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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

TELEPHONIC PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

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

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

LISA A. NANCE, RPR
Certified Court Reporter
Certificate No. 50349

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
2 COMMISSION convened in Public Session on April 13, 2001,
3 at 8:25 o'clock a.m., in the Capitol Building Executive
4 Tower, 1700 West Washington, Governor's Reception Room,
5 Second Floor, Phoenix, Arizona, in the presence of:

6

7 APPEARANCES:

8 COMMISSION MEMBERS and SUPPORT STAFF:

9 CHAIRMAN STEVEN W. LYNN, (telephonic)

10 COMMISSIONER JAMES R. HUNTWORK

11 COMMISSIONER JOSHUA M. HALL

12 COMMISSIONER ANDI MINKOFF, (telephonic)

13 COMMISSIONER DANIEL R. ELDER, (telephonic)

14 ENRIQUE MEDINA OCHOA, Executive Director

15 LISA T. HAUSER, Commission Counsel

16 JOSE de JESUS RIVERA, Commission Counsel

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

18 JOHN ADLER, Arizona State Procurement

19

20 SPEAKERS FROM CALL TO THE PUBLIC:

21 MARK OSTERLOH

22 ROSIE LOPEZ

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APPEARANCES CONT'D:

DESIGNATED SPEAKERS FROM CONSULTANTS UNDER
CONSIDERATION:

NATIONAL DEMOGRAPHICS CORPORATION:
FLORENCE ADAMS, (telephonic)

MARICOPA COUNTY ELECTIONS:
KAREN OSBORNE
TIM JOHNSON

Research Advisory Services, INC.:
R. ANTHONY SISSONS

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Public Session
Phoenix, Arizona
April 30, 2001
8:25 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: All right. We'll call the meeting to order at 8:25 this morning.

Just so we are on the record, let's have a roll call.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Present.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Present.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Present.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: And Chairman is present.

Item two, public comment.

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

1 further consideration and decision at a later date.

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

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

8 Mr. Osterloh.

9 MR. OSTERLOH: Yes.

10 Can you hear me?

11 COMMISSIONER MINKOFF: No. Not well.

12 MR. OSTERLOH: I'll get closer.

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

19 THE OPERATOR: Daniel Elder is not
20 answering.

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

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

25 MR. OCHOA: Yes. Thank you.

1 THE OPERATOR: I'll interrupt when he
2 calls.

3 CHAIRMAN LYNN: Mr. Osterloh, please
4 continue.

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

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

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

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

25 I go into more depth in my description of

1 that.

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

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

10 Thank you very much.

11 CHAIRMAN LYNN: Thank you, Mr. Osterloh.
12 We'll take those under consideration.

13 COMMISSIONER HUNTWORK: Mr. Chairman?

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

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

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

24 Are there other members of the public
25 wishing to be heard?

1 MR. OCHOA: Nobody indicates they wish to
2 be heard, Mr. Chairman.

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

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

10 MR. OCHOA: Yes.

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

14 Is Mr. Adler present?

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

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

25 You may start that discussion by

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

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

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

23 CHAIRMAN LYNN: I'd be happy to do that.
24 If anyone is seeking recognition, I can recognize
25 voices.

1 Mr. Huntwork, however you'd like to do it.

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

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

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

12 COMMISSIONER ELDER: This is Dan Elder.

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

21 My recommendation is I think we've got
22 about the best blend of what we want NDC to do. I think
23 they are ready to start moving, you know, with this
24 agreement today. And we should go ahead and approve
25 that.

1 CHAIRMAN LYNN: Let me then call on some
2 others for comment.

3 Ms. Minkoff?

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

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

21 CHAIRMAN LYNN: Ms. Minkoff, I think
22 clearly in the proposed IGA with Maricopa County, I
23 think a number of tasks outlined there are duplicative.
24 When we get to the IGA, those are appropriate. I think
25 virtually all the ones that seem duplicative to me are

1 primary tasks we'd ask NDC to perform not to be included
2 in the IGA with the county. That's my opinion in
3 looking through those.

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

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

9 Excuse me. Oh. One other question I did
10 have in the schedule of deliverables. There's
11 discussion of base maps that are going to be prepared in
12 week one and then a second draft in week two and final
13 draft in week three. I'm not sure what base maps are.
14 Are those existing districts?

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

17 MR. RIVERA: NDC base maps.

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

25 MS. HAUSER: That is actually a point Jose

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

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

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

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

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

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

24 One of the things I asked for
25 identification, would like to make sure we have, I guess

1 you call it, the morphological, where the mountain
2 ranges, where the rivers, where the edges are that
3 currently divide either communities, that divide access
4 throughout the state without any geopolitical reference.

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

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

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

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

21 I think we need something in here very,
22 very early in the process, relating back to Lisa and
23 Jose's comments, probably before any public meetings, a
24 grid is supposed to be prepared, supposed to be an
25 arbitrary drawing of lines, as I understand it, and

1 adjusted later on to other considerations.

