

**April 5, 2001, 7:35 a.m.**  
**Public Hearing Minutes of the Arizona Independent Redistricting Commission**  
**State Capitol Executive Tower, Governor's Reception Room, Second Floor**  
**1700 West Washington, Phoenix, Arizona**

**Commissioners present:** Chairman Steven W. Lynn, Commissioner James R. Huntwork, Commissioner Joshua M. Hall, Commissioner Andi Minkoff, Commissioner Daniel R. Elder.

Staff present: Executive Director Enrique Medina Ochoa.

Counsel: Lisa T. Hauser and Jose de Jesus Rivera.

Auxiliary staff present: Kimberly Porter from Kelly Services was present as acting secretary for part of the hearing; Lisa A. Nance, RPR, CCR, court reporter with Atwood Reporting, was present.

**Meeting was called to order** at 7:35 a.m.

**Minutes** for the Public Session of the Arizona Independent Redistricting Commission for March 19th and 20th, 2001, were presented. Correction was made to the minutes of March 19th by Commissioner Minkoff in that the first public comment by Mr. Coleman from the Arizona Democratic Party, while not incorrect, did not adequately express Mr. Coleman's comments by stating he questioned their staffing selections. Correction was made that he was questioning the political affiliation of the proposed project manager of EDS.

**Motion was made** by Commissioner Elder to accept the minutes as presented with Ms. Minkoff's clarification. Motion was seconded by Commissioner Minkoff. **Vote was taken and the motion passed unanimously.**

Staff was directed to distribute to the Commissioners copies of corrected minutes of the Commission meetings and to insure that the Commissioners receive the minutes ahead of time for review and correction so they can be looked at before commencement of hearings, if possible.

Mr. Ochoa distributed the corrected minutes for the March 2, 2001, meeting.

**Call for public comment was made.**

**Mark Osterloh made a presentation** to the Commission, oral, written, and by Power Point.

Mr. Osterloh indicated he was a co-drafter of the Redistricting Commission initiative and that he helped get a lot of signatures to help qualify and get the proposition on the ballot.

Mr. Osterloh presented a proposal with an idea for the Commission's consideration for setting up the districts. Mr. Osterloh's proposal generally referenced the concept of using basic horizontal and vertical lines across the state with movement for population only in order to come up with line boundaries. His idea stated that he feels the principle of all men should be created equal is served by this purely geometric type approach. His handout, given to all Commissioners, set forth his comments more fully.

Inasmuch as no other members of the public indicated a desire to speak, public comment was closed until the second call for public comment at the end of the hearing.

Minutes re April 5, 2001 Public Hearing  
Arizona Independent Redistricting Commission

It was determined that there would be nine presentations from consultants. The consultants were requested to limit their presentations to 10 minutes so that the Commission could question them for 20 minutes giving each presentation potentially 30 minutes. The order of presentations was determined to be as they were received, although Election Data Services did not arrive until slightly later into the hearing.

Presenters were: Norman Primus; Election Data Services; Hunter, Johnston, Elam and Benjamin; Baker and Hostetler; National Demographics Corporation; Maricopa County Elections; Elliot D. Pollack and Company; Computer Management Services; and Research Advisory Services, Inc./R. Anthony Sissons.

Presenters were asked to voluntarily leave the hearing room while other offerers were making their presentations to the board.

**Norman Primus presented.**

Mr. Primus called his system a balanced neutral process. He discussed his experience in New Jersey, Indiana, with school boards, counties, cities, towns, et cetera. He discussed a case that went to the Supreme Court he had been involved with that had gerrymandering as an issue in which the result was that the Democrats won the case and it was sent back for redistricting.

Upon questioning, Mr. Primus indicated he had no experience with DOJ preclearance standards and approval standards. He did indicate that he's filed personal tax returns and received refunds and his expectation is that the process would be the same, that with his aid the plans would be sent to DOJ and they'll accept them.

Mr. Primus stated that he felt that the problem with the Justice Department was that Sections Two and Five, in his opinion, are some of the worst legislation passed by the United States.

Upon questioning from Ms. Minkoff, Mr. Primus indicated that he feels that most of Proposition 106 is unconstitutional and won't meet muster. He further stated, "I think you are required to change the statutes again."

**National Demographics Corporation** made their presentation. Presenters were Dr. Florence Adams, Marguerite Leoni, and Dr. Alan Heslop.

Dr. Adams introduced the speakers and gave a brief overview of the history of the company. Dr. Heslop spoke focusing on the importance of looking to communities of interest as a first step. He went on to discuss Arizona units of representation, or AURs.

