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STATE OF ARIZONA  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona  
March 19, 2001  
10:00 a.m.

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

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING  
2 COMMISSION convened in Public Session on March 19,  
3 2001, at 10:00 a.m., at the Industrial Commission  
4 of Arizona, 800 West Washington, First Floor  
5 Auditorium, Phoenix, Arizona, in the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

COMMISSIONER JAMES R. HUNTWORK

10

COMMISSIONER JOSHUA MARK HALL

11

COMMISSIONER ANDI MINKOFF

12

COMMISSIONER DANIEL R. ELDER

13

BILL HERNANDEZ, Acting Executive Director

14

JOSEPH KANEFIELD, Assistant Attorney General

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LOA SCHELL, Acting Secretary

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LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM CALL FOR PUBLIC COMMENT:

Cortland Coleman

AGENDA DESIGNATED SPEAKERS:

None.

1                                   Open Session  
2                                   Phoenix, Arizona  
3                                   March 19, 2001  
4                                   10:00 o'clock a.m.

5

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

8

9                                   CHAIRMAN LYNN: Good morning. I  
10 would like to call the Independent Redistricting  
11 Commission to order.

12                                   First order of business is the  
13 approval of the March 2nd minutes. You have them  
14 in your packet. Are there additions or  
15 corrections to the minutes?

16                                   Ms. Minkoff.

17                                   COMMISSIONER MINKOFF: Mr. Chairman,  
18 I have one question and a correction. On the  
19 bottom of page two under "hiring counsel," the  
20 very last sentence on that page, it says,  
21 "Commissioner Hall made a motion." And there's  
22 nothing about how that motion was disposed of,  
23 whether it died for lack of a second, whether  
24 withdrawn, failed, or anything of that sort.

25                                   CHAIRMAN LYNN: Motion carried  
unanimously on the following page.

                                  COMMISSIONER MINKOFF: No. That's  
the next one. Says Commissioner Hall made a

1 motion, et cetera. Then says moved by  
2 Commissioner Minkoff and seconded by Commissioner  
3 Elder, and that's the one that carried  
4 unanimously. There's no mention of what happened  
5 to Commissioner Hall's motion.

6 COMMISSIONER HUNTWORK: Last  
7 sentence, motion seconded by Commissioner Hall, is  
8 that referring back? I think that might be --

9 CHAIRMAN LYNN: Commissioner Hall,  
10 do you remember --

11 COMMISSIONER HALL: Basically --

12 COMMISSIONER MINKOFF: We have a lot  
13 of motions and no result.

14 COMMISSIONER HALL: Basically, it  
15 never went to vote. Never went to vote. I think  
16 we amended the motion is my recollection.

17 CHAIRMAN LYNN: May have withdrawn  
18 it.

19 COMMISSIONER ELDER: I think we had  
20 withdrawn it. Somebody asked if I'd withdraw my  
21 second.

22 COMMISSIONER MINKOFF: I think it  
23 was withdrawn.

24 CHAIRMAN LYNN: All right. We'll  
25 note that was withdrawn.

1 Others, Ms. Minkoff?

2 COMMISSIONER MINKOFF: And the next  
3 one, also no action on it. I presume that was  
4 also, "Commission scheduled a two-day meeting,  
5 first day for application screening, second day  
6 interview," and no mention of what happened to  
7 that one. Then motion by Commissioner Hall. That  
8 is the one amended and finally passed.

9 CHAIRMAN LYNN: Well, we did pass  
10 the motion to have a two-day interview process.

11 COMMISSIONER MINKOFF: Right.

12 CHAIRMAN LYNN: So we'll make  
13 that --

14 COMMISSIONER MINKOFF: That will  
15 pass.

16 CHAIRMAN LYNN: That will -- make it  
17 clear that motion carried.

18 COMMISSIONER MINKOFF: Okay.

19 CHAIRMAN LYNN: Others?

20 If not, the Chair will entertain the  
21 minutes as amended.

22 COMMISSIONER ELDER: So moved.

23 CHAIRMAN LYNN: Is there a second?

24 COMMISSIONER HALL: Second.

25 CHAIRMAN LYNN: All in favor, say

1 "aye."

2 (Vote taken.)

3 CHAIRMAN LYNN: Opposed, say "no."

4 Motion carries.

5 Next item is public comment.

6 For the two-day meeting that we will  
7 have today and tomorrow, we have scheduled four  
8 opportunities for the public to comment, early in  
9 both meetings and late in both meetings.

10 The schedule, just for your  
11 information, is that today we will be considering  
12 the applications for both legal counsel and  
13 executive director. That's the substance of  
14 today's meeting. We will be screening those  
15 applications either in open session or in  
16 executive session at the pleasure of the  
17 Commission. And at some point, then, at the end  
18 of that process, we will narrow the selections, or  
19 narrow the applications, down to those we wish to  
20 interview. Those interviews will take place  
21 tomorrow.

22 At that point, and I can't tell you  
23 exactly what that point will be, but at that point  
24 in the meeting, when we have finished the  
25 screening, we will again ask for public comment

1 before closing the meeting today and recessing  
2 until tomorrow at 8:30.

3                   So that's sort of the way the  
4 schedule is going to work.

5                   I would ask that, first of all, a  
6 couple quick housekeeping announcements. First  
7 one is, if you are joining us for the first time  
8 and expect to be here more than a couple hours  
9 today, the only safe place to park is on top of  
10 the parking garage on the west side of the  
11 building. If parked otherwise, you may be  
12 ticketed if there more than three hours. That's  
13 just for your own protection and edification.

14                   We also have a circumstance today  
15 where the Phoenix firefighter whose services are  
16 today will create a traffic issue for us,  
17 depending on your schedule and hours. From about  
18 11:30, give or take, to 12:30 or 1:00 o'clock, the  
19 street to our south, Washington, I'm sorry, will  
20 be closed off; and the procession will be moving  
21 past. So, that's just for your information.

22                   Okay. Public comment. Anyone  
23 wishing to address the Commission may do so at  
24 this time. And, obviously, as always, matters  
25 that are presented for public comment are for



1 public comment only and not for discussion by the  
2 Commission.

3                   If you will, please, state your name  
4 clearly for the record when you do speak. And you  
5 may want to join us up front, either, your choice.

6                   MR. COLEMAN: I'd be happy to join  
7 you up front at the microphone.

8                   Mr. Chairman, members of the  
9 Commission, I'm Cortland Coleman, the current  
10 executive director for the Arizona Democratic  
11 Party.

12                   My comment today will be brief  
13 regarding EDS, the technical consultant we heard  
14 from last meeting. EDS had an impressive and  
15 thorough display, I thought. I think they would  
16 be a good firm to bring on for redistricting here  
17 in Arizona. There was one concern that has come  
18 to our attention since that meeting, and that is  
19 with regard to the office that they committed to  
20 open here in Arizona and staff. And I think that  
21 is a good idea and something that is something  
22 very necessary; however, the gentleman they  
23 proposed to staff it is Mr. Joel Wilson. While I  
24 have no doubt Mr. Wilson is a fine, upstanding  
25 gentleman, he's a former employee of Mr. Jeff

1 Groscost.

2                   Everyone is familiar with the rancor  
3 under Mr. Groscost. I don't think somebody coming  
4 from under such tutelage would be appropriate. I  
5 think it would be highly inappropriate, akin to  
6 myself staffing it, a partisan Democrat.

7                   I thought EDS thorough, impressive,  
8 and if they would revise that proposal, we'd be a  
9 hundred percent behind it.

10                   As stated last meeting, if  
11 Mr. Wilson were the staff member here committed to  
12 Arizona, there would be serious questions not only  
13 in the minds of our party, I think all Arizona, as  
14 we try to move forward in a more independent,  
15 nonpartisan way.

16                   I thank the Commission for your  
17 time.

18                   CHAIRMAN LYNN: Other members of the  
19 public wishing to comment at this time?

20                   Seeing none, we'll close public  
21 comment.

22                   Next item on the agenda is  
23 redistricting consultant update.

24                   Mr. Hernandez, do you wish to be  
25 heard or should I just explain what I think I know

1 about that procedure at this point?

2 MR. HERNANDEZ: I'll leave it to  
3 you.

4 CHAIRMAN LYNN: All right. We will  
5 have circulated to the Commission today on an  
6 informal basis a draft of the RFP for consultant  
7 services. I'd like you to give Mr. Hernandez your  
8 comments by tomorrow on that RFP. And that RFP  
9 will be issued, probably, Wednesday, if we can get  
10 your comments in and incorporated by tomorrow.

11 That RFP will then be open for,  
12 let's say, a 10-day period with specific  
13 notification going to a list of consultants that  
14 we either will have or have assembled. And it  
15 would -- it seems to me it's going to necessitate  
16 another meeting of the Commission around the first  
17 week in April in order to consider formally the  
18 applications for consultants.

19 We should have those applications in  
20 advance, have the opportunity to review them, much  
21 the same way as we have for counsel and executive  
22 director, and have the opportunity to have  
23 presentations from those we feel appropriate and  
24 recommendations at that time.

25 Mr. Hernandez, anything to add to

1 that?

2 MR. HERNANDEZ: No, sir.

3 COMMISSIONER ELDER: Clarification.

4 Data processing consulting? Didn't say what  
5 consulting.

6 CHAIRMAN LYNN: Right. Map drawing  
7 and number crunching.

8 The way the RFP is written, it is  
9 national or local or both. So we have the right  
10 to take one or more than one of the applicants.  
11 And that's the way it's written.

12 Any other questions?

13 Ms. Minkoff.

14 COMMISSIONER MINKOFF: We've had  
15 presentations from the County Election Department  
16 about systems they might provide us. Would they  
17 fall in the purview of the RFP or is that a  
18 separate decision for the Commission to make?

19 CHAIRMAN LYNN: My sense is many  
20 services being offered by Maricopa County Election  
21 Division either are or could be offered by others.  
22 My suggestion would be --

23 I should ask the question rather  
24 than assume it.

25 Can you respond to such an RFP?

1 Karen, is that something your office would do?

2 MS. OSBORNE: Mr. Chairman, members  
3 of the Board, you can, we checked with legal  
4 counsel on both besides. You can enter into an  
5 IGA for us for our parts of the services.

6 We'd be most happy to respond just  
7 like any other vender if that's more comfortable  
8 to the Commission.

9 CHAIRMAN LYNN: What would be useful  
10 to the Commission. I'd find it useful to have you  
11 respond to the RFP, see how the services Maricopa  
12 County Elections offers or plans to offer fall  
13 into the spectrum of services offered by  
14 consultants.