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

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

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

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

13 COMMISSIONER HALL: Mr. Chairman --

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

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

20 COMMISSIONER HALL: Mr. Chairman.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: I agree. Week one
23 deliverable needs to be the grid. I think that would
24 leave us open for a challenge as Mr. Osterloh just
25 recently reminded us with the handout we have in front

1 of us. It's pretty clear the grid has to come first. I
2 don't think we can do any other maps prior to the grid
3 or take any into account other considerations.

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

6 I agree with Ms. Minkoff.

7 Ms. Hauser, any input?

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

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

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

25 CHAIRMAN LYNN: Thank you, Mr. Elder.

1 (Mr. Elder exits.)

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

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

10 CHAIRMAN LYNN: Yes, it is.

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

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

23 Yes, you have to have some public meeting
24 that goes after, do the grid to do adjustments before
25 you make adjustments to the grid.

1 MS. HAUSER: Let me address one thing.
2 Population -- the grid has only one factor that has to
3 go into it, equal population. So it will be necessary
4 for some map of the state without any lines --

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

7 MS. HAUSER: For some map to be prepared
8 that allows for the population data to be inserted so
9 that then the grid can be developed. So in that sense,
10 there is some kind of map. If that's the base map
11 they're talking about, that goes to Ms. Minkoff's point.
12 Three drafts goes to a lot, makes us think if they're
13 thinking something else, need population data inserted
14 before drawing the grid.

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

22 MR. RIVERA: Mr. Chairman.

23 CHAIRMAN LYNN: And that while -- I mean
24 people are certainly free to comment on whatever we put
25 out there for them to look at out there, and that's

1 fine. We welcome the comments.

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

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

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

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

20 CHAIRMAN LYNN: I understand.

21 COMMISSIONER HUNTWORK: Mr. Chairman.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: I agree with the
24 reading of Proposition 106. But I raise this question,
25 and actually some of our perspective consultants pointed

1 out to us and got us thinking early on that there are an
2 infinite number of possible grids. And Proposition 106
3 does not provide any guidance on which of those
4 approaches to take other than we must end up with equal
5 population. And I think that it's going to take a
6 little bit of time and discussion to decide even if we
7 do say this -- the first map will be an exercise in
8 geometry rather than people, it's still going to take a
9 little bit of time to decide how we'll do the initial
10 grid.

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

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

17 CHAIRMAN LYNN: Most definitely. Thank
18 you.

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

21 COMMISSIONER MINKOFF: Yes.

22 CHAIRMAN LYNN: May I move to Mr. Hall?

23 MR. OCHOA: Yes.

24 CHAIRMAN LYNN: Yes.

25 MR. OCHOA: During the last interruption,

1 Mr. Adler joined us.

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

4 MR. ADLER: Thank you.

5 CHAIRMAN LYNN: Mr. Hall?

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

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

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

16 CHAIRMAN LYNN: Thank you.

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: I would also like
19 to compliment you and Dan, Dan Elder, on the job you did
20 on whipping this document into good shape. It is
21 flexible enough to allow us to adjust as we become aware
22 of new factors. It recognizes we have some open
23 questions we don't know the answers to today but allows
24 for us to develop some answers as we proceed. So I
25 think with the two issues that have been raised, I would

1 be prepared to quickly vote in favor of this contract
2 and proceed with the time line.

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

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

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

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

22 CHAIRMAN LYNN: Is there a second?

23 COMMISSIONER HALL: Second.

24 CHAIRMAN LYNN: Further discussion?

25 COMMISSIONER MINKOFF: Let me raise a

1 couple questions on the cost sheet I did have in my
2 notes I wanted to raise earlier. I tried to go down the
3 cost sheet and compare it with the earlier proposals in
4 terms of where they had changed.

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

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

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

14 CHAIRMAN LYNN: When the initial proposal
15 was made, if you recall, Ms. Minkoff, there were two
16 proposals, one was NDC, one Nielsen, Merksamer, for
17 their work in conjunction with NDC adding their legal
18 expertise. When we went into renegotiation, there was
19 elimination of some items from Nielsen, Merksamer as
20 clearly duplicative of our own counsel. The other thing
21 that had to happen, those areas where NDC was working
22 with Nielsen, Merksamer, felt they needed to
23 collaborate, those needed to be internal costs to NDC as
24 part of their proposal to us. You are seeing a
25 reflection of the conversation or series of

1 conversations that took place between our counsel,
2 Ms. Leoni, Dr. Adams, that allowed NDC to make use of
3 their counsel at critical times in these areas and
4 changes and reflections of that inclusion rather than
5 something new being developed.

6 COMMISSIONER MINKOFF: Okay. Thank you.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 Hearing none, all those in favor of the
10 motion, with the two caveats that were stated, please
11 signify by saying "aye."

12 (Vote taken.)

13 CHAIRMAN LYNN: And the Chair votes "aye."
14 And Mr. Elder is absent.

15 (Motion carries.)

16 CHAIRMAN LYNN: The contract, then, we are
17 asking procurement to go to final contract with NDC with
18 the caveats that were mentioned in the motion.

