come before the Commission?

COMMISSIONER HALL: No.

CHAIRMAN LYNN: In that case, we stand adjourned at 11:05.

(Whereupon, the hearing concluded at approximately 11:05 p.m.)

* * * *
BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 90 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

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

DATED at Phoenix, Arizona, this 7th day of May, 2001.

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