15 MS. OSBORNE: We'd be most happy to  
16 do that, Mr. Chairman.

17 CHAIRMAN LYNN: Anything else on the  
18 issue of consultant update?

19 Okay. Next item on the agenda is,  
20 and you have in your packet, a draft inter-agency  
21 service agreement, ISA, with the Department of  
22 Administration, for services relating to  
23 accounting and intermittent receptionist work.

24 I believe this was circulated ahead  
25 of time. You should have all had copies of it

1 before the meeting.

2 Are there comments, concerns,  
3 questions, amendments to the ISA?

4 Mr. Huntwork?

5 COMMISSIONER HUNTWORK: Mr.  
6 Chairman, I understand this is a routine and  
7 normal thing for a Commission such as ours to do.  
8 And I'm in favor of the approach. In paragraph  
9 three, however, I just had a little bit of a  
10 problem with the language. And I would like to  
11 change that to say, "The department shall not," at  
12 the beginning of that provision.

13 CHAIRMAN LYNN: So you want to make  
14 it more of a declarative statement, "The  
15 department shall not infringe in any way upon the  
16 prerogatives of the Commission."

17 COMMISSIONER HUNTWORK: Yes.

18 CHAIRMAN LYNN: Without objection,  
19 we'll make that change in paragraph three.

20 Any other comments?

21 If not, the Chair would entertain a  
22 motion authorizing the Chair to execute the ISA  
23 with the Department of Administration with the  
24 amendment that has been suggested.

25 COMMISSIONER MINKOFF: So moved.

1 CHAIRMAN LYNN: Second?

2 COMMISSIONER HUNTWORK: Second.

3 CHAIRMAN LYNN: Thank you.

4 Discussion?

5 COMMISSIONER HALL: Is the fee  
6 negotiable?

7 CHAIRMAN LYNN: Mr. Hernandez?

8 MR. HERNANDEZ: Mr. Chairman,  
9 Mr. Hall, I do not know that it is. Lori Meeks is  
10 the administrator of the State Boards Office.

11 Lori, want to address that?

12 MS. MEEKS: At this point, I'd have  
13 to discuss that with my supervisor. It's possible  
14 the fee is negotiable. I can't give you any yes  
15 or no answer, though, right now.

16 CHAIRMAN LYNN: That's an  
17 interesting premise. I would assume the fee was  
18 not negotiable.

19 COMMISSIONER HALL: Given that  
20 answer, it is negotiable.

21 MS. MEEKS: I'd have to see what --  
22 basically, it's a reimbursement cost. I'd have to  
23 make sure that I would be able to get reimbursed  
24 properly for the services.

25 CHAIRMAN LYNN: I'm assuming that

1 the hourly figure is not only reflective of the  
2 actual personnel involved but also a burden or  
3 overhead figure.

4 MS. MEEKS: Correct.

5 CHAIRMAN LYNN: Associated costs.

6 Mr. Elder.

7 COMMISSIONER ELDER: Mr. Chairman,  
8 under, I guess, it's the third box in the table,  
9 says "status reports," I would like to make sure  
10 that our executive director is in control of  
11 budget, budget management, and knows where the  
12 funds are being expended. And if the status  
13 reports include like monthly spread sheets of what  
14 the distributions are expected to be, approve it,  
15 say yes, and go back to this group, that's fine.

16 CHAIRMAN LYNN: My intent is what  
17 we're signing is support for the executive  
18 director and staff for office, accounting support  
19 at their direction.

20 COMMISSIONER ELDER: I didn't read  
21 it as support in the office.

22 CHAIRMAN LYNN: Ms. Meeks, would you  
23 like to clarify that?

24 MS. MEEKS: It is just support only.  
25 It does not give us the authority to expend funds



1 on behalf of the Commission.

2                   COMMISSIONER ELDER: I guess where  
3 maybe it's semantics between Steve and I is my  
4 understanding is you would be doing some of this  
5 work back wherever you do this work and other  
6 times there would be a receptionist on an  
7 as-needed basis, other personnel might be in the  
8 office.

9                   For the most part, this  
10 administrative operation or process goes on in  
11 your home station, whatever you call it; is that  
12 correct?

13                   MS. MEEKS: Correct.

14                   COMMISSIONER MINKOFF: Isn't your  
15 office in the same building our offices are going  
16 to be in?

17                   MS. MEEKS: Yes.

18                   COMMISSIONER MINKOFF: So it would  
19 be very easy for the executive director then to  
20 supervise whatever is going on and whatever  
21 services you are providing.

22                   MS. MEEKS: Certainly.

23                   CHAIRMAN LYNN: Okay. Any other  
24 questions or comments?

25                   COMMISSIONER MINKOFF: Mr. Chairman.

1 CHAIRMAN LYNN: Ms. Minkoff.

2 COMMISSIONER MINKOFF: In case the  
3 fee is negotiable, and we don't know whether it is  
4 or not, can we amend the motion to authorize the  
5 Chairman to discuss and agree on the final amount  
6 not to exceed \$23 or not?

7 CHAIRMAN LYNN: Acceptable to the  
8 maker?

9 COMMISSIONER ELDER: I seconded.  
10 That would be fine.

11 CHAIRMAN LYNN: Who made the motion?

12 COMMISSIONER ELDER: Mr. Huntwork.

13 CHAIRMAN LYNN: Mr. Huntwork, is  
14 that acceptable?

15 COMMISSIONER HUNTWORK: Yes.

16 CHAIRMAN LYNN: Mr. Elder?

17 COMMISSIONER ELDER: Yes.

18 CHAIRMAN LYNN: Then as amended, any  
19 further discussion?

20 COMMISSIONER ELDER: Call the  
21 question.

22 CHAIRMAN LYNN: All those in favor,  
23 signify by saying "aye."

24 (Vote taken.)

25 CHAIRMAN LYNN: Opposed, "no."

1 Motion carries.

2 The Chair will meet with Ms. Meeks.

3 You may want to call the office, get  
4 information on how negotiable the rate may be so  
5 during one of the breaks you and I can arm wrestle  
6 and see what we can come up with.

7 Next item on the agenda is screening  
8 by the Commission for legal counsel. As noted on  
9 the agenda, screening may or may not take place in  
10 open meeting, may also take place in executive  
11 session at the prerogative of the Commission.

12 I'd like to ask the Commission at  
13 this time what their prerogative is.

14 Ms. Minkoff.

15 COMMISSIONER MINKOFF: Mr. Chairman,  
16 as committed as I am to the concept of open  
17 meetings, I think when we're talking about  
18 sensitive issues about who we should interview,  
19 not interview, there may be comments that would  
20 not be appropriate to be made in a public meeting.  
21 And I would suggest that we do this in executive  
22 session.

23 COMMISSIONER ELDER: Second.

24 CHAIRMAN LYNN: Is there discussion?

25 All in favor of going into executive

1 session for the purpose of discussing legal  
2 counsel, signify by saying "aye."

3 (Vote taken.)

4 CHAIRMAN LYNN: Opposed, "no."  
5 Motion carries.

6 The Commission will stand in  
7 executive session.

8 CHAIRMAN LYNN: I don't know that we  
9 have --

10 Bill, we don't have another room to  
11 go to rather than asking all these folks to leave,  
12 which would be easier. And space is probably a  
13 premium.

14 With our apologies, we're going to  
15 have to stay here and ask all of you to leave.  
16 And we will call you back as soon as we are able:

17 (Discussion off the record.)

18 CHAIRMAN LYNN: If I can have the  
19 attention of the Commission one second. It's been  
20 suggested because we have two discussions and the  
21 possibility of executive session on both, legal  
22 counsel and executive director, on both, we take  
23 the opportunity to excuse the audience for both  
24 discussions simultaneously, do our screening of  
25 both, then reconvene and make whatever decisions

1 we want to make.

2                   Without objection of the Commission,  
3 we'll adjourn for both. That way they only leave  
4 once. And when you come back, we'll have our work  
5 done.

6                   (Whereupon, the Commission went into  
7 Executive Session.)

8                   (Be it noted that on 3-20-01 the  
9 Commission upon motion made, seconded and carried,  
10 voted to have the proceedings from the Executive  
11 Session which are reflected in the transcript  
12 herein as part of the public record to be  
13 undesignated from Executive Session and made  
14 public.)

15 PERSONS PRESENT:

16                   CHAIRMAN STEVEN W. LYNN  
17                   COMMISSIONER JAMES R. HUNTWORK  
18                   COMMISSIONER JOSHUA MARK HALL  
19                   COMMISSIONER ANDI MINKOFF  
20                   COMMISSIONER DANIEL R. ELDER  
21                   JOSEPH KANEFIELD, Assistant Attorney General  
22                   LOA SCHELL, Acting Secretary  
23                   LISA A. NANCE, RPR, CCR, Court Reporter  
24                   JOHN ADLER, State Procurement Office  
25                   MARTH LYNCH, State Procurement Office  
                    ATWOOD REPORTING SERVICE  
                    Phoenix, Arizona

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2                   CHAIRMAN LYNN: We made a motion to  
3 go into executive session to consider legal  
4 counsel, screening for legal counsel. The  
5 suggestion was made by someone in the audience  
6 because items were contiguous on the agenda and we  
7 need to do both, we go ahead and screen both in  
8 executive session, both legal counsel and  
9 executive director. What I did, I got their  
10 attention, got their concurrence without  
11 objection.

12                   MR. KANEFIELD: When you come back,  
13 make it clear that's what you did.

14                   COMMISSIONER MINKOFF: They won't  
15 put us in jail?

16                   MR. KANEFIELD: No, they won't put  
17 you in jail.

18                   CHAIRMAN LYNN: Before we get  
19 started, I think it would be useful for the  
20 Commission to hear if there are any special rules  
21 that apply or should apply for an executive  
22 session discussion. Obviously we cannot make any  
23 decisions in executive session. We can screen.  
24 That is to say we can talk about our own feelings  
25 in terms of any of the applicants that we've been

1 presented with.

2                   What my understanding is, what we  
3 cannot do is we cannot decide in executive session  
4 who's actually going to be called for an interview  
5 and who isn't. That has to be done in open  
6 meeting.

7                   MR. KANEFIELD: Right.

8                   CHAIRMAN LYNN: So we can stop short  
9 of deciding that. But we can do everything up to  
10 that point.

11                   MR. KANEFIELD: Right. You just  
12 can't take a straw poll or vote. But you can  
13 certainly express your opinions, discuss the  
14 applications, and then go back into open session,  
15 decide, take a vote on who you are going --

16                   CHAIRMAN LYNN: From the department,  
17 any additional briefing?

18                   MR. ADLER: My name is John Adler  
19 with the Arizona State Procurement Office.

20                   In doing this RFP, or doing this  
21 process, we are trying to kind of guide you down  
22 the narrow legal path. We've done some things a  
23 little out of the ordinary, public meeting  
24 evaluation by committee, things like this. In  
25 this remaining part of the process, we want to

1 pick firms, or pick individuals, I think what we  
2 stated in the RFP, pick persons susceptible for  
3 receiving award. If they have a reasonable chance  
4 for receiving a contract, we should pick them and  
5 then let them come in. That's how we create this  
6 short list.