19 COMMISSIONER HALL: Mr. Chairman, did
20 Mr. Adler come on line?

21 CHAIRMAN LYNN: He did.

22 COMMISSIONER HALL: In time to be aware of
23 those caveats or I'm assuming you'll advise him of those
24 issues?

25 CHAIRMAN LYNN: Mr. Adler heard the

1 conversation and caveats of the motion.

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

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

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

8 COMMISSIONER HALL: Great.

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

12 MR. ADLER: So I can execute it?

13 CHAIRMAN LYNN: Correct.

14 With respect to other consultant
15 contracts, notwithstanding we have additional agenda
16 items subsequent, I do want to reiterate that, at this
17 moment, as we still have finalizing on the memorandum of
18 understanding with Leg. counsel and we still have
19 finalizing of the intergovernmental agreement with
20 Maricopa County, that we would not be able to talk about
21 the other contracts specifically in terms of approving
22 them. But certainly if there are issues that you wish
23 to raise at this point other than we've already talked
24 about, again, depending on our memorandum of
25 understanding with Legislative counsel, we should be

1 able to put together a definitive list of data needs
2 that would be secured either from EDS or RAS, again
3 depending on what Leg. counsel has already ordered and
4 our agreement with them. Once that's done, we should
5 have an unduplicated list of data requirements for us to
6 begin the process and it would then be appropriate for
7 us to make those subcontracts with those two entities to
8 provide the data.

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

17 MR. ADLER: Okay.

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

21 Any other discussions under proposed
22 understanding with Leg. counsel?

23 COMMISSIONER HALL: Just one. With
24 respect to the IGA and also to contract with EDS or
25 Mr. Sissons, make clear we're going to supervise and

1 have an organization with public relations and
2 statements relative to the press or any of those
3 matters, I think it needs to be clear with those who are
4 the subcontractors or working for the Commission that
5 those channels or communication channels are followed
6 with respect to those issues. In other words, we're not
7 hiring Mr. Brace to take interviews with the press. I'd
8 like those things to be specific in agreements and
9 contracts so it's very clear with respect to that
10 matter.

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

17 Other comments?

18 COMMISSIONER MINKOFF: Yes, Mr. Chairman.
19 When we get to the point that we are negotiating
20 contracts with EDS and Research Advisory Services, I
21 think it's important to have a very clear, clearly
22 delineated list of exactly who is doing what so that we
23 can understand it, NDC can understand it, they can
24 understand it, very simply that we are contracting with
25 EDS to provide this particular data base covering these

1 particular items, same thing with RAS, so we know what
2 we're getting and who we're getting it from.

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

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

1 anyone that has a different opinion on that score.

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

7 CHAIRMAN LYNN: Absolutely.

8 COMMISSIONER HUNTWORK: Mr. Chairman.

9 COMMISSIONER ELDER: I returned.

10 CHAIRMAN LYNN: Thank you, Mr. Elder.

11 Any other comments regarding subsequent
12 discussions with subcontractors?

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

16 COMMISSIONER HALL: Do they.

17 COMMISSIONER ELDER: Do we get a raise?

18 COMMISSIONER MINKOFF: Holding out for
19 three times.

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

23 There was an awful lot of negotiation done
24 by Mr. Adler, Ms. Hauser, Mr. Rivera, Mr. Ochoa. Other
25 people were involved in the process. Mr. Elder and I

1 were the beneficiaries of their good work as well.

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

7 Ms. Hauser, do you wish to be heard?

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

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

20 Speaking with the Executive Director of
21 Legislative Counsel, it certainly seems that the tone of
22 the agreement and consistent with its purpose, that any
23 data would be shared on an immediate basis. That is not
24 in there. I have not seen a question posed by a
25 Commission member that I thought warranted going through

1 the time consuming exercise of changing the MOU and
2 taking it back through all four caucuses of the
3 Legislature. It is not the easiest document in the
4 world to amend. However, if that is necessary, we can
5 certainly do that.

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

9 COMMISSIONER ELDER: This is Mr. Elder.

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

19 CHAIRMAN LYNN: Other comments with
20 respect to the MOU?

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

24 CHAIRMAN LYNN: Second?

25 COMMISSIONER MINKOFF: I'll second.

1 CHAIRMAN LYNN: Discussion?

2 COMMISSIONER HUNTWORK: Mr. Chairman.

3 CHAIRMAN LYNN: Mr. Huntwork.

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

17 MS. HAUSER: Mr. Chairman, Mr. Huntwork,
18 the agreement relates only to raw data. Any
19 interpretation or value added to the data is not subject
20 to the agreement. With respect to added elements more
21 confidential, it's not really implicated by the
22 agreement at all. The data itself is a compilation of,
23 in most instances, voting history data that exists as a
24 public record in the various counties of the state.

25 It is a time consuming and difficult

1 process to put that together in a format that can be
2 successfully used by the Commission. And there is, as
3 the Commission knows, a fair amount of cost involved in
4 doing that.