Ms. Leoni indicated what the team would hope to present is alternatives that have been publicly tested, fully documented, with a complete record of why things happen publicly, politically, and legally, legally in the sense of the Commission's relationship to the public and legal documentation to the public, presented to the Commission as alternatives.

When asked about their political make-up and that of their clients, they indicated they had one Republican expert, Alan Heslop, one Democratic expert, Leroy Hardy, and that National Demographics has always been bipartisan.

Questions were answered regarding the AURs they proposed. NDC indicated they will be able to work with the Commission if told the Commission needs to start with a grid system and modify that. They indicated they could use that approach, if necessary, but would still want to develop the units of representation.

Commissioner Hall asked how the Commission would stay updated with the AUR process. Dr. Heslop answered that they felt the transcripts were crucial together with the citizen kits filled out by people at the meetings, whether handed in and/or submitted, so that within 72 hours of the conclusion of a

meeting the Commission could be updated as to what the testimony means in geographic terms, have a full record, provide an outline AUR, and would propose posting it on the website and announcing it to the press and asking for their involvement and publishing it in the area.

**Hunter, Johnston, Elam and Benjamin** presented with Mr. Marshall Hurley presenting on their behalf.

Mr. Hurley spoke of the background of their team and company emphasizing their knowledge of the law and ability to analyze the data according to Arizona standards and criteria of fairness without partisanship or favoritism.

When asked if they would open an office in Arizona to have an on-site person, Mr. Hurley did not commit that they would but indicated they were anxious to take the next step with the Commission to develop the best plan for meeting the Commission's needs after going through the negotiations on the RFP and what work would be undertaken by their company, if selected.

In response to questioning from Commissioner Elder regarding hands-on public inputs into the process, Mr. Hurley responded generally about the beginning points, to have plans out there that the public can react to, comment on, and that there are various approaches to reaching the public, such as the Power Point presentation type approach seen earlier in the morning.

Recess was taken.

**Presentation was made by Baker and Hostetler.** Presenters for Baker and Hostetler were introduced: Mark Braden, Rolando Rios, George Korb, and David Winston. Mr. John Milem was also present with their team.

Emphasis was placed on their large, diverse team. Mr. Braden spoke of their intent to want to hold at least six public hearings and a plan to do survey research, not pure polling, prior to the meetings to structure the meetings in the best possible fashion.

Mr. Rios spoke of his experience with the Voting Rights Act and his strengths as part of the team to help the Commission through the process in ending up with a plan approved by the courts as legally constitutional.

Mr. Korb spoke of his experience legally and with actually drawing maps and plans. He spoke of his past work with MALDEF. Emphasis was placed on their nonpartisan approach. He indicated they realized the Commission already has lawyers and they are not seeking to supplant the Commission's lawyers but that the process of redistricting is such that they feel you almost have to be a lawyer to actually draw the districts and to make sure that one is going to get preclearance by the Justice Department.

David Winston of The Winston Group spoke about his background.

Mr. Braden indicated the matter of issues of communities of interest, while they can advise the Commission on legal standing, talk about them, they would expect the Commission to be involved in dealing with that process or others on the Commission's behalf. He indicated they can't provide the logistical help and assume that the Commission's staff will provide the logistical assistance.

Questions were put to the team regarding whether they would have the time to commit to the Commission and the specific personnel and continuity. Responses were that they could commit to the Commission and felt that they had a large team put together, many people were interchangeable with each other on their team, and that technology today would make it easier to communicate long distance.

Mr. Braden spoke about not offering to staff the public hearings, handle the logistics for the public hearings, and while having some knowledge on who should be contacted and invited to hearings, would expect the Commission and staff to handle that to quite a large degree.

The fact that Mr. Braden was listed in EDS' proposal was discussed. He assured the Commission if EDS is selected, he would work with them.

**Election Data Services made their presentation** with Kimball Brace presenting.

Mr. Brace spoke of their background, that EDS is a 24-year-old, bipartisan consulting firm that specializes in reapportionment, in census, election administration, and redistricting. He indicated half the nation has been assisted by EDS since 1979 in redistricting or redistricting court cases.

He discussed that there were a wide variety of different possibilities which EDS could provide to the Commission as the Commission sees their needs. EDS could provide strategy in consulting in terms of planning documents and planning things, handbooks, that sort of thing; developing data bases, including keypunching election returns, TIGER files, and merging all that into a seamless data base; comprehensive support service and various types of assistance, any of which can be selected depending upon what the Commission's needs are for the different items in EDS' proposal. Mr. Brace spoke of their legal and technical assistance in the map making. He also went through the other services they can provide in terms of data compilation and assistance with compliance with the Voting Rights Act, et cetera. The use of autoBound and Arcview was discussed, an on-site staff person being offered, system installation, staff training, technical support.