7 CHAIRMAN LYNN: Mr. Elder.

8 COMMISSIONER ELDER: Question: What  
9 do you mean by them having a chance of being  
10 accepted? Some criteria states if you are a  
11 Democrat, you can't be on -- no.

12 MR. ADLER: I'll let that one go.  
13 What we wanted is we stated in the request for  
14 proposal certain criteria. We need to limit  
15 ourselves to that criteria. Should have  
16 experience with public meeting law, with  
17 redistricting, some federal law. That's what we  
18 should make our choice with. But if there are  
19 offers or individuals that submit proposals that  
20 obviously don't have the criteria necessary to  
21 support the Commission, then what we want to do is  
22 eliminate them right offhand.

23 COMMISSIONER ELDER: Are there any  
24 process types of things we have to have in place  
25 as far as what they did or how they submitted that



1 either affect that criteria of either being  
2 acceptable criteria or not?

3 MR. ADLER: No, sir. There's not.  
4 I looked through the proposals pretty carefully.  
5 No crossing Ts, dotting Is type issues you need to  
6 be careful of.

7 COMMISSIONER ELDER: My only  
8 question, on the spread sheet cover sheet, didn't  
9 get covered, did get covered, not the basis for  
10 disqualification?

11 MR. ADLER: If did not cover an  
12 issue, if clear in the proposal, they don't have  
13 it, or did not cover it, and it's a critical  
14 issue, we can make a determination they are not  
15 susceptible for award.

16 If I can say one more thing: I'm  
17 not a big -- I'm not like a lot of traditional  
18 procurement officers. I don't eliminate proposals  
19 because they forgot to sign a page or put a  
20 document in. I'm big on facts, if we asked for  
21 certain information and they didn't do it.

22 COMMISSIONER ELDER: My question is  
23 do we have the option to be able to, for us, the  
24 Commission, to waive that oversight and not you  
25 waive the oversight.

1                   MR. ADLER: Yes, sir, you do. But  
2 qualify that. If we waive it for one, we have to  
3 waive it for all. It's just the fairness of the  
4 process.

5                   COMMISSIONER MINKOFF: You, I  
6 presume, sent us every application you received.

7                   MR. ADLER: Yes, ma'am.

8                   COMMISSIONER MINKOFF: You screened  
9 these applications?

10                  MR. ADLER: Yes, ma'am.

11                  COMMISSIONER MINKOFF: Are you  
12 prepared to advise us that one or more may not  
13 have met the qualifications and should not be  
14 considered by the Commission?

15                  MR. ADLER: Yes, ma'am. There  
16 was -- actually, I have the originals here.

17                  CHAIRMAN LYNN: The question is do  
18 you want to hear that information?

19                  COMMISSIONER MINKOFF: Yes. I think  
20 I would like to hear the information.

21                  COMMISSIONER ELDER: Then there's  
22 several also I got faxed or that were mailed  
23 direct, did not come with a state cover letter. I  
24 want to know whether they are acceptable to be  
25 considered or not, also.

1                   COMMISSIONER MINKOFF: For attorney  
2 or --

3                   CHAIRMAN LYNN: I don't think so.

4                   MR. ADLER: They are required by,  
5 required by the request for proposal, required to  
6 submit to our office and reach our office by a  
7 certain deadline. That's the law. If they come  
8 to you by mistake, they haven't gone through the  
9 proper process.

10                  COMMISSIONER HUNTWORK: Are you  
11 saying we would not have authority to waive that?

12                  MR. ADLER: They don't have  
13 proposals to us.

14                  COMMISSIONER MINKOFF: This is true  
15 only for the attorney position, not for the  
16 executive director position?

17                  MR. ADLER: Yes, ma'am.

18                  COMMISSIONER HALL: And why is that?

19                  MR. ADLER: According to law, the  
20 offers have to be at the place directed.

21                  COMMISSIONER HALL: Why not the  
22 executive director?

23                  MR. ADLER: This is procurement.  
24 Executive director is a hire.

25                  COMMISSIONER HALL: Okay.

1                   CHAIRMAN LYNN: All right.

2                   COMMISSIONER HALL: Mr. Chairman.

3                   CHAIRMAN LYNN: Mr. Hall?

4                   COMMISSIONER HALL: I'm just curious  
5 if there's a feeling among the Commission, you  
6 know. I'm trying -- if there's a feeling among  
7 the Commission of any that would just  
8 automatically be disqualified and we can kind of  
9 cut to the chase a little bit.

10                  CHAIRMAN LYNN: I think we were  
11 going to hear the ones that didn't meet minimum  
12 qualifications. That would clearly get the number  
13 started in the right direction.

14                  MR. ADLER: I'd like to say, one  
15 unique challenge, we are looking at persons and  
16 have proposals by firms. If one of the firms is  
17 chosen, you may have to ask them is this a package  
18 deal. Offering a Republican lawyer, Democrat  
19 lawyer, some assistance and clerical support and  
20 everything else. If they are interviewed  
21 tomorrow, that's probably one of your first  
22 questions: Is this a package deal? Is this take  
23 all or take one?

24                  The only one -- I saw one proposal  
25 in here, and this was submitted by Miniatt &

1 Wilson, PC. And I could not find a lot of  
2 experience in here that would qualify them. It  
3 appeared to be that all the experience that they  
4 showed was settlement of tort claims.

5                   So I don't know if that's -- and I  
6 could not find in here whether they designated in  
7 here Republican, Democrat.

8                   CHAIRMAN LYNN: Without objection,  
9 eliminated Miniatt, Wilson?

10                   COMMISSIONER HUNTWORK: Mr.  
11 Chairman, can I ask something here? I can see  
12 these gentlemen great but can't see my fellow  
13 Commissioners. Is there any way to fix this?

14                   CHAIRMAN LYNN: One way is if you  
15 take your stuff, slide back, and we talk to one  
16 other.

17                   COMMISSIONER HUNTWORK: That is  
18 great.

19                   MR. KANEFIELD: You need to advise  
20 everyone the executive session is confidential.

21                   CHAIRMAN LYNN: Consider yourself  
22 admonished nothing should leave this room in terms  
23 of deliberations in executive session.

24                   MR. KANEFIELD: We're also supposed  
25 to make a sweep, make sure nobody left a backpack

1 with a tape recorder.

2 COMMISSIONER HUNTWORK: I do see  
3 something there and something in the back row.

4 CHAIRMAN LYNN: Again, to the point,  
5 do we have consensus, Miniatt, Wilson should be  
6 eliminated from consideration?

7 COMMISSIONER HUNTWORK: Yes.

8 COMMISSIONER ELDER: I think so.

9 CHAIRMAN LYNN: Thank you.

10 Were there others that did not meet  
11 minimum criteria?

12 MR. ADLER: Barring that, the rest  
13 of them seemed to have certain levels of  
14 experience and qualification.

15 CHAIRMAN LYNN: Let me ask one  
16 question. I was not in my office on Friday.  
17 Apparently one of the Commissioners received a  
18 fax, maybe one did not, maybe all did, from Brown  
19 and Bain. Did everybody receive a fax from Brown  
20 and Bain?

21 COMMISSIONER HALL: Way before we  
22 did the RFP.

23 COMMISSIONER ELDER: Before we did  
24 the RFP.

25 CHAIRMAN LYNN: They subsequently

1 decided not to submit, didn't submit to the  
2 procurement department.

3 COMMISSIONER MINKOFF: That's  
4 correct.

5 CHAIRMAN LYNN: All right. So we're  
6 not considering them.

7 Then, as I understand it, we have  
8 one, two, three, four, five, six proposals under  
9 consideration.

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Mr.  
12 Chairman, I don't know when I should disclose  
13 this. I believe it should be at the beginning.

14 One of the applicants is a law firm  
15 with which I was a partner for 15 years, from 1977  
16 to 1992, Jennings, Strouss & Salmon. I do not  
17 believe that fact would cloud my judgment in any  
18 way. And I have no ongoing professional  
19 association or relationship with that law firm.

20 So if -- unless I am advised  
21 differently by our counsel, it would be my  
22 intention to participate in discussion of that  
23 firm as well as everybody else.

24 CHAIRMAN LYNN: It should be noted  
25 the Jennings, Strouss & Salmon proposal discloses

1 the same declaration and contained the same  
2 information.

3 MR. KANEFIELD: You have no  
4 continuing pecuniary or proprietary interest in  
5 the firm?

6 COMMISSIONER HUNTWORK: None.

7 MR. ADLER: If I may address the  
8 Commission, the only concern I may caution you  
9 about, the matter of perception sometimes comes  
10 up. I understand lawyers understand the law  
11 better than private sector counterparts.  
12 Occasionally there are complaints, not conflict of  
13 interest. That certainly is a concern for us.  
14 I'm just warning you that is something we may have  
15 to deal with.

16 CHAIRMAN LYNN: Mr. Hall?

17 COMMISSIONER HALL: Mr. Chairman, as  
18 long as we're addressing any potential, as far as  
19 you can you reach with these issues, it's better  
20 to be safe than sorry, I'm vice president of the  
21 Land Title Association of Arizona, for which  
22 Mr. Miller, who is a partner in Miller, LaSota &  
23 Peters, is a paid professional lobbyist for that  
24 association of which I am a member.

25 CHAIRMAN LYNN: Okay.



1                   COMMISSIONER MINKOFF: While we're  
2 on the subject of disclosure, Fredda Bisman, who  
3 is apparently the lead attorney for the Mariscal,  
4 Weeks proposal, is someone who I know casually.

5                   CHAIRMAN LYNN: Any other  
6 declarations of association?

7                   CHAIRMAN LYNN: I know Barry Corey  
8 who is one of the submitters, Corey & Kime. I've  
9 known Barry for 20 years. Probably met others.

10                  Okay. We don't have a procedure in  
11 place to actually go through this. I guess the  
12 best way to do it, and again, short of decision  
13 making, is to perhaps take each of the -- each of  
14 the proposals, to ask your just general comments  
15 about the proposal without going to the place of  
16 actually deciding whether or not they ought to be  
17 interviewed, and then move on to the next after  
18 we've had our opportunity to comment so each of us  
19 will have a sense of ones personal feeling about  
20 each of the applicants.