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

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

22 How we handle any requests that the
23 Commission sees for data at that point is an entirely
24 different issue. And we are certainly in response to,
25 this goes back to one of Mr. Elder's comments, we are at

1 liberty to give data, the same data we give to
2 Legislative counsel, to anyone else. There's no
3 restriction on that whatsoever.

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

9 Mr. Huntwork.

10 COMMISSIONER HUNTWORK: That answered my
11 question.

12 MR. RIVERA: It answered part of the
13 question.

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

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

25 COMMISSIONER MINKOFF: I'm confused by the

1 last that statement. I assumed, reading the MOU, there
2 would not be any data costs passed on, that the only
3 costs would be duplicating.

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

6 MS. HAUSER: Correct.

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

9 COMMISSIONER MINKOFF: Right.

10 CHAIRMAN LYNN: Further discussion on the
11 MOU?

12 COMMISSIONER HALL: Call the question.

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

15 Thank you.

16 CHAIRMAN LYNN: Mr. Elder.

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

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

24 COMMISSIONER ELDER: If I had a contract
25 with a client, that would be confidential, they could

1 not disburse my set of plans for somebody else's use.
2 Is there a clause that allows Leg. counsel to give us
3 data from EDS, a clause when we get to our contract with
4 EDS for the balance of data that allows us to give it to
5 Leg. counsel?

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

11 CHAIRMAN LYNN: Any discussion?

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

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

17 (Vote taken.)

18 CHAIRMAN LYNN: Opposed say "no."

19 Motion carries unanimously.

20 Item five, intergovernmental agreement
21 with Maricopa County Recorder.

22 MS. HAUSER: Mr. Chairman, Lisa Hauser.
23 One clarification prior to moving on. The MOU has been
24 prepared for execution by the Executive Director on your
25 behalf, on behalf of the Commission. It is being

1 executed by the Director, Executive Director of
2 Legislative Counsel on behalf of the make-up of that
3 body. Is that something that the Commission is okay
4 with, to have Enrique execute?

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

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

14 COMMISSIONER HALL: Second it.

15 CHAIRMAN LYNN: Discussion?

16 All in favor?

17 (Vote taken.)

18 CHAIRMAN LYNN: Opposed "no."

19 "Ayes" have it.

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

23 COMMISSIONER HUNTWORK: I agree.

24 CHAIRMAN LYNN: Ms. Hauser, all you need
25 is the MOU?

1 MS. HAUSER: Yes. Thank you.

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

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

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

21 CHAIRMAN LYNN: Any other comments?

22 COMMISSIONER MINKOFF: Yes.

23 Relative, actually, to your comments, I
24 had a question in terms of the scope of the work.
25 There's a lot in here, without a separate cost basis,

1 it's a lot of Tim Johnson's work, presumably, draft
2 maps, distributing draft maps. Are you saying you
3 believe this would be done by NDC and we don't need him
4 doing this or these will be maps he'll do for us?

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

9 COMMISSIONER MINKOFF: Assisting them.

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

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

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

22 COMMISSIONER ELDER: Commissioner Elder,
23 in my mind, we'd have them process data electronically,
24 submit from NDC. Map, ask for a revision, NDC makes the
25 revisions, e-mail to the web, plot it so the

1 commissioners get the data. We'd manage the web and
2 output flow.

3 COMMISSIONER HUNTWORK: Mr. Chairman.

4 CHAIRMAN LYNN: Mr. Huntwork.

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

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

22 CHAIRMAN LYNN: Again, intent, if you look
23 at the preamble, first page of Exhibit 1 where they say
24 Tim Johnson, GIS programmer, will provide professional
25 staffing services, they say on a full-time basis, that

1 again is subject to what our needs really are, enroll
2 Mr. Johnson, satisfy a wide range of staffs for GIS and
3 internet requirements and use the county's internet
4 wide-range software. On that basis, that's a reasonable
5 a summary, what we'd like to have available to us. And
6 specifically to direct that resource, either in concert
7 with NDC or in reaction to things we're provided so that
8 we have that capability rather than hiring that staff
9 in-house on our own.

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

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

22 COMMISSIONER HALL: Right.

23 COMMISSIONER MINKOFF: Mr. Chairman, I
24 want to make sure we're not penny wise and pound foolish
25 in dealing with this IGA. I want to second what

1 Mr. Huntwork said in terms of, number one, the
2 tremendous amount of information and resources Maricopa
3 County has to share with us and, number two, the
4 cost-effectiveness of our getting that information. My
5 preference would be to have Tim Johnson available to us
6 according to their IGA on a full-time basis.

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

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

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

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

22 CHAIRMAN LYNN: Again, one of the things
23 that has to be done is the IGA, we're clearly not ready
24 to move forward with it at this moment. One of the
25 reasons for having the discussion, the need to modify

1 the scope of services, I have no problem with making
2 sure we have as much of Mr. Johnson's time as we need to
3 do the job. If that means retaining him for the
4 duration of the process on a full-time basis, certainly
5 the county and we are prepared to do that.