Mr. Brace indicated the State Legislature has asked EDS to put together a data base for them similar to part of what will be required for the Commission and that that may in fact be available for the Commission, that if so, EDS would adjust their quote accordingly. Mr. Brace indicated after leaving the Commission today he was going over to meet with the Legislature.

Chairman Lynn inquired about EDS being engaged by the Legislature to do something similar. Mr. Brace explained the Legislature wants EDS to put together a political data base for their own analytical purposes similar to the kind of political data base that EDS is talking about for the Commission. He stated they have not entered into the final contract signing but that the Legislature has expressed an interest in doing that. He indicated he did not believe it would conflict with the Commission. He advised that for the Legislature it is straight data, no analysis. It was clarified that it was Legislative counsel acting on behalf of all four caucuses.

Commissioner Minkoff inquired as to how EDS would assist the Commission with public hearings and input. He responded EDS would be able to set up public hearings, staff hearings, gather information from the community, with the key phraseology being "communities of interest." He spoke of citizen kits and a public terminal. Mr. Brace indicated that EDS has used the public terminals in universities in various parts of the state for the past 20 years but as they did not see it in the RFP it was taken out of their proposal but could be put back in.

Ms. Minkoff addressed the issue of whether the on-site staff person being proposed is open to discussion as it had come to the Commission's attention since the last hearing that the individual proposed was previously employed as a senior staff member for a member of the Legislature affiliated with one political party. Mr. Brace indicated it's open for discussion. He further stated that even though Joel Wilson is affiliated with one side of the aisle that he, Kim Brace, would be in Arizona a lot and has political stripes on the other side of the aisle. He reiterated that EDS is a bipartisan company.

In answer to Commissioner Hall, Mr. Brace indicated that they do have all 50 states' TIGER files inputted.

Mr. Brace indicated that he had met with Leg. counsel after meeting with the Commission last time he was out and spoke with them about the Commission's needs for the information that Leg. counsel was interested in. Mr. Brace indicated that their response seemed positive in terms of a willingness to provide it to the Commission. Mr. Brace said, "If they went forward and built it, I would think they would also end up

providing it." He also stated, "But, you know, you are talking about more than likely your needs coming first and putting it together."

**Presentation was made by Maricopa County Elections.** Presenters were Karen Osborne and Tim Johnson. Scott Brown was also present, the proposed web master for the website.

Mr. Johnson presented that he would propose coming on as a full-time staff member, in essence, and would assist in the mapping portion and a lot of the technological issues the Commission will run into and data issues. He indicated he would not be consulting as far as Section Five issues of the Voting Rights Act, or so on. He would assist in the submission as far as preparing reports, maps, and paper that needs to be done but not any of the arguing or justification or data that supports someone else's justification or the justification itself. He also spoke of the internet site that they proposed.

Mr. Johnson spoke of creation of a citizens' kit and participants' kit. He indicated the distinction is a citizens' kit is something that could be sent out to anybody. A participants' kit is for anybody interested enough to actually want to submit a plan, which according to the Voting Rights Act, Mr. Johnson indicated they would have every right to do. It would contain either a paper map and/or a software program that could be distributed to them.

Mr. Commissioner Huntwork inquired as to what data Maricopa County could not provide that the Commission will need. Mr. Johnson responded that they could not provide the historical election returns and registration data. He indicated they could do it, it's not beyond their capabilities, but the time involved would just be exclusive to doing other things they do.

Mr. Johnson indicated he's already aggregated the data, the multi-race, attached it to the census geography, not all the layers but most of them. Census data has already been converted from text to give 12 tables to work with. He indicated the hole that remains is the precincts for the seven counties that did not submit the data. He indicated he could recreate that but he is not in possession of that. This is the data Leg. counsel has exclusively.

Commissioner Minkoff inquired as to the advantages and disadvantages of having the Commission's own website and equipment. Mr. Johnson responded that it's cheaper to go with having the website on someone else's site as one doesn't have to purchase the server and have maintenance staff but that you have less control and less ability to do what you wish to do. He spoke of the alternative of using the website hosted by Maricopa County which would be virtually like having their own with primarily the only restrictions being, for example, after-hours access, stuff like that; that it would still be able to have the functionality of on-line mapping which would be virtually nonexistent in another established site. The question was asked as to how much it would cost to buy the Commission's own site. Mr. Johnson indicated it would be approximately 24,000 plus the cost to service, to set it up under the proposal provided by Mr. Brown.

**Presentation was made by Elliott D. Pollack and Company.** Presenters were Elliott Pollack, Tom Broderick, and John Lenio.