21                  Is that reasonable, Mr. Kanefield,  
22 Mr. Adler?

23                  MR. ADLER: Chairman Lynn and the  
24 Commission, I agree with that.

25                  I would suggest looking at each

1 offer for three things: a strength, note those;  
2 deficiency, and note those, or weakness, and note  
3 those; and then look at them and say are they, we  
4 have to ask ourselves, is this firm, is this  
5 person, reasonably susceptible for winning an  
6 award? If we put them through all the hoops  
7 tomorrow, is there a chance they would be  
8 successful in winning a contract? If not, there's  
9 no chance, putting them through the hoops in  
10 noting strengths, weaknesses, deficiencies, if  
11 it's a qualifying deficiency, chances are there's  
12 nothing we can do about it. If there are other  
13 weakness in the proposal or concern, chances are  
14 we can address that tomorrow in the interviews.

15 CHAIRMAN LYNN: Okay.

16 Uncharacteristic for me, let me start. Let me  
17 start with Corey & Kime. I happen to know them  
18 and know the firm.

19 My comment on Corey & Kime, I don't  
20 see anything in their background that particularly  
21 qualifies them with respect to election law, with  
22 respect to redistricting, with respect to the  
23 kinds of judgments and decisions that we will have  
24 to ask our counsel to render opinions on.

25 The primary area of experience for

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1 this particular firm seems to be with respect to  
2 school districts. And that's where they've made  
3 most of their legal resume. And in that regard,  
4 it seems to me that even though I know the firm  
5 and know their capabilities, that they really are  
6 not, in my judgment, as well-qualified as many of  
7 the other applicants. And I'm not prepared to  
8 interview them.

9 COMMISSIONER HALL: I agree with  
10 that.

11 MS. MINKOFF: I would share that as  
12 well.

13 CHAIRMAN LYNN: Okay. Who else  
14 would like to --

15 Let's do this the way we do  
16 Christmas cards at my house. Pick one and hold  
17 forth and we'll talk about it.

18 Anybody else?

19 Ms. Minkoff?

20 COMMISSIONER MINKOFF: The proposal  
21 from Miller, LaSota & Peters, I think that they  
22 probably have as much experience with  
23 redistricting and election law as any of the other  
24 firms that we have seen. My one concern, as  
25 Mr. Adler mentioned, is it is a proposal from a

1 firm rather than individuals. And one of the  
2 things we would have to talk about, if we decided  
3 to engage them, is are we engaging the firm, are  
4 we engaging Mr. LaSota as a Republican and  
5 Mr. Peters as a Democrat? That's an issue we'd  
6 have to deal with.

7 I was very impressed with the  
8 proposal and I would like to talk with them.

9 CHAIRMAN LYNN: Any other comments  
10 about Miller, LaSota & Peters?

11 COMMISSIONER MINKOFF: Also very  
12 thin for something from a lawyer.

13 CHAIRMAN LYNN: You found that --

14 COMMISSIONER ELDER: Refreshing.

15 CHAIRMAN LYNN: Refreshingly good.

16 CHAIRMAN LYNN: Anything else about  
17 the firm?

18 COMMISSIONER HALL: I agree with the  
19 comments.

20 COMMISSIONER HUNTWORK: Have to make  
21 a first-cut discussion.

22 COMMISSIONER HUNTWORK: How many --

23 CHAIRMAN LYNN: The motion said up  
24 to five.

25 COMMISSIONER MINKOFF: Attorneys, up

1 to six.

2 CHAIRMAN LYNN: In this case, this  
3 is one and one.

4 COMMISSIONER HUNTWORK: Two.

5 COMMISSIONER ELDER: Could you have  
6 two -- round robin discussion, can we hire a  
7 Republican, Democrat firm here, or another firm  
8 opposite?

9 Procurement people are shaking their  
10 head yes.

11 The answer is yes.

12 MR. ADLER: Yes, we can.

13 COMMISSIONER MINKOFF: Only two  
14 applicants for individuals, Lisa Hauser and Jose  
15 Rivera. Others are firms, one Republican, one  
16 Democrat.

17 CHAIRMAN LYNN: Consensus is keep  
18 Miller, LaSota & Peters in the running.

19 Mr. Huntwork?

20 COMMISSIONER HUNTWORK: While  
21 focused on that, the other firm that made, I  
22 think, an acceptable proposal was Jennings,  
23 Strouss & Salmon. I thought it was a very  
24 impressive proposal.

25 CHAIRMAN LYNN: I think they need to

1 be in there as well.

2 COMMISSIONER HUNTWORK: I suggest we  
3 put them in the same --

4 CHAIRMAN LYNN: I think we should do  
5 that.

6 COMMISSIONER MINKOFF: I have kind  
7 of a different comment for a change. It's not  
8 going to be unanimous. When we get down to the  
9 two individual proposals, I think those are people  
10 we want to talk to, Lisa Hauser and Jose Rivera.  
11 Therefore, the numbers, we'll pick one of two,  
12 Mariscal, Weeks or Jennings, Strouss.

13 Based on what I know of individuals  
14 in the firms, and the firms --

15 CHAIRMAN LYNN: Let me interrupt you  
16 before you go too much further, Andi, because  
17 that's not necessarily true. If in fact we were  
18 to say we want to interview Lisa and Jose as  
19 individuals, we could actually say we want to  
20 interview Jack LaSota from that firm and --  
21 whoever the Democrat was from Jennings.

22 COMMISSIONER ELDER: Or when we  
23 notify them, considering them as a Democrat  
24 representative.

25 COMMISSIONER HALL: Three appears;

1 to exclude by numbers, it's irrelevant.

2                   COMMISSIONER MINKOFF: Four left.  
3 Presumably two people from this firm, Republican,  
4 Democrat. Not six firms, six attorneys. Three  
5 Republicans, three Democrats.

6                   CHAIRMAN LYNN: That was the motion.

7                   COMMISSIONER HALL: I understand.

8                   COMMISSIONER MINKOFF: Knowing what  
9 I know of Mariscal, Weeks, I think they are an  
10 outstanding firm. They do excellent work. Very  
11 thorough, very client-friendly firm. I've never  
12 used them myself, have no real connection, just  
13 what I know of them, some people whose opinions I  
14 respect. This is a firm I want to talk to.

15                   COMMISSIONER HALL: My concern with  
16 respect to this particular firm was similar to  
17 Mr. Lynn's concern relative to that other one we  
18 just eliminated.

19                   How much experience do these folks  
20 have specifically with these voting rights issues?

21                   COMMISSIONER MINKOFF: Fredda Bisman  
22 was the Chief Attorney for City of Scottsdale for  
23 a number of years. The chief attorney for any  
24 municipality has dealt with voting rights issues.

25                   CHAIRMAN LYNN: I don't agree with

1 that comment. City attorneys may have offices,  
2 one or more attorneys that specializes in that  
3 area. Being Chief Attorney doesn't mean you're  
4 the expert attorney in anything.

5 I think it's a fine firm. I was not  
6 impressed with their background in this area. I  
7 don't have a lot of interest in talking with them,  
8 personally.

9 COMMISSIONER ELDER: Well, let me --  
10 being one of the people, maybe the only person  
11 that regularly goes into selection committees on  
12 the other side, when I get an RFP on something  
13 that excites me, I look to see what pieces excite  
14 me around an issue I don't know. I may very well  
15 be competent in the process, may know how to get  
16 to point B, haven't been there, can show from a  
17 body of experience I have the body of experience  
18 and skills that I can get to that point.

19 I look at the types of diversity of  
20 work they've done. I don't have a problem  
21 interviewing them. Matter of fact, I'd like to,  
22 because it appears they do the same thing I do:  
23 We have this body of experience. We can put the  
24 effort in to make it happen.

25 But just, you know, I would like to



1 interview them.

2                   CHAIRMAN LYNN: I get a sense from  
3 the Commission this one might be middle ground at  
4 the moment.

5                   COMMISSIONER HUNTWORK: I agree. I  
6 would like to weigh in on it, though.

7                   I agree with the comment that it's a  
8 very fine firm and has an outstanding reputation.  
9 And I also agree with the comment that they have  
10 not disclosed any depth in our field. And if they  
11 had it, they sure would have. So I am --

12                   COMMISSIONER ELDER: Say midground  
13 for now.

14                   Do we need --

15                   From the motion, do we need to  
16 interview three firms or three people?

17                   CHAIRMAN LYNN: Up to. I think we  
18 ought -- and following the advice, and maybe this  
19 was not the intent of the advice, I don't want to  
20 call anybody in for interview, for either of the  
21 positions, legal counsel or executive director,  
22 that are in any way perfunctory. I'd like the  
23 sense when we ask somebody for an interview they  
24 have a legitimate shot at being counsel, period.  
25 If they don't, there's no reason to inconvenience

1 them or have them come back for a meeting, period.

2 COMMISSIONER ELDER: I'd like to  
3 weigh in on Miniat & Wilson PC. I looked through  
4 their credentials. They are injury law attorneys.

5 CHAIRMAN LYNN: We eliminated them.  
6 They don't meet the minimum.

7 COMMISSIONER ELDER: Don't meet the  
8 minimum.

9 One other I had, Corey & Kime.

10 CHAIRMAN LYNN: I said they didn't  
11 meet the minimum.

12 COMMISSIONER ELDER: We have the two  
13 I really didn't think we should interview just by  
14 virtue.

15 CHAIRMAN LYNN: I don't think that's  
16 going to happen.

17 Now, there was an affirmative  
18 statement made by Ms. Minkoff, we haven't  
19 discussed it, but we ought to, that we think -- I  
20 don't want to put words in your mouth, you believe  
21 Mr. Rivera and Ms. Hauser, we would like to  
22 interview.

23 COMMISSIONER MINKOFF: I think both  
24 are quality applicants.

25 CHAIRMAN LYNN: Let's hear from

1 others on those two applications.

2 COMMISSIONER HUNTWORK: I agree.

3 COMMISSIONER ELDER: I don't know  
4 the former, but I read through Lisa Hauser two or  
5 three times saying, "Hey, this looks like it's  
6 hitting the target."

7 COMMISSIONER MINKOFF: In terms of  
8 experience in election law, both Lisa Hauser and  
9 Jose LaSota are clearly way above the others.

10 CHAIRMAN LYNN: If there's -- if  
11 those two are in, and Miller, LaSota & Peters are  
12 in, and Jennings, Strouss & Salmon are in --

13 COMMISSIONER MINKOFF: That's it.

14 CHAIRMAN LYNN: Yeah. We have the  
15 prerogative, even though a motion --

16 COMMISSIONER HUNTWORK: The question  
17 is whether Mariscal, Weeks, which is one on the  
18 boat.

19 COMMISSIONER HALL: Mariscal, Weeks,  
20 they are more qualified to represent me in the  
21 title industry. That's where their experience is.  
22 I just don't see -- I think they're a quality  
23 firm. I just don't see the election. This is a  
24 very specialized area, folks. By reason of the  
25 fact statewide we received seven applicants is

1 indicative of that fact. Of seven, two or three  
2 are pushing it.