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

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

22 COMMISSIONER HALL: I agree. Hone it down
23 and say use Mr. Johnson's services as needed. There's
24 no question what he can offer. That's the intention of
25 the Commission members from the beginning.

1 Task nine, county, evaluate, respond to
2 all input received on draft redistricting plans. I
3 don't see the role of Mr. Johnson as evaluating or
4 responding to any input relative to the draft
5 redistricting plans. I think that is probably going to
6 be handled via different avenues. So some of these
7 things I think are just not necessarily what we think to
8 be the scope of what we'd have him do.

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

15 COMMISSIONER HALL: Or evaluating.

16 COMMISSIONER MINKOFF: Analyzing, yes.

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

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

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

25 COMMISSIONER HALL: Other comments in

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

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

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

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

20 The purpose of wording of our contract, we
21 welcome however you want to narrow the scope of work, or
22 whatever you'd like to put in there. In all the
23 redistricting we've done, all the things we put in here,
24 we wanted to make sure you knew you had no extra cost
25 from us for this, also to make sure those things were

1 delineated in here; if you asked him to do them in the
2 heat of battle, they were covered and it was very clear
3 we were -- Tim has the abilities to do these things and
4 can do them.

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

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

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

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

25 CHAIRMAN LYNN: Thank you.

1 Further discussion on the
2 intergovernmental agreement?

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

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

15 COMMISSIONER HUNTWORK: I so move.

16 CHAIRMAN LYNN: Second?

17 COMMISSIONER MINKOFF: I second.

18 CHAIRMAN LYNN: Discussion?

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

1 proposal, it says to lease or purchase.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Elder?

4 COMMISSIONER ELDER: Move to call the
5 question.

6 CHAIRMAN LYNN: It has been called.

7 Further discussion?

8 Hearing none, all those in favor of the
9 motion, signify by saying "aye."

10 (Vote taken.)

11 CHAIRMAN LYNN: Those opposed, "no."

12 Motion carried unanimously.

13 CHAIRMAN LYNN: Is Mr. Adler still with
14 us?

15 MR. ADLER: Still with you, just quiet.

16 CHAIRMAN LYNN: Thank you for being with
17 us.

18 We'll excuse you.

19 We're concluded at that point with what
20 deals with procurement.

21 MR. OCHOA: Mr. Chairman.

22 CHAIRMAN LYNN: Perhaps we haven't. Part
23 of the Executive Director deals with procurement.

24 MR. OCHOA: Sorry. Part of the Executive
25 Director deals with procurement.

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

4 MS. OSBORNE: Thank you.

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

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

12 Ms. Osborne, if you are still there.

13 MS. OSBORNE: I am.

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

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

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

1 spectacular.

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

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

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

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

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

23 The other thing I should mention in
24 regards to the office space, one of the areas, corner of
25 the areas.

1 THE OPERATOR: Excuse me. I have
2 Dr. Adams on the line. She wants to know if you still
3 need her.

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

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

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

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

12 MR. ADLER: Okay.

13 COMMISSIONER ELDER: Enrique, Dan Elder.
14 While waiting for Dr. Adams to come on the line, do you
15 have a plan for Mr. Patterson on how the three offices
16 will be configured and access to the main office?

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

20 THE OPERATOR: Dr. Adams is on the line.

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

23 DR. ADAMS: How are you.

24 CHAIRMAN LYNN: Without objection, let me
25 suspend the rules a moment and go back to the item of

1 subcontractors. We won't keep you, Dr. Adams. It's
2 just a matter since you were on the line we wanted to
3 let you know the Commission this morning unanimously
4 approved the procurement department moving ahead with
5 the contract with NDC on the basis of the information
6 submitted subject to two minor revisions, one in the
7 deliverable schedule and scope of work and the other
8 wording in another portion of the contract, but that as
9 submitted, that contract now has authority to be
10 concluded through the Department of Administration,
11 Procurement; and that will happen hopefully, Mr. Adler,
12 within 24 hours, because we need to get started.

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

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

19 DR. ADAMS: I'm happy.

20 MR. ADLER: Fine with me.

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

24 DR. ADAMS: Okay. Very fine.

25 CHAIRMAN LYNN: Thank you.

1 By the way.

2 DR. ADAMS: Yes?

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

13 DR. ADAMS: Very good.

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

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

17 Thank you so much. Bye bye.

18 (Dr. Adams leaves the conference.)

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

21 MR. OCHOA: Mr. Elder, I am currently
22 distributing a copy of the office plan that you were
23 inquiring about. If I may continue in that regard,
24 basically the only change is additional of offices along
25 that gallery you had of what would be the south side of

1 offices.

2 COMMISSIONER ELDER: Yes.

3 Enrique, the only concern is the intent I
4 had for the gallery is I wanted to be able to have
5 posted a historical sequence process going through,
6 generate a sequential map for guests and visitors as
7 they come in, guests and visitors.