Commissioner Minkoff stated before they began their presentation that she had a business relationship with Mr. Pollack, an investment in one of his real estate partnerships. She did not feel it had a bearing on this or her ability to evaluate their proposal.

Mr. Pollack spoke of his company's experience in Arizona. Mr. Broderick spoke of their approach and preferences for setting up ideas for districts and public comment, whether the Commission would want to provide the public with more than one scenario, whether they felt the public could they handle more than one. He indicated they would be in a position to produce several good scenarios.

Mr. Lenio indicated they would use autoBound and Arcview. They'd propose to have the Commission use their company's own website, arizonaeconomy.com, on which they would provide a special section for the Commission. He indicated they'd offer the website to offer an overview of the process indicating it could be used for drawing the maps and throughout all public meetings as well as to offer public comment on the website very live.

Commissioner Elder inquired as to the history or experience of Elliott D. Pollack and Company in dealing with DOJ, DOJ submittals, the basis of challenges to DOJ, and the law aspect. Mr. Broderick stated that they responded to the scope of work fairly narrowly; they didn't add legal resources to the project. He indicated they'd be asking for direction from the Commission and understand the Commission has hired legal resources.

Commissioner Huntwork inquired whether they had already put together the data or started inputting data. Mr. Lenio indicated they had not begun any of that but felt they could do it within a six-week time frame very easily.

Commissioner Lynn asked if anyone connected with the proposal had specifically done any redistricting for any entity, however small or large. The answer was no, they'd not done redistricting.

Recess was taken.

**Presentation was made by Computer Management Services.** Presenter was Harry Fennemore.

Mr. Fennemore thanked the Commissioners for being on the Commission and indicated he had considered volunteering to be on the Commission when he saw the request from the Committee on Judicial Qualifications.

Mr. Fennemore indicated his company is proposing the talents and expertise of three individuals: himself, James Merritt, and Vern Booth.

He stated they've been involved in redistricting in Arizona since 1971. Vern Booth did cartography for the State. Jim Merritt and Mr. Fennemore had the contract to do the reapportionment in '81.

He spoke of their long-term and vast experience in Arizona, of their institutional memory. He indicated they're not prepared to come and set up a computer network but they will advise on the best way to have it done.

Mr. Fennemore indicated that they don't want to do all of the work involved in the project. They want to consult with whoever does the work and with the members of the Commission. It was clarified that they want to do only part of the proposal, quality control management. Chairman Lynn asked if it would be fair to characterize the Commission's possible engagement of their proposal as buying institutional memory against which the Commission could judge work done by others against a number of years of doing this kind of work in Arizona. Mr. Fennemore responded yes and that he felt that their institutional memory had an excellent track record. It was clarified that the firm's involvement in '71 and '91 was Vern Booth's involvement as a State employee doing cartography.

**The final presentation was by Research Advisory Services, Inc.,** presenter R. Anthony Sissons.

Mr. Sissons indicated they are a locally-based geodemographics consulting firm which he started in 1987. 70 percent of their work has been for state and local government agencies and school districts involving a lot of analysis and research and evaluation. He indicated that during this decade he's drawn nine local government districting plans and every one of those nine had been precleared by the Justice Department on its first submission.

He spoke about how the starting grid in essence removes the starting point bias.

Mr. Sissons spoke of his firm's plans for conducting the full scope of work for the Commission.

Commissioner Huntwork inquired whether Mr. Sissons' firm would be interested in doing a piece of the work and not the whole thing, even though he wasn't sure which piece it would be, at this point. Mr. Sissons indicated he would be open to any reasonable combinations. He indicated as a redistricting consultant, he would want a major part to play on the team.

Commissioner Hall inquired about the data Mr. Sissons had previously addressed the Commission about as being full of errors. Mr. Sissons indicated the data referred to is the data base of prior election results on file with the Secretary of State. Mr. Sissons stated that he has 60 percent of that work already done.

Mr. Sissons clarified for the Commission there are two necessary elements. One is the geography files of the precinct shapes that have to go into the GIS map, and that's where Maricopa and Cochise did their own. He did work for six of the counties. Those eight have their precincts federally recognized in the Census Bureau's TIGER file. For the remaining seven counties, that is the work that Tim Johnson did for Leg. counsel that at this point only Leg. counsel has.

The separate issue is the whole issue of the prior election data, the matter of the vote counts by precinct for every candidate, primary, general, and proposition. That is the file that he has spent a lot of time on and has 60 percent fixed and attachable to a GIS.

**Motion was made** by Commissioner Huntwork and seconded by Commissioner Minkoff to go into executive session to discuss costs and other things appropriate. **Vote was taken. Motion carried unanimously.**

Recess taken.