3 COMMISSIONER MINKOFF: I think quite  
4 honestly it may be the way they put the proposal  
5 together.

6 COMMISSIONER HALL: It's  
7 outstanding.

8 COMMISSIONER MINKOFF: They didn't  
9 make it as strong as they could have. I've done  
10 some things in my head. It's the only law firm I  
11 ever saw that lists that everybody alphabetically.  
12 Very democratic.

13 COMMISSIONER HUNTWORK: Let me  
14 explain that to you.

15 COMMISSIONER ELDER: Funny you  
16 should ask.

17 COMMISSIONER HUNTWORK: Little firms  
18 don't do it, don't want to advertise how big they  
19 are. Big firms don't, because there's not enough  
20 room. They are the optimum size, can do it.

21 CHAIRMAN LYNN: Interesting, did it  
22 alphabetically according to height. No.

23 We can't make a decision.

24 Go ahead, Dan.

25 COMMISSIONER ELDER: I have a

1 question here directed to Mr. Kanefield. Would  
2 you mind leaving the room just a moment?

3 Can we ask our attorney of record,  
4 or whatever, to leave the room just a moment?

5 CHAIRMAN LYNN: Really want to do  
6 that?

7 COMMISSIONER ELDER: Sure. I wanted  
8 to ask a question about the State Attorney  
9 General.

10 CHAIRMAN LYNN: It's confidential  
11 anyway.

12 MR. KANEFIELD: Want me to stay?

13 COMMISSIONER HALL: Decided to use  
14 you --

15 COMMISSIONER ELDER: We talked about  
16 using the Solicitor General and State Attorney  
17 General's Office as our legal representative.  
18 Then it evolved to Republican and Democrat. I'm  
19 trying to figure out why. Is Mr. Kanefield too  
20 young or Mr. Bales too young, too young to  
21 remember the range war on redistricting? What is  
22 it in the proposals different than they're  
23 offering or have the ability to do? What am I to  
24 throw out, find out? What am I supposed to be  
25 looking for?

1                   COMMISSIONER HALL: In my opinion,  
2 you won't find any firm with resources more  
3 qualified than the Attorney General's Office on  
4 election law. I don't think there's any argument  
5 on that point. I think that these guys by reason  
6 of what they do have had to hit that ball so many  
7 times, I don't think that's the issue.

8                   I think that the issue is, reality  
9 is, we have to deal with a tremendous amount of  
10 public perception and it is going to be the  
11 perception of some, whether we like it or not, by  
12 reason of the fact that there's partisan  
13 leadership at the head of the Attorney General's  
14 Office there would be inappropriate influence.

15                   I think what we're trying to do is  
16 insure not only to the public, also when we come  
17 up with an end result, to present this and have it  
18 pass muster, to say look, we have, quote unquote,  
19 the Independent Redistricting Commission,  
20 independent, our counsel has given us independent  
21 advice. We've taken every step to assure it's  
22 independent.

23                   I thought when we addressed it way  
24 back, we would still solicit advice from the  
25 Attorney General when needed. I thought that's

1 what we understood.

2 I think it's more of a perception  
3 issue, if you will.

4 COMMISSIONER ELDER: The only thing  
5 I can see that was an issue would be that if the  
6 redistricting is challenged; not if, when it is  
7 challenged, they would be named right along with  
8 us. They would be, in effect, part of the --

9 COMMISSIONER HALL: They're going to  
10 anyway.

11 COMMISSIONER ELDER: That way could  
12 they act as independent, providing advice and  
13 counsel to us, if they were preparing the case, in  
14 effect?

15 CHAIRMAN LYNN: Well, in truth, even  
16 though the Attorney General's Office was willing  
17 to continue to be our counsel, it did present a  
18 potential conflict for them if somehow the  
19 Commission acted in such a way as either against  
20 their advice or not asking the question and did  
21 something through its consultants that put the  
22 State or them in jeopardy in terms of having to  
23 defend the law versus what we did.

24 Now, the Attorney General has  
25 communicated with me -- I don't think anybody else

1 got a copy of the letter, so I'll share it with  
2 you -- that indicated since we were seeking  
3 independent counsel, that the Attorney General's  
4 Office is probably going to attend all of our  
5 meetings anyway at her direction to watch out for  
6 the interests of the State and to be vocal about  
7 issues where their office feels that we may be in  
8 dangerous territory, even without soliciting that  
9 answer.

10 Joe, I don't know --

11 Joe, do you know the letter I'm  
12 referring to Janet wrote?

13 MR. KANEFIELD: Yes.

14 CHAIRMAN LYNN: That's essentially  
15 the substance of the letter. She wanted us to  
16 know they'd be attending regardless. That  
17 interest is not abated in any way for us to hire  
18 our own counsel to serve as counsel for the  
19 Commission.

20 MR. KANEFIELD: That's a good  
21 summary of the letter.

22 COMMISSIONER ELDER: That makes me  
23 feel better. We're looking at the best and  
24 brightest in the field. They may be the best and  
25 brightest. We have a conflict perception. That



1 may be valid.

2 Thank you.

3 COMMISSIONER HUNTWORK: What you  
4 said is a very important point. I'm wondering,  
5 how will they input, comment, during the public  
6 comment session or --

7 CHAIRMAN LYNN: That's one way of  
8 doing it. My sense is Attorney General Napolitano  
9 hasn't been bashful in communicating by letter in  
10 addition to that if she feels or staff feels  
11 there's something we should know.

12 So I think we'll hear it both ways.

13 I would also suspect, although I  
14 can't, maybe Joe you can speak to this, that if  
15 there were issues that we were flirting with --

16 COMMISSIONER HUNTWORK: Right.

17 CHAIRMAN LYNN: -- I would think the  
18 Attorney General would want to communicate with  
19 our counsel directly as a matter of course and  
20 advise us if we were getting dangerously close to  
21 this, that, or whatever, if they saw that as a  
22 problem.

23 COMMISSIONER HUNTWORK: There is a  
24 procedure for asking for formal opinions.

25 CHAIRMAN LYNN: As a State

1 Commission, we still have the right to do that  
2 whether we have our own counsel or not.

3 COMMISSIONER HALL: I think, correct  
4 me if I'm wrong, without objection, we welcome,  
5 want to stay as far away from the edge as we can,  
6 welcome any and all input, direction, with respect  
7 to those issues. I think it's just a win-win  
8 field to have that structure.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: Question.  
11 What -- one of the concerns I have, I know why we  
12 need to engage a Republican and Democrat as  
13 counsel. However, now, in the case of firms that  
14 have provided proposals to us, where there's a  
15 Republican, Democrat in the same firm, any  
16 problems they have, they'll have to work out  
17 in-house before they come to us. If we were to  
18 hire two separate individuals, we may have a  
19 situation of one lawyer telling us one thing and  
20 the other lawyer telling us something completely  
21 different so we're caught in the middle of  
22 competing legal advice.

23 At that point can we go to the  
24 Attorney General's Office and they be the tie  
25 breaker?

1 COMMISSIONER HALL: Well, I --

2 Go ahead, Jim.

3 MR. KANEFIELD: Asking that  
4 question, no.

5 CHAIRMAN LYNN: That's not a  
6 function they perform, from my standpoint. From  
7 my standpoint.

8 COMMISSIONER HUNTWORK: Get a  
9 straight answer from a lawyer.

10 CHAIRMAN LYNN: I'm very comfortable  
11 hiring either a firm, a firm's Republican,  
12 Democrat, or individual Republican, very  
13 comfortable having one of each. I don't see the  
14 situation where they're going to tell us two  
15 different things; because we're going to instruct  
16 them not to. My instructions I think to the  
17 attorneys, once hired, would be: You need to work  
18 those things out before you get to us. And we  
19 want a consensus opinion based on whatever your  
20 particular points of view are. But you are going  
21 to have to work those things out and argue them  
22 out, if they come out, before they come out to us,  
23 because it does no good to have each.

24 COMMISSIONER HUNTWORK: Very often  
25 what will happen here, particularly because we're

1 dealing with a new law, we may find ourselves with  
2 a recommendation that isn't clear-cut and we have  
3 to exercise our own judgment.

4 My feeling on this is I would like  
5 to hear the -- all of the issues so that I can  
6 decide. I don't want a guardian gatekeeper for  
7 the issues.

8 I doubt that we will get -- we have  
9 two lawyers we're talking about working on the  
10 issues. They may not necessarily agree on every  
11 single recommendation of what they want us to do  
12 but will do a great job of presenting issues for  
13 us so we make up our own mind.

14 COMMISSIONER ELDER: My preference,  
15 like the Supreme Court, have a minority opinion,  
16 say these are the points that were in question to  
17 us. We feel this is the direction to go, give us  
18 that, then say here's the pros, here's the cons,  
19 and very short, three-, four-sentence paragraphs  
20 on the issue.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: I don't -- this  
23 is kind of how I'm envisioning it. I look at, for  
24 example, two firms.

25 COMMISSIONER MINKOFF: Three firms.

1 COMMISSIONER HALL: Okay.

2 COMMISSIONER HUNTWORK: Mariscal.

3 COMMISSIONER HALL: In my mind I  
4 kicked that one out. Thinking out loud here.

5 Anyway, I guess what I'm saying is  
6 if we're going to go out and get two different  
7 counsels, I think it would be foolish for us to  
8 address both parties with the same firm. In other  
9 words, why not tap into dual resources? That's  
10 why I'm saying, if we were to say, take on top of  
11 my stack, representing two principals, represent  
12 either party, I would foresee us designating one  
13 or the other party as representative one and then  
14 identifying somebody else as the representative of  
15 the other. One firm has people that represent --  
16 every firm probably has people from both party.  
17 As long as we tap into resources, why not tap into  
18 more than one pool of resources and utilize the  
19 strength of --

20 After having read all I have before  
21 me, that's how I envision it. Not specifying who  
22 for where, saying generally I foresee two separate  
23 entities.

24 COMMISSIONER MINKOFF: Yet I believe  
25 there's something to be said for finding a single

1 firm to provide us both a Republican, Democratic  
2 perspective, just because I believe these people  
3 are going to have to work together. And these are  
4 people already experienced with working together  
5 who are used to coming up with a work product, you  
6 know, allowing for all the possibilities and  
7 interpretations, and so on. I think that may very  
8 well be a strength.