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

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

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

23 The fourth area was going to be closed,
24 fourth office. I negotiated with Mr. Patterson to pay
25 for a door there and leave the whole vault area open at

1 no charge for us. We'll have the benefit of all of that
2 wall space.

3 Can you visualize where I'm talking about?
4 We'll have that wall space, can leave it open, utilize
5 it, and maybe do it in a real nice way, access it or use
6 it at the very least for maps to analyze.

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

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

12 COMMISSIONER ELDER: Okay.

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

15 CHAIRMAN LYNN: Over and above the 20
16 originally authorized?

17 MR. OCHOA: Yes. They went over the
18 \$20,000 and requested an additional transfer, if I
19 recall correctly, \$2,800 to finish the initial job.
20 They indicated the air conditioning ducts were the
21 change is what led to that additional cost.

22 CHAIRMAN LYNN: Okay.

23 MR. OCHOA: Next thing I wanted to tell
24 you, in regards to staffing, the State has a requirement
25 before you can fill a position, you have to establish

1 the position. So you have to give them a description,
2 called a PDQ, specific position description. That takes
3 generally between the fastest of tracks, two weeks,
4 regular track, two to three months, sometimes even
5 longer.

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

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

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

23 All the positions they're establishing for
24 us under the state classification are uncovered, means
25 appointed, can go through the interview process, can be

1 handled in a variety of ways, but they have the option
2 of being able to be appointed, since the time period
3 they'll be working is not clearly defined and at this
4 time, of course, we're looking at six to nine months.
5 And they recommended that we do it that way or it has to
6 be done in that way.

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

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

21 So that particular mobility assignment I
22 understand in state government is hard to get. You have
23 to thank personnel for allowing us to use that
24 particular mechanism. Maybe we will be able to take
25 advantage of it.

1 I'll move forward according to your wishes
2 on the positions.

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

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

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

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

17 What else can I tell you?

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

24 COMMISSIONER HALL: So if I called the
25 number right now, who answers?

1 MR. OCHOA: If you call the number right
2 now, it goes directly to me, to me.

3 COMMISSIONER HALL: Right this second?

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

6 COMMISSIONER HALL: Machine or live
7 person?

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

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

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

19 MR. OCHOA: Correct.

20 COMMISSIONER HALL: And would provide
21 receptionist service in the event you're not in there.
22 I understood we'd have actually --

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

25 MR. OCHOA: Not full time. I've been

1 answering the current flow, 15 calls a day to couple
2 dozen, 24, still managable. If we bring a person in
3 quickly, we're still okay.

4 Any questions, line A?

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

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

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

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

25 Item B, which is why I wanted Mr. Adler to

1 stay with us. We discussed for the RFP, for outreach
2 effort, there be combined outreach efforts being done
3 with various contractors. It had been stated initially
4 the six meetings proposed would not be sufficient and we
5 should do others. I mentioned to you all that possibly
6 we could also do an educational tour throughout the
7 state to talk about Proposition 106 and the work of the
8 Commission. And in that vein I started researching the
9 possibility of how to do that.

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

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

22 Mr. Adler.

23 MR. ADLER: There are several issues you
24 want to address there. Number one, we have done and
25 some of the agencies have done on their own, the larger

1 agencies, some form of public relations or outreach
2 contract. It's not difficult to do. And we could
3 certainly guide you through that process. As far as
4 delegated authority, you have -- I think you've been
5 working with Bill Hernandez to do some of your routine
6 day-to day purchases.

7 MR. OCHOA: Correct.

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

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

12 MR. OCHOA: There you go.

13 I've also been working with Lori Meeks.
14 In regards to purchase of equipment, we need authority
15 that needs to be much higher. We already got, I don't
16 know if it's outside the parameters we have to work
17 with, a purchase order issued last Friday for \$25,000.
18 The idea for that was one copier. A copier costs
19 \$11,000. We're going to be buying other computerized
20 equipment we'll need for our work. I think that
21 amount -- if we're addressing the same issue or if it's
22 different, we're going to be making purchases of a
23 larger amount.

24 MR. ADLER: There's a real good training
25 program for you, Enrique, to help you with that.

1 When I speak to delegated authority, I'm
2 speaking of items not on state contract.

3 MR. OCHOA: Ah.

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

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

13 MR. OCHOA: Very good. I appreciate that.

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

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

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

23 MR. OCHOA: Dan, I'm only using this as an
24 example. I think the idea I'm working under is leasing
25 all equipment we can possibly lease or need to lease.

1 I've heard that clearly from the Commission, only from
2 the Commission. Other copiers run from four, five,
3 \$6,000. As mentioned, correct, lower costs, utilize
4 5,000 sheets a month, 10, 15. The area we're working on
5 is to clarify the project, also waiting to a certain
6 degree on the work with consultants, see what kind of
7 support they'll need as well.

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

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

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

22 COMMISSIONER HALL: Dan, you're right, you
23 can lease a copier for less than 200 a month and have
24 all the bells and whistles, and that's sufficient for
25 our internal needs.