**At approximately 12:15, the Commission went into Executive Session and reconvened in Public Session at approximately 1:45 p.m.**

It was stated that the Commission would go through the list of offerers and ask for a hand vote of the Commission. Any consultant receiving three votes of the Commission would be, in effect, screened in for further consideration. Those consultants not receiving three votes would no longer be in consideration. It was further indicated that, on the advice of counsel, Commissioner Minkoff had declared a conflict due to her relationship with one of the offerers as stated previously in Open Session, and that that constituted a situation which precluded her from participating either in the discussion or voting until such time as that particular offeror no longer was a potential awardee. For the purposes of the initial round of voting, Commissioner Minkoff refrained from casting votes for those that were to be screened in.

**Hand votes were taken.** Norman S. Primus received no votes; Election Data Services, Incorporated received four hand votes; Hunter, Johnston, Elam and Benjamin received one hand vote; Baker and Hostetler received three hand votes; National Demographics Corporation received four hand votes; Maricopa County Elections received four hand votes; Elliott D. Pollack and Company received one hand vote; Computer Management Services received two hand votes; R. Anthony Sissons/Research Advisory Services received three hand votes.

**Remaining in consideration:** Election Data Services; Baker and Hostetler; National Demographics Corporation; Maricopa County Elections; and R. Anthony Sissons/Research Advisory Services, Inc.

**Commissioner Hall made a motion** to restrict the three national consultants under consideration to National Demographics Incorporated and Election Data Services. Motion was seconded by Commissioner Minkoff. Discussion was had on the motion.

**Commissioner Elder moved for an amendment to the motion** to keep Baker and Hostetler under consideration.

**Chairman Lynn called the amendment out of order** as it would not achieve the point of the motion which was to reduce the national consultants, essentially by one, and indicated it had not been seconded.

It was clarified Commissioner Elder, as the proposed amendment was out of order, was then speaking against the motion.

Further discussion was had on the motion.

**Commissioner Huntwork moved to amend the motion** to eliminate both Baker and Hostetler and EDS. The motion to amend received no second. **The motion to amend died for lack of a second.**

**Commissioner Elder called for the question** on the motion to eliminate Baker and Hostetler from consideration and limit the national consultants under consideration to two firms.

**Vote was taken.** The Chair split the tie vote. **The Motion was defeated.**

Chairman Lynn inquired of Mr. Adler whether the remaining offerers could be asked if they were willing to undertake a portion of the scope of work rather than all. Mr. Adler indicated that was permissible.

Each of the remaining offerers was asked individually if they would consider doing a portion of the scope of work. Each indicated that they would.

**Commissioner Minkoff made a motion** the Commission engage in negotiations with Maricopa County and with Research Advisory Services to provide services to the Commission in the areas of GIS support, website support, and collection and presentation of historical data about the voting history in Arizona. **Commissioner Minkoff then withdrew the motion.**

**Commissioner Minkoff made a motion** the Commission engage in negotiations with Maricopa County Elections Department for the provision of GIS services and website management to the Commission. Commissioner Elder seconded the motion.

**Commissioner Hall moved to amend the motion** to say "and any other services as we may deem may be appropriate for them to provide." Commissioner Minkoff accepted the amendment. Commissioner Elder, seconder to the motion, accepted the amendment.

Discussion was had on the motion.

**Commissioner Hall called the question. Vote was taken and the motion carried unanimously** to engage in negotiations with Maricopa County Elections Department for the provision of GIS services and website management to the Commission and any other services as the Commission may deem may be appropriate for them to provide.

**Commissioner Hall made a motion** to enter into negotiations for services with Research Advisory Services, Inc. to provide technical services to the Commission and any other services as the Commission may deem necessary. Motion was seconded by Commissioner Minkoff.

Discussion was had on the motion.

**Commissioner Minkoff moved for an amendment to the motion** that the Commission engage Research Advisory Services to provide information on historical data and voting trends in Arizona and such other services as the Commission may require. Commissioner Hall accepted the amendment.



Chairman Lynn clarified the intent of the motion as follows: "We're creating a team. Let's be very clear about this. We're creating a team of both national and local consultants, trying to pick the best of each category, as we see it, for use in this process. We expect the team members to coordinate activities so there is no duplication. Each brings to the table unique expertise in the area they have to represent and collectively they represent for the State of Arizona the best opportunity to get the best result."

**Commissioner Elder called for the question. The motion as amended was voted upon and passed unanimously** to enter into negotiations for services with Research Advisory Services, Inc. to provide information on historical data and voting trends in Arizona and such other services as the Commission may require.

**Commissioner Hall made a motion** to employ the services of EDS to provide technical services and other related services to this Commission. Commissioner Minkoff seconded the motion. Discussion was had on the motion.