9                   CHAIRMAN LYNN: One of the  
10 interesting things, and this is just observation,  
11 may not even be correct, I don't have as much  
12 experience in the Phoenix legal community as I do  
13 the Tucson legal community, but it occurs to me in  
14 the two firm applications that we've been  
15 discussing, not so much the Mariscal proposal but  
16 Jennings, Strouss & Salmon and Miller, LaSota &  
17 Peters, you sort of have, they are offering two  
18 people, one of whom seems much more prominent to  
19 me than the other. I may be wrong about that.

20                   You are shaking your head yes. You  
21 are shaking your head no. I may be wrong.

22                   I know the name Ernie Calderon. I  
23 know it, not because I know him, I just know it,  
24 have heard it. I don't know David Cantelme. I  
25 don't know.

1                   So one is more visible just in terms  
2 of awareness than the other. I know the name Jack  
3 LaSota but don't know --

4                   COMMISSIONER MINKOFF: Jack LaSota  
5 was Attorney General.

6                   COMMISSIONER ELDER: I don't know  
7 Tom Peters.

8                   COMMISSIONER MINKOFF: He's  
9 primarily a litigator, and he's an incredible  
10 attorney.

11                   CHAIRMAN LYNN: And we don't need a  
12 litigator. If we need a litigator, we'll hire  
13 somebody else. This is staff counsel we're  
14 talking about. If we need a litigator, we'll go  
15 out and get a killer litigator, in my opinion, to  
16 defend our position.

17                   COMMISSIONER HALL: To summarize  
18 what you're saying, correct me if what I'm saying  
19 this is wrong, really, gentleman, this is a  
20 Democrat proposal trying to cover the other  
21 aspect.

22                   COMMISSIONER MINKOFF: Not at all.

23                   COMMISSIONER ELDER: Can we ask them  
24 to submit Republican, Democrat, or both, equal  
25 time, have the person we're going to see, what

1 you'll get Republican, what you see Democrat, even  
2 though both one firm, interview, select Republican  
3 or Democrat out of that firm, or both? How does  
4 that work from a procurement standpoint?

5 MR. ADLER: Thank you.

6 We called for individual lawyers.  
7 There's no problem having one coming from one  
8 firm, if that's what you choose. It said, choose  
9 the most qualified Republican and most qualified  
10 Democrat.

11 CHAIRMAN LYNN: While a submission  
12 of convenience, one submission, two from Jennings,  
13 Strouss & Salmon, two from Miller, LaSota &  
14 Peters.

15 MR. ADLER: Could be one is  
16 imminently qualified and one a throw-in.

17 COMMISSIONER ELDER: That's what I  
18 was going for. When they come in, have both  
19 presented, not the lead guy strong, oh, I have a  
20 guy in he wings. I want the guy in the wings to  
21 interview, too.

22 CHAIRMAN LYNN: We'll interview  
23 both, if that's the way we go.

24 COMMISSIONER HUNTWORK: One thing to  
25 throw in along the lines of the way you're



1 suggesting, one of the lawyers in each case is  
2 probably more prominent in the community. There's  
3 also the problem of hierarchy in a law firm.  
4 Committees set salary, committees review  
5 performance. Really to know what is going on, you  
6 have to know the internal workings of the law  
7 firm.

8                   Could have either Democrat or  
9 Republican, one could have much more clout within  
10 his particular organization. That doesn't  
11 necessarily correspond to prominence in the  
12 community. The issue wouldn't come up if we hired  
13 one individual from a law firm. It conceivably  
14 could come up if we tried to hire two.

15                   CHAIRMAN LYNN: What is interesting,  
16 I hadn't thought about it before we got  
17 submissions in, I hadn't thought about a single  
18 firm submitting two names. Not that I didn't  
19 think it possible, I hadn't thought about it;  
20 because the way we solicited, wanted a Democrat  
21 and Republican. I thought it interesting it  
22 happened that way. It doesn't mean anything. I  
23 didn't think it would come in quite the way it  
24 did.

25                   COMMISSIONER MINKOFF: If that's the

1 case, then, I think it probably means Mariscal,  
2 Weeks does not make the cut. I really did get a  
3 picture this was a team submission. Fredda Bisman  
4 is the contact person. She is a Democrat. But I  
5 didn't see she was an applicant.

6 Not Miller, LaSota and Jennings,  
7 Strouss, not in that sense.

8 CHAIRMAN LYNN: Right, in that  
9 sense.

10 COMMISSIONER MINKOFF: If looking at  
11 lawyers, not firms, maybe they do have a problem.

12 MR. ADLER: If it's the opinion from  
13 the Commission one lawyer from a firm is  
14 imminently qualified, nobody else is, it could be  
15 the opinion of the Commission to bring in that  
16 person. You could do that.

17 COMMISSIONER ELDER: That's what I'm  
18 going for. Credentials of this person is somebody  
19 we want to talk to. If they're not going to  
20 commit that person to us, there's no reason to  
21 interview.

22 MR. ADLER: If I could throw in.

23 CHAIRMAN LYNN: For example, I want  
24 to understand what you are saying. If we made the  
25 judgment that we wanted to talk to David Cantelme

1 and not to Ernie Calderon, we can do that.

2 MR. ADLER: Certainly could. We  
3 asked for individuals. If they choose to force  
4 it, we're a package --

5 CHAIRMAN LYNN: We need to know  
6 that.

7 MR. ADLER: -- we could say "I'm  
8 sorry. This is the want of the Commission."

9 You'll notice with Mariscal, Weeks,  
10 they actually have 14 members proposed. And at  
11 least according to calculations, three Democrats,  
12 one Republican. Looked a couple times, I'm a  
13 little close, two lead lawyers, two lawyers to  
14 talk about maybe back as public meeting  
15 specialists.

16 COMMISSIONER MINKOFF: Other two  
17 lawyers were litigators. Presumably they would be  
18 waiting in the wings to represent us in case there  
19 was litigation. One managing partner to supervise  
20 everything, and the other is Fredda Bisman. She'd  
21 be the attorney everybody would deal with, maybe  
22 the Democratic submission, Fredda Bisman.

23 CHAIRMAN LYNN: Let me ask a general  
24 question, so we know. We solicited and you  
25 received sealed bids with a monetary hourly rate

1 for the attorneys in question.

2 MR. ADLER: Yes, sir.

3 CHAIRMAN LYNN: When would it be  
4 appropriate for us to know that and do we take it  
5 into account before the fact or after the fact of  
6 selection?

7 MR. ADLER: We can open them. I  
8 don't know exactly how structured it is. The law  
9 doesn't say we have to seal envelopes and look at  
10 them separately. Generally we look at the  
11 technical qualifications first. We try not to let  
12 dollars influence that. People have a habit of  
13 letting money influence and say "Wow," eliminating  
14 a firm off the top.

15 At this point in time today I could  
16 open those up and let you know what those are or,  
17 if you want to wait until after interviews, do it  
18 then.

19 CHAIRMAN LYNN: You don't even know  
20 what the spread was?

21 MR. ADLER: No, sir, I don't.  
22 Generally, the other thing we do, if you, after  
23 you make a decision, if you tell me you want to go  
24 back and negotiate, we can do it, too.

25 CHAIRMAN LYNN: Given that's in the

1 rules, I defer to you, Jim, the only attorney on  
2 it. Is it acceptable, if we chose a firm that  
3 submitted a dollar bid, 360 an hour, don't want to  
4 pay more than 300.

5                   COMMISSIONER HUNTWORK: It's  
6 acceptable in the industry. The trick is how we  
7 do that and interface that with the process. If  
8 we want to select somebody tomorrow and not have  
9 to wait, you know, have this rescheduled, make a  
10 final decision, that would be a little tough. We  
11 could say: Hire them, agree to charge no more  
12 than X dollars. We can't have negotiation with  
13 them unless right now in the interview. I don't  
14 think we want to do that.

15                   CHAIRMAN LYNN: I think tomorrow, we  
16 would probably, we would probably want to have an  
17 additional executive session after the interviews  
18 tomorrow, seems to me, to discuss performance  
19 interviews. At that point, would you then let us  
20 know the dollar figures associated with each  
21 finalist?

22                   MR. ADLER: If you choose to, I can  
23 let you know now.

24                   CHAIRMAN LYNN: No. I don't want it  
25 to prejudice me before the interview.

1 COMMISSIONER HALL: Prejudice?

2 CHAIRMAN LYNN: For me. Look, it's  
3 just me talking. We have more than enough money  
4 to do this job.

5 COMMISSIONER MINKOFF: Exactly.

6 CHAIRMAN LYNN: The difference  
7 between the lowest priced attorney and highest  
8 priced attorney over the length of time we're  
9 going to use them, my guess, it would not be more  
10 than 10 to 15 thousand dollars differential, start  
11 to finish. And given that it's that insignificant  
12 a number in the overall budget, I'm not sure I  
13 care.

14 COMMISSIONER MINKOFF: I'm not sure  
15 I care even if more than that. I want the best  
16 people as long as we have the money to pay for it.  
17 I don't want to waste money. I want to be  
18 respectful of the taxpayer's money.

19 COMMISSIONER HALL: You both argued  
20 all the more why we should see the numbers now.

21 COMMISSIONER MINKOFF: I want to see  
22 the best people. When picked, if the most  
23 expensive firm by far, if I'm convinced they'll  
24 provide a better product than anybody else, that's  
25 the firm we want.

1                   CHAIRMAN LYNN: I assume you want  
2 that information up front.

3                   COMMISSIONER HALL: I think we ought  
4 to have all the facts. I totally agree.

5                   CHAIRMAN LYNN: When do you want it?

6                   COMMISSIONER HALL: Yesterday.  
7 Right now is great. I agree I don't think it's  
8 that significant a factor.

9                   For me, I have the opposite  
10 consideration. I think you can tell a lot by a  
11 person's --

12                   When I've hired counsel, and correct  
13 me if I'm wrong, Jim, if they're charging more  
14 money, normally they're a little better attorney.  
15 If one of the guys are here at 150 an hour, it  
16 says something.

17                   COMMISSIONER HUNTWORK: I don't  
18 think attorneys, or most professionals, sell their  
19 services by saying "I'm the cheapest one." "I'm  
20 the best one for your job and people hire me on  
21 that basis."

22                   COMMISSIONER ELDER: If I have  
23 somebody right out of school, they may charge \$30  
24 an hour. After 30 years' experience, they may be  
25 worth \$300 an hour or 360.

1                   CHAIRMAN LYNN: Or some other  
2 number.

3                   COMMISSIONER ELDER: If you want to  
4 see how much, you take a look at them. I don't  
5 want to see them. I want to find out who we feel  
6 most comfortable with.