1 MR. OCHOA: Having said that, if there's
2 no other questions on procurement authority, that aspect
3 of it, maybe move into item C, that is the item I was
4 asked to put on the agenda, Commissioner Hall.

5 CHAIRMAN LYNN: Before you move ahead,

6 COMMISSIONER ELDER: This is Mr. Elder.
7 Along with a draft budget for the office, a draft
8 production of needs and/or equipment we're going to try
9 and acquire and rationale for what we need it for and
10 why. If you'd submit that, I'd appreciate it.

11 MR. OCHOA: Okay.

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

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

17 COMMISSIONER MINKOFF: Something we should
18 investigate.

19 MR. OCHOA: Okay.

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

22 MR. OCHOA: You know what, the way I
23 should have worded it, basically, is invitations we've
24 received, Commission attend seminar, workshop, or
25 something.

1 CHAIRMAN LYNN: What is that?

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

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

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

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

20 MR. OCHOA: No.

21 CHAIRMAN LYNN: Then to item C.

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

25 COMMISSIONER HALL: She's doing great.

1 I've been checking on her, Mr. Chairman.

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

13 CHAIRMAN LYNN: Comments from the
14 Commissioners on this subject?

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

19 MR. OCHOA: Yes, sir.

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

23 MR. OCHOA: Yes.

24 COMMISSIONER ELDER: What progress have
25 you made?

1 MR. OCHOA: That's exactly what I was
2 addressing when I asked Mr. Adler to clarify for us. In
3 order to outsource, I have to do it through the
4 procurement process. And specifically what I have
5 addressed is I've asked them to share with me and help
6 me through the process of developing that RFP so we can
7 get it out there and then we can get individuals or
8 companies to help us in that effort.

9 COMMISSIONER ELDER: This is Mr. Elder
10 again.

11 Is Mr. Adler still there?

12 MR. ADLER: I'm still here.

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

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

25 The purpose of procurement laws, number

1 one, are to get the best value but also give every
2 company in that particular business a chance at
3 competing for the opportunity to sell that service.
4 That's why the process does take some time.

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

11 If you are looking for a public relations
12 firm or firm to do outreach, there's probably 40 or 50
13 in Phoenix, probably five to ten would want to compete
14 for that, including a couple Hispanic owned businesses.

15 That's just my suggestion is that you do
16 go ahead and try to do an RFP.

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

25 MR. ADLER: If you are not talking about

1 spending much money. If you are talking about spending
2 35,000 or more, we're required to go through that
3 process. Actually three weeks, not two weeks, of legal
4 advertising. If it's less than that amount, you can do
5 something abbreviated. It's called a small purchase, if
6 it's less than \$35,000.

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

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

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

22 CHAIRMAN LYNN: John, Steve Lynn.

23 The alternative, however, is to hire
24 somebody as staff rather than a consultant and with the
25 adoption of the -- of those position description and

1 qualification outlines that Enrique submitted, one, I
2 believe, was outreach specialist, or something like
3 that.

4 MR. OCHOA: Yes, sir.

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

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

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

23 COMMISSIONER MINKOFF: How quick is that
24 process?

25 MR. OCHOA: Mr. Adler, how fast?

1 MR. ADLER: Could be as quick as five
2 days.

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

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

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

18 MR. OCHOA: Yes.

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

21 MS. HAUSER: Mr. Chairman, I have
22 expedited the hiring process through the state before.
23 I think at this point what would be appropriate is to
24 have a meeting and/or conversation between yourself,
25 Enrique, and either Mr. Rivera or I and the Director of

1 DOA to see if we can't get this process moving quicker.
2 There is normal and what is possible to do. You can get
3 greater cooperation at higher levels, not to criticize
4 the folks, people you're dealing with. They're dealing
5 with the situation.

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

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

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

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

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

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

23 COMMISSIONER HUNTWORK: Mr. Chairman, on
24 that point I wanted to just say my preference would be
25 to leave open the possibility of hiring an outside firm

1 rather than a full-time staff member. I don't necessary
2 prefer an outside firm. I definitely want that option
3 available, partly because in the same way we determined
4 early on with counsel, sometimes the best talent is not
5 available to come and work full time on your staff.
6 That may or may not be the case. I definitely don't
7 want to preclude considering all options.

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

11 COMMISSIONER HUNTWORK: Fine.

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

15 COMMISSIONER HALL: Mr. Chairman, in the
16 interim, my suggestion in the interim is we define some
17 procedures until we have a person we can direct all
18 public relation matters to. It would be my preference
19 in light of the fact you do public relations is that
20 somehow you, with your level of expertise in that area,
21 take control of this process. You know, I -- I've read
22 a couple of articles about this Commission that, you
23 know, quite frankly, I don't think accurately represent
24 what occurred or what is occurring. I don't fault the
25 press for that. I fault the communication they're

1 receiving from a variety of unfocused sources. That's
2 my concern presently. And then helping be more
3 proactive in efforts to give information they need and
4 deserve.