Discussion on the motion focused on identifying the scope of work and who the primary national consultant would be. Ms. Minkoff spoke in favor of EDS as lead consultant. Chairman Lynn clarified that he understood Commissioner Hall's motion not to preclude offering a partial contract to another national consultant and that he felt Commissioner Hall's motion was not intended to have EDS be the lead consultant, which was affirmed by Commissioner Hall.

**Commissioner Hall withdrew his motion.** Commissioner Minkoff withdrew her second to the motion.

**Commissioner Hall** moved the Commission employ National Demographics Corporation as the Commission's primary consultant and the firm which will oversee the whole process that the Commission plans on utilizing in obtaining the final maps that the Commission is going to prepare. Motion was seconded by Commissioner Elder.

Discussion was had on the motion.

**Commissioner Elder called for the question. Vote was taken and the motion passed unanimously.**

**Commissioner Hall made a motion** the Commission employ EDS, Election Data Services, for technical services and other services as the Commission may deem appropriate. Motion was seconded by Commissioner Elder.

Discussion was had on the motion.

Discussion centered around what work was being sought from EDS. Commissioner Hall clarified, in answer to Mr. Brace's question about the role between Mr. Sissons and EDS, that the Commission would want to buy, pay Mr. Sissons for what he can do and immediately append current data, whatever historical data is there, with work he's already performed, plug it into EDS' expertise with compiling a comprehensive data base.

**Vote was taken on the motion: four to one in favor of the motion. A roll call vote was taken to be certain of the vote. The motion passed four to one.**

Discussion was had on the contractor-subcontractor relationship of consultants with the Commission, whether to go with multiple prime contractors which the Commission would administer or to have one general contractor overseeing a group of subcontractors.

The question was posed to Dr. Adams as to whether she felt there should be one company or person in charge or separate contracts. Dr. Adams indicated she could work with it either way. Dr. Adams stated that

if the Commission contracted with a couple other entities, the Commission could specify that those entities are going to be working with National Demographics as the lead contractor or the Commission could have National Demographics be the lead contractor and subcontract.

Discussion was had on the different models of setting up the relationship between the Commission and the firms selected, i.e. having National Demographics be the Commission's contractor and subcontract with the people that have been approved and the other model being to have separate negotiations and National Demographics be the lead contractor. Mr. Adler indicated, "Liability is what we're talking about. If one firm is responsible for everything, that firm is liable for everything, cannot say another firm caused me to be late. They're coordinating everything, so, therefore, they're responsible for it. If there are multiple contractors that are a lead, you have multiple sources of responsibility and one firm can say the reason they didn't perform on time is because the other firm didn't come through on time and there can be a mishmash of liabilities."

Upon questioning by Commissioner Minkoff as to Mr. Adler's recommendation in regard to the choice of contractors or a prime contractor and subcontractors, he responded that he would probably recommend a prime with subcontractors.

Legal counsel was asked for their recommendation by Commissioner Huntwork. Ms. Hauser indicated she would suggest that with respect to Maricopa County, that the Commission enter into an inter-governmental agreement with them rather than having Maricopa County be a subcontractor to a national consulting firm.

Mr. Rivera spoke on the issue of liability in terms of responsibility: "I guess whatever the general contractor is going to insure the liability of, all the subcontractors under her insurance, or whatever liability contract she has, that's one problem. The second problem you have to worry about is if we, if you as a Commission, start giving independent advice or requests -- independent requests to each subcontractor, then you are acting as a general contractor with the subcontractor and it runs into problems in terms of taking responsibility away from the general contractor." The third aspect brought up by Mr. Rivera was deciding whether the Commission as a committee wants to negotiate this new contract or wants to have the general contractor draw up the delineation of duties to bring back either to committee or to someone designated by the committee to see how significantly that changes it.

In response to Commission Minkoff, Dr. Adams assured the Commission that upon being awarded the contract they will have a presence in Arizona, most likely in Phoenix. The Commission was assured the contract will not be managed out of California. NDC will have a local person to get things done.

**Commission Elder made a motion** that the Commission develop the process, provide a structure of prime consultant and subconsultants as the structure for the administration of the technical services contract. Motion was seconded by Commissioner Huntwork. The motion was clarified that it does include Maricopa County although they would be contracted with under an IGA.

Mr. Adler indicated that he liked the motion and it had a sufficient amount of flexibility built into it to allow the procurement department to take advantage of various contracting mechanisms to get the best value for the State.