7                   COMMISSIONER HUNTWORK: Make it  
8 available to whoever wants them and do it that  
9 way.

10                  CHAIRMAN LYNN: That's fine.

11                  I think after tomorrow, same thing,  
12 ought to do it with ISA. If negotiable, leave it  
13 up to the Chair, or whoever, after we make  
14 selections, to try to get the best rate we can and  
15 do the best we can.

16                  COMMISSIONER MINKOFF: What I don't  
17 want to happen is for us to vote to hire firm X,  
18 authorize you to negotiate a fee reduction, and  
19 when you can't do it, come back and pick somebody  
20 else.

21                  Pick somebody and get the best deal  
22 we can from them, pick them knowing we can go with  
23 them.

24                  CHAIRMAN LYNN: Not a deal breaker.

25                  COMMISSIONER ELDER: Something that



1 happened to me on a regular basis, I'd come in,  
2 "We want to use your firm, but your fees are more  
3 than we want to spend. What can you recommend to  
4 reduce the fees?" Now, if the form of that says  
5 we can't get the person, we'll give you a  
6 secondary attorney in the office, no, that's not  
7 acceptable. If they say "Well, if you do this  
8 work and we provide you only these services," and  
9 that's acceptable, that's fine.

10 COMMISSIONER MINKOFF: You are not  
11 leading a public meeting. When we make a  
12 decision, tomorrow or whatever time, I want it to  
13 be our decision, not subject to negotiating fees.

14 COMMISSIONER ELDER: I know it's  
15 counsel. We're selecting this firm. In the case  
16 of architects, engineers, the city may only be  
17 able to spend eight percent of the total project  
18 cost, put in the proposal 9.6 percent: Have to  
19 get it down. How do you recommend doing that?  
20 I've gone back, presented a different scope of  
21 work.

22 CHAIRMAN LYNN: Jim.

23 COMMISSIONER HUNTWORK: Slightly  
24 different topic. One thing I wanted to get on the  
25 table before we change subjects at all, I think

1 the litigation expertise is, in my mind, at least,  
2 at this stage, almost irrelevant to the decision  
3 we're making now. One particular reason for that  
4 in my mind is that whoever our counsel is during  
5 this stage may not even be able to represent us in  
6 litigation. There's an ethical provision dealing  
7 with being a witness in the case. And I think  
8 with the way it stands now it's not a flat-out  
9 prohibition, but they're supposed to withdraw if  
10 anything you say or do could be prejudicial to  
11 your client. So it would be very sensitive. I  
12 expect whoever our attorney is to not even want to  
13 be the litigator.

14 COMMISSIONER MINKOFF: Why would  
15 they be a witness? Is it not all work product and  
16 protected?

17 COMMISSIONER HUNTWORK: A lot of  
18 what we do, a lot of things happening, number one,  
19 they'll be with us in executive sessions, of  
20 course; and executive sessions will be subject to  
21 a limited form of discovery. Number two, I  
22 suspect there will be individual conversations  
23 between some of us and our attorneys that people  
24 will want to ask questions about.

25 COMMISSIONER MINKOFF: And those

1 aren't privileged?

2                   COMMISSIONER HUNTWORK: They are  
3 privileged. But remember, so are our executive  
4 sessions.

5                   CHAIRMAN LYNN: To an extent.

6                   COMMISSIONER MINKOFF: Those are  
7 discoverable.

8                   COMMISSIONER MINKOFF: I always  
9 thought conversations between an attorney and  
10 client are privileged and an attorney would not be  
11 called to testify.

12                   COMMISSIONER HUNTWORK: I don't know  
13 the answer to that question. The client -- they  
14 may be. It may be one of the questions we can ask  
15 them, how to set this up most effectively.

16                   Remember, the client is the whole  
17 Commission. And maybe we have to have a rule we  
18 can't speak to them individually. Maybe we have  
19 to have a rule that says -- that says any  
20 conversation with us is a conversation -- is part  
21 of --

22                   COMMISSIONER MINKOFF: Has to be.  
23 Otherwise Steve can't call up --

24                   CHAIRMAN LYNN: I think it's a great  
25 point to get on the record to discuss later.

1 I would like to --

2 Josh, I'll get to you.

3 I would like to move that ahead.

4 COMMISSIONER HALL: That's what I  
5 was wanting to do.

6 CHAIRMAN LYNN: Only that we're at  
7 closure on the attorney issue. I'd like to verify  
8 that and move to executive director.

9 I'd like to give Lisa a five-minute  
10 stretch and break. This is going a lot faster  
11 than normal testimony.

12 Let me summarize where we are.

13 (Discussion off the record.)

14 CHAIRMAN LYNN: Where I think we are  
15 is still under consideration for interviews  
16 tomorrow are Lisa Hauser, Jose de Jesus Rivera,  
17 the firm of Miller, LaSota & Peters proposing  
18 Mr. LaSota and Mr. Peters, and Jennings, Strouss &  
19 Salmon with Mr. Cantelme and Mr. Calderon.

20 COMMISSIONER HALL: Which is three  
21 and three.

22 CHAIRMAN LYNN: That's where I think  
23 we are.

24 COMMISSIONER HALL: Is it not?

25 MR. ADLER: It is.

1 CHAIRMAN LYNN: Yeah.

2 COMMISSIONER HALL: Next item.

3 COMMISSIONER MINKOFF: Next item,  
4 five-minute break.

5 CHAIRMAN LYNN: If that's where we  
6 are, let's take a five-minute break, just five  
7 minutes, if we could, so Lisa can stretch.

8 MR. ADLER: Just housekeeping, but  
9 what time would you like for us to have them there  
10 when --

11 CHAIRMAN LYNN: We start at 8:30  
12 tomorrow.

13 MR. ADLER: Okay.

14 CHAIRMAN LYNN: We have a call to  
15 the public first. I'd say we should start  
16 scheduling --

17 Would you rather hear execs here  
18 first tomorrow or legal first? I don't care, as a  
19 point --

20 COMMISSIONER ELDER: Get there, need  
21 to give attorneys more time than the executive  
22 people or --

23 MR. ADLER: I'd run them in first.

24 COMMISSIONER MINKOFF: Run attorneys  
25 in first, know where we start and how long --

1                   COMMISSIONER ELDER: Court doesn't  
2 start til 10:00, 11:00 o'clock.

3                   CHAIRMAN LYNN: Most all the folks  
4 knew they needed to keep tomorrow free for  
5 potential interviews.

6                   COMMISSIONER MINKOFF: Start at 8:45  
7 or 9:00 o'clock.

8                   CHAIRMAN LYNN: Have them here at  
9 8:30, begin at 8:30.

10                  COMMISSIONER HUNTWORK: They won't  
11 mind.

12                  COMMISSIONER MINKOFF: How long do  
13 we anticipate for each one?

14                  CHAIRMAN LYNN: Depends on how many  
15 questions we want to ask.

16                  COMMISSIONER MINKOFF: Do that also  
17 today, make up a list. Seems to me we're supposed  
18 to ask the same questions of every applicant.

19                  COMMISSIONER ELDER: We are.

20                  CHAIRMAN LYNN: We are. The way you  
21 did with me, I don't know know whether you have  
22 the same questions -- I would suggest the  
23 following: First, it is -- it was difficult, and  
24 I think somewhat unfair, to have a public  
25 interview process with all applicants present.

1                   What I would propose tomorrow, both  
2 with the execs and with the legal, is have the  
3 applicants in one at a time. And once they've  
4 interviewed, they can stay; but they can't join us  
5 until they interview. Therefore, nobody has an  
6 advantage over anybody else. We'd instruct  
7 anybody here publicly to not discuss anything with  
8 the applicants outside as they wait. Same thing  
9 would be true with executive directors, come in  
10 one at a time, wait one at a time, interview, and  
11 then they can stay. At that time then each would  
12 have the same opportunity to answer questions.

13                   With respect to questioning, what I  
14 suggest is this evening, afternoon or evening,  
15 each of us prepare a number of questions to ask  
16 generically the executive director or the legal  
17 applicants and that we go through as many of those  
18 rounds of questions as you would like tomorrow  
19 with the idea you would simply ask the same  
20 question of each of the applicants. That way  
21 they'd all be asked the same thing.

22                   Joe? Joe.

23                   MR. KANEFIELD: Couple things I'd  
24 suggest. You can't exclude people from the  
25 meeting. It's an open meeting.

1                   COMMISSIONER HUNTWORK: Has to be  
2 voluntary.

3                   MR. KANEFIELD: You can't exclude.

4                   CHAIRMAN LYNN: If applying for a  
5 job, I'd expect they'd comply. I'm guessing we  
6 can do that.

7                   MR. KANEFIELD: The other thing, now  
8 the procedure for the interview. I suggest you do  
9 that in open meeting, keep the executive session  
10 for discussion of applicants.

11                   CHAIRMAN LYNN: Let's take a  
12 five-minute break, be prepared to talk about  
13 executive directors.

14                   Thanks, Joe.

15                   Thanks, Lisa.

16                   (Recess taken.)

17                   (Whereupon, Commission proceedings  
18 were held in Executive Session that remained so  
19 designated.)

20                   \* \* \* \*

21                   Open Session  
22                   Phoenix, Arizona  
23                   March 19, 2001  
24                   12:10 o'clock p.m.

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APPEARANCES:

- CHAIRMAN STEVEN W. LYNN
- COMMISSIONER JAMES R. HUNTWORK
- COMMISSIONER JOSHUA MARK HALL
- COMMISSIONER ANDI MINKOFF
- COMMISSIONER DANIEL R. ELDER
- BILL HERNANDEZ, Acting Executive Director
- JOSEPH KANEFIELD, Assistant Attorney General
- LOA SCHELL, Acting Secretary
- LISA A. NANCE, RPR, CCR, Court Reporter
- CLAUDIA SMITH
- CHRISTINE BRONSON

Members of the Public were also present.

1 P R O C E E D I N G S

2

3 CHAIRMAN LYNN: Call the Commission  
4 back into open session at 12:10 p.m.

5 With respect to the agenda item  
6 number six, legal counsel, and our desire to  
7 interview legal counsel tomorrow, the Chair would  
8 accept affirmative motions for any applicant who  
9 wished to be interviewed.

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Mr.  
12 Chairman, before we do that, I had disclosed in  
13 executive session, but I think that I should also  
14 say in public meeting, that one of the applicants  
15 for legal counsel, the firm of Jennings, Strouss &  
16 Salmon, I worked for them, with them, for 15  
17 years, from 1977 until 1992. I no longer have any  
18 financial interest or other type of interest which  
19 I would consider to be a current conflict and  
20 intend to participate in the discussion of that  
21 applicant as well as the others.