5 CHAIRMAN LYNN: Thank you, Mr. Hall.

6 Other comments?

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

13 Further comment on the Executive
14 Director's report?

15 Mr. Ochoa?

16 MR. OCHOA: Mr. Chairman, I've been
17 thinking how to ask this question. I would like some
18 direction from the Commission. As Mr. Huntwork
19 mentioned, I also want to keep the option of outside
20 contractors to do specific jobs that I foresee we will
21 need. I've mentioned it somewhat before, but I want to
22 identify specific individuals that can address various
23 factions of the Native American population, various
24 mining communities in the southeast, agricultural
25 communities in the southwest, Hispanics, African

1 Americans, Asian populations. The idea would be that I
2 think it would be important for us to identify
3 individuals or companies that can best help us inform
4 those populations and include them in the work that the
5 Commission has to undertake.

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

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

21 MS. HAUSER: Mr. Chairman?

22 CHAIRMAN LYNN: Ms. Hauser.

23 MS. HAUSER: Part of that public outreach
24 is going to be something that NDC, one of the starting
25 points that I think we could engage in to help that

1 process would be to think I think contact all of the
2 election directors in all 15 counties and get from them
3 the information that they use with respect to the
4 interest groups in their communities. They have that
5 already. That will be of some assistance to us. One I
6 can give in particular, in the Navajo, Apache, Coconino
7 counties, they have Navajo election outreach workers who
8 speak Navajo, go on the reservation, visit chapter
9 houses, take outreach information about the election
10 process in general. It is certainly possible, for
11 example, with that population we simply contract for
12 that service through the counties and do that on a basis
13 that we're dealing at least with people who clearly know
14 what they're doing in that particular area. I think we
15 could contact the counties first and see what resources
16 are available.

17 CHAIRMAN LYNN: That same sort of
18 networking, if I can use that term, would be appropriate
19 in terms of virtually every other group we'll deal with.
20 We're not addressing populations that somehow sprung up
21 overnight and haven't been addressed by others at a
22 previous time. It's only a matter of tapping into
23 resources available and make sure we're not only
24 sensitive to but make the best use of networks that
25 already exist.

1 COMMISSIONER HALL: In the process
2 initiated and in process in Northwestern Arizona and
3 working with the county recorder there with respect to
4 the Native American Navajo language people, I'm already
5 full swing there. We're making those contacts. My
6 sense is, in most cases, it won't require any kind of
7 formal contract per se. It's a matter of creating
8 liaisons to assist us in the process. They're as
9 interested as we are in a quality product. I can tell
10 you in that end of the state we're going to be fine.

11 CHAIRMAN LYNN: Any other comment?

12 COMMISSIONER ELDER: Commissioner Elder.

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

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

25 COMMISSIONER MINKOFF: Seems to me,

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

9 COMMISSIONER HUNTWORK: Well --

10 CHAIRMAN LYNN: Mr. Huntwork?

11 COMMISSIONER HUNTWORK: Andi, I hear both.
12 This is not just a secretarial or clerical function,
13 though.

14 COMMISSIONER MINKOFF: No.

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

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

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

23 COMMISSIONER HUNTWORK: I'm saying a
24 little more than that. I'd be surprised if it wasn't an
25 outside contractor to do the most creative thinking for

1 us and a staff person to assist with a lot of the more
2 routine work.

3 MR. OCHOA: May I ask one more question?

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

18 Do we need to do something of that nature
19 throughout the state, explain they can talk about it in
20 general, also tie in requirements of Proposition 106,
21 explain what that process requires? They were going
22 through a very general process of how to put together
23 districts. Within that they were doing of course part
24 of the work the Commission will have to do, consider
25 different parts of the thinking process, have to go into

1 establishing boundaries, again, not tied into formal
2 hearings, an informal process, generate press from as
3 well throughout the state, a number of counties, number
4 of cities, a number of times we can discuss, just idea
5 having informational hearings throughout the state?
6 Would the Commission be -- would they like something
7 like that is what I'm saying.

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

10 COMMISSIONER ELDER: Yes. Did Enrique
11 read the RFP?

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

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

1 Other comments on this agenda item?

2 If not, may we take a break so the public
3 recorder can take a break. When we return, let's take
4 10 minutes and then return to the agenda.

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

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

9 (Recess taken.)

10 MR. OCHOA: I believe everybody is ready.

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

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

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

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

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

25 I wanted to share with you some background

1 we have with the Redistricting Commission,
2 redistricting.

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

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

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

13 I also want to applaud you and the group
14 for having hired Jose Rivera and Enrique Medina Ochoa.
15 I've known them for years. They are people with
16 integrity and I've known them for years. I also want to
17 echo with Enrique, themselves, if you want to do
18 outreach, being expert at organizing communities, hire
19 different populations, identify people to do things. I
20 can't do the same job a Native American can in a Native
21 Navajo Nation, Native American tribes. Same thing with
22 Hispanics. Nobody can do better jobs recruiting
23 Hispanics. Nobody can do better recruiting African
24 Americans. Whatever monies the Commission has, I hope
25 you intending on also spending money in the Hispanic

1