**Vote was taken on the motion. Motion carried unanimously.**

The Chair put forth a question as to how the procurement department and the Commission would get the contracts in place or single contract and IGA in place. Mr. Adler was asked for his opinion. Mr. Adler indicated he felt the first step would be to designate somebody to represent the Commission to work with him to negotiate a contract with the consultants; that he felt he had enough general information to start

negotiations with the contractors and together with the executive director he could put together a scope of work and then additional services at hourly rates or, if the Commission preferred, fixed-price scopes which he indicated can keep things organized. Commissioner Elder objected to that process stating he feels the Commission needs to take time for another meeting; that the structure and form of that scope of work will drive the rest of the process until the Commission submits to DOJ and that he does not want the Commission to go in with a general or undefined scope that is based on general conditions.

Commissioner Huntwork suggested having the consultants get together among themselves and develop specific scopes of work to present to the Commission; that the Commission could get together in a telephonic meeting for a confirming result or designate one member to authorize.

Commissioner Hall suggested having two members of the Commission along with the executive director, Mr. Adler, and the consultants meet to iron out the gray areas and ask questions, determine the best situation as far as integrating all the parties, then have the consultants amend their cost proposals and clarify in writing the scope of work and charges so the Commission as a body can go ahead and endorse the procedure.

Chairman Lynn summarized the roles of the consultants as: Mr. Sissons' ability to do historical data with respect to the State of Arizona; Maricopa County's ability to host a website and to provide local GIS support; Mr. Brace's ability to prepare the data bases short of the historical voting data which would be prepared by Mr. Sissons; and National Demographics to utilize those pieces in wrapping the entire process together, particularly utilizing the outreach process that they outlined for identification and delineation of communities of interest.

Dr. Adams suggested that she would plan on seeing if Mr. Sissons, Mr. Brace, and a representative from Maricopa County could meet that evening, sit down and discuss it; that she would come back to the Commission with a master proposal. Chairman Lynn indicated he would like Mr. Adler to be included in that meeting. Commissioner Hall indicated he would like to attend the meeting.

The Chair requested the Commissioners to state any concerns they would like the consultants to address in their master proposal/next written response.

Commissioner Minkoff had to leave.

As far as concerns to be addressed by Dr. Adams in the scope of work, Commissioner Elder indicated he wanted to make sure the grid process is reflective in the scope of work and a that the Commission receive a suggestion, both in time frame and in how it's managed, of how it may fit into the overall process; two, address as far as EDS' background in the analysis of data, to the extent if there are questions asked by, whether it be competing proposals, plans, maps, perhaps one from the Legislature, one from Native Americans, one from the Hispanic community, the evaluation, evaluation of data processing, where there's concurrence, where there is an issue; a third issue was that Mr. Sissons, besides historical data, may have networks that would be valuable in the community and the state as far as who, where, what and perhaps may already have data. Generally, Commissioner Elder indicated he wants to make sure the Commission gets the best use of the consultants possible. With respect to Maricopa County, Commissioner Elder indicated a concern with making sure a process is set up as far as how Tim will work, not necessarily bypassing Mr. Ochoa, but to make sure things are not developed by Tim in Phoenix that haven't been reviewed and approved or that haven't been approved for dissemination to the public for public information.

Commissioner Huntwork indicated he's going to be looking as much as possible for specificity and wanting to see as many details as possible pinned down, at not having duplication of efforts, and at cost-effectiveness.

Commissioner Hall indicated he agreed with Commissioner Elder and Commissioner Huntwork's points made and that he wants to be at the meeting of the consultants later that evening.

Recess was taken.

Commissioner Elder had to leave. Ms. Porter left.

**Commission reconvenes at 4:30.** Members of the Commission present are: Chairman Lynn, Commissioner Hall, and Commissioner Huntwork.

**Next agenda item: Discussion on additional staffing and office space requirements.** Mr. Ochoa was asked if he had anything in that category absolutely pressing.

Mr. Ochoa indicated that as far as staffing, some of the individuals he had in mind are indicating interest and some are not. It's, all in all, coming along as he had in mind.

Regarding office space, Mr. Ochoa indicated in addition to the Maricopa County situation where they will have an individual office at the Commission location, if the Commission desired, he would speak with the primary consultant and see if they were interested in having an office within the Commission's offices.

As far as protocol, requests for meetings, those kind of things, Mr. Ochoa indicated today they did have lunch and that the consensus was basically a desire to accommodate everybody as much as possible. He wants to get as many requests in writing prior to making any decisions. As far as protocol, Mr. Ochoa indicated he feels the Commission should respond to all requests. And specifically Mr. Ochoa indicated protocol referred to is for meetings and requests for meetings from the community for meetings with community organizations. Mr. Ochoa indicated legal counsel felt they would like to get involved if there are some meetings that it would be wise to document for purposes of pre-clearance at a later day. The specific reference would be meetings with minorities or other communities of interest.