22 I did want to disclose the past  
23 relationship.

24 CHAIRMAN LYNN: Thank you,  
25 Mr. Huntwork.

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1 Any other comments from the  
2 Commission?

3 The Chair would entertain an  
4 affirmative motion.

5 COMMISSIONER ELDER: Mr. Chairman, I  
6 would like to propose we interview Lisa Hauser.

7 CHAIRMAN LYNN: Is there a second?

8 COMMISSIONER MINKOFF: Second.

9 CHAIRMAN LYNN: All in favor of  
10 interviewing Lisa Hauser, signify by saying "aye."

11 (Vote taken.)

12 CHAIRMAN LYNN: Opposed, say "no."

13 We'll schedule Lisa Hauser for an  
14 interview.

15 Ms. Minkoff.

16 COMMISSIONER MINKOFF: Mr. Chairman,  
17 I would move that we interview Jack LaSota and  
18 Donald Peters from the firm of Miller, LaSota &  
19 Peters.

20 CHAIRMAN LYNN: Is there a second?

21 COMMISSIONER HALL: Second.

22 CHAIRMAN LYNN: Discussion?

23 If not, all those in favor, say

24 "aye."

25 (Vote taken.)

1                   CHAIRMAN LYNN:  Opposed, say "no."  
2                   Motion carries.  
3                   Mr. Huntwork.  
4                   COMMISSIONER HUNTWORK:  Mr.  
5 Chairman, I propose we interview Jose Rivera.  
6                   COMMISSIONER MINKOFF:  I'll second  
7 that.  
8                   CHAIRMAN LYNN:  Discussion?  
9                   Hearing none, all those in favor,  
10 say "aye."  
11                   (Vote taken.)  
12                   CHAIRMAN LYNN:  Opposed say "no."  
13                   Motion carries.  
14                   We will interview Jose de Jesus  
15 Rivera.  
16                   Any other motions?  
17                   COMMISSIONER HALL:  My turn now?  
18                   I move we interview Mr. Earnest  
19 Calderon with the firm of Jennings, Strouss &  
20 Salmon.  
21                   COMMISSIONER ELDER:  Second.  
22                   CHAIRMAN LYNN:  Is that a single  
23 interview --  
24                   COMMISSIONER HALL:  We can do David  
25 J. Cantelme.

1 CHAIRMAN LYNN: -- as well.

2 Second?

3 COMMISSIONER ELDER: Yes.

4 CHAIRMAN LYNN: Discussion?

5 All those in favor, say "aye."

6 (Vote taken.)

7 CHAIRMAN LYNN: Opposed, say "no."

8 Motion carries.

9 We'll be interviewing two attorneys  
10 from the firm of Jennings, Strouss & Salmon.

11 We will be interviewing two  
12 attorneys from the firm of Miller, LaSota &  
13 Peters.

14 We will be interviewing two  
15 individuals attorneys, Lisa Hauser and Jose de  
16 Jesus Rivera.

17 Those interviews will take place  
18 tomorrow in open meeting.

19 With respect to screening of the  
20 executive director candidates.

21 COMMISSIONER HALL: One question.  
22 With respect to order of the legal counsel, are we  
23 going to allow that just to be random?

24 CHAIRMAN LYNN: We've asked -- I  
25 hope that folks from procurement will simply set

1 up some slots and call people and get them filled  
2 as best we can.

3 COMMISSIONER HALL: Okay.

4 CHAIRMAN LYNN: No set order to the  
5 interview. I think the same thing would be true  
6 of executive director once we get to that.

7 With respect to the executive  
8 director, we have had, I believe, a total of 15  
9 applications. 18 -- 17?

10 COMMISSIONER MINKOFF: Two are on  
11 there twice.

12 CHAIRMAN LYNN: Right. With and  
13 without letter. So it's 14, 15?

14 COMMISSIONER ELDER: 15.

15 COMMISSIONER MINKOFF: 15.

16 CHAIRMAN LYNN: I'm going to read  
17 the names. And I'm going to ask that we take a  
18 straw vote.

19 Claudia, if you will, kind of keep  
20 track for us.

21 And without objection, any applicant  
22 who receives at least three votes of the  
23 Commission will be asked for interview.

24 Hearing no objections, let me read  
25 the names. Would you please vote on each of the

1 following candidates you feel deserves an  
2 interview.

3 Louis Rhodes?

4 (Hand vote taken.)

5 CHAIRMAN LYNN: Mr. Rhodes will not  
6 be interviewed.

7 Enrique Medina Ochoa?

8 (Hand vote taken.)

9 CHAIRMAN LYNN: Mr. Ochoa will be  
10 interviewed.

11 Grady Bailey, Jr.?

12 (Hand vote taken.)

13 CHAIRMAN LYNN: Mr. Bailey will be  
14 interviewed.

15 Ilia Terrazas?

16 (Hand vote taken.)

17 CHAIRMAN LYNN: Ms. Terrazas will be  
18 interviewed.

19 Norris Nordvold?

20 (Hand vote taken.)

21 CHAIRMAN LYNN: Mr. Nordvold will  
22 not be interviewed.

23 William G. Hernandez?

24 (Hand vote taken.)

25 CHAIRMAN LYNN: Mr. Hernandez will

1 be interviewed.

2 Malena Albo?

3 (Hand vote taken.)

4 CHAIRMAN LYNN: Ms. Albo will be  
5 interviewed.

6 Joseph A. Galli, Jr.?

7 (Hand vote taken.)

8 CHAIRMAN LYNN: Mr. Galli will not  
9 be interviewed.

10 Judy Eisenhower?

11 (Hand vote taken.)

12 CHAIRMAN LYNN: Ms. Eisenhower will  
13 not be interviewed.

14 Steve Gallardo?

15 (Hand vote taken.)

16 CHAIRMAN LYNN: Mr. Gallardo will  
17 not be interviewed.

18 Rosendo Gutierrez?

19 (Hand vote taken.)

20 CHAIRMAN LYNN: Mr. Gutierrez will  
21 not be interviewed.

22 Don Luria?

23 (Hand vote taken.)

24 CHAIRMAN LYNN: Mr. Luria will not  
25 be interviewed.



1 Cara Elizabeth Walsh?

2 (Hand vote taken.)

3 CHAIRMAN LYNN: Ms. Walsh will not  
4 be interviewed.

5 Alex Rodriguez?

6 (Hand vote taken.)

7 CHAIRMAN LYNN: Mr. Rodriguez will  
8 not be interviewed.

9 Augusta Knight?

10 (Hand vote taken.)

11 CHAIRMAN LYNN: Ms. Knight will not  
12 be interviewed.

13 I have five interviews for tomorrow:  
14 Enrique Medina Ochoa, Grady Bailey, Jr., Ilia  
15 Terrazas, William G. Hernandez, and Malena Albo.

16 For the record, since that was a  
17 straw vote, could we have an affirmative motion to  
18 interview those five individuals?

19 COMMISSIONER MINKOFF: So moved.

20 CHAIRMAN LYNN: Second?

21 COMMISSIONER HALL: Second.

22 CHAIRMAN LYNN: Thank you, Mr. Hall.

23 All those in favor, signify by

24 saying "aye."

25 (Vote taken.)

1 CHAIRMAN LYNN: Opposed, "no."

2 The "ayes" have it unanimously.

3 It is so ordered.

4 COMMISSIONER MINKOFF: Mr.

5 Chairman --

6 CHAIRMAN LYNN: Ms. Minkoff?

7 COMMISSIONER MINKOFF: Will the  
8 Department of Administration then coordinate with  
9 the Procurement Office to schedule these?

10 CHAIRMAN LYNN: I believe we've  
11 instructed, or haven't instructed but will, should  
12 instruct, we'll begin with attorney interviews  
13 tomorrow morning. To the extent possible, we'd  
14 like to keep them -- not be jumping back and  
15 forth. That would be useful for us to keep the  
16 interviews for attorneys together and the  
17 interviews for executive director together.

18 So we'd like to start with the  
19 interview for attorneys first thing at 8:30  
20 tomorrow, allow a half hour for each interview.  
21 And we're interviewing six, so that's three hours,  
22 plus a break.

23 MR. ADLER: Want me to schedule --

24 CHAIRMAN LYNN: Have the executive  
25 directors in the afternoon. It would be easier.

1 Start at 1:00 o'clock with the executive  
2 directors. If we finish earlier, it will give us  
3 more of a lunch break. That will be easier.

4 Ms. Minkoff.

5 COMMISSIONER MINKOFF: A logistic  
6 question. Of the six attorneys interviewing, in  
7 two cases they're from the same firms. Are we  
8 going to interview those individuals individually  
9 or together?

10 CHAIRMAN LYNN: We're hiring  
11 individually. My suggestion is we interview  
12 individually and it's not necessary, therefore, to  
13 schedule back to back, necessarily. We're looking  
14 at six individuals. In two cases they happen to  
15 be from the same firm.

16 Okay. Are we clear on the schedule  
17 tomorrow?

18 Mr. Hall?

19 COMMISSIONER HALL: Want to mention  
20 the preference with interviewees staying out of  
21 the room until their turn?

22 CHAIRMAN LYNN: Do it tomorrow.  
23 Don't need to do it until tomorrow. Since  
24 voluntary, it might be useful to have that said  
25 when the applicant is scheduled for an interview.

1                   COMMISSIONER ELDER:  Somebody not  
2  scheduled until 10:30, might show up at 8:30.

3                   CHAIRMAN LYNN:  We wouldn't  
4  necessarily know.

5                   Let me make this suggestion and see  
6  how you feel about that.  My suggestion about that  
7  is that we ask all the applicants, in fairness to  
8  the other applicants, to remain outside the room  
9  until they have been interviewed.  Once they've  
10 been interviewed, they may stay for the rest of  
11 the open meeting.

12                  Again, we have no authority to force  
13 that to happen.  We're asking them to voluntarily  
14 remain outside until their interview has been  
15 conducted and then join us.

16                  Without objection, we'll ask  
17 interviewees be informed of that request and that  
18 they be told it is in fact voluntary, but it would  
19 be a -- in fairness to the other applicants that  
20 they do that.

21                  Any other comments on the screening  
22 for executive director?

23                  If not, we'll move to the second  
24 public comment period for the day.

25                  Is there anyone in the audience

1 wishing to be heard in public comment?

2                   Seeing none, the Commission will  
3 stand in recess until 8:30 tomorrow morning at  
4 this same location.

5                   (Whereupon, the hearing adjourned at  
6 approximately 12:22 p.m.)

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

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4

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

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

18 DATED at Phoenix, Arizona, this 25th  
19 day of March, 2001.

20

21

22 \_\_\_\_\_  
LISA A. NANCE, RPR  
23 Certified Court Reporter  
Certificate Number 50349

24

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