Mr. Ochoa indicated he had ordered the Commission stationery.

**Commissioner Hall requested** an updated contact sheet like the one that had been prepared previously which listed all the Commissioners' names, addresses, phone numbers be prepared including Ms. Hauser, Mr. Rivera, and Mr. Ochoa. He also requested a Capitol directory. Mr. Ochoa indicated this would be done.

Mr. Ochoa discussed drafting a letter for the Chairman or members of the Commission's signature thanking Mr. Hernandez and other members of the Commission to date, said letters to be presented at the next meeting.

Chairman Lynn indicated he would like to send those letters and also a specific letter not only to them but to Elliot Hibbs from the Department of Administration and also a letter to Attorney General Napolitano thanking her.

**It was decided** Mr. Ochoa would draft the letters, e-mail them to Chairman Lynn; he'd go over them and get them back to Mr. Ochoa.

Mr. Ochoa indicated the last thing in the package was the business cards. His was included as a sample. They can be done in a week. Commissioner Hall indicated he only wants his middle initial M. Chairman Lynn indicated the same thing. It was stated that for Chairman Lynn and Commissioner Hall, at least, only the Commission office phone number was desired to be listed on the business cards. Mr. Ochoa requested that each Commissioner fill out the form for their business cards.

**Ms. Hauser indicated she gave the Commissioners two things.** One was a historical analysis that was requested. She stated in part it's a bit of a comment on the article the Commissioners received from Mr. Cantelme. She advised it clears up one or two things concerning the 1990 redistricting she felt were inaccurate in Mr. Cantelme's summary.

Ms. Hauser indicated the other item given to the Commissioners was an article written by Senate counsel in the State of Minnesota. She stated she feels it's a very good analysis of how to draw redistricting plans that will stand up in court and pretty well marches through all criteria.

**Mr. Rivera advised** to look at the historical analysis discussed before; that the issue seems to be coming up in Arizona continually of Native American issues, how we treat Native American communities; and that the Commission ought to be sure that's addressed in all the Commission's hearings and that the experts the Commission has hired should be cognizant of that.

**The next item on the agenda was public comment.** A call was made for public comment. No one from the public requested an opportunity to speak.

**Chairman Lynn indicated the next meeting** would be the following week, the exact date was not yet known, but it would be when the consultants had had an opportunity to put a plan together and that the meeting would be telephonic to hear that plan.

**Mr. Ochoa was asked to check with the Commissioners** on summer availability regarding planned vacations by Commissioners to take those into account for future meeting dates and to request Commissioners share with Mr. Ochoa scheduled vacations.

**The Chair discussed public meetings around the state** once the Commission has maps that people will be asked to react to. Chairman Lynn suggested the information-gathering portion of the process could be done with a member or two present and then the rest of the Commission could rely on transcripts and minutes of those meetings to get the flavor of what was said and who was present. Chairman Lynn indicated that he felt those meetings would occur sometime in the July, early August time frame so once those hearings are completed, staff and consultants would have an opportunity to make final adjustments to the plan, to write the submission to the Department of Justice, and to have all that completed by the end of August or sometime in August.

**Chairman Lynn further indicated the need to have a revised time frame** as soon as possible based on what the consultants can do for the Commission and moving up to that end time which the Commission still has certain.

The Chair asked if there were other comments with respect to agenda items and dates.

**Mr. Rivera indicated that the consultants should be told** that anything handwritten, any typed proposals, should be submitted to them before the meeting for review prior to the meeting.

Mr. Ochoa was asked to inform the consultants of that at the meeting at 6:00 that evening. Mr. Ochoa indicated he wasn't previously aware of a meeting at 6:00 and was unsure of his availability due to family considerations. Commissioner Hall volunteered that in Mr. Ochoa's absence, as he was attending the meeting, he could convey that information.

Commissioner Hall reiterated that, without objection, in light of the Commission's discussions, he'll inform the consultants they'll need to submit revised cost proposals as well as a time line, summary, and ask National to do a summary of how they see all of the roles interweaving and revised cost proposals.

It was clarified that the process now would be, as far as the consultants, that after they come back, the Commission telephonically comes back and there is agreement with the generality, then Mr. Adler will finalize negotiations as far as contracts with Mr. Ochoa and Mr. Rivera, Ms. Hauser, or both.

Ms. Hauser asked if it was desired to have counsel present at the 6:00 o'clock meeting. It was indicated that was not necessary.

**Without objection, it was requested Ms. Hauser formalize the request to Legislative counsel to pursue obtaining the precinct equivalency data they have.**

Hearing adjourned at 4:46 p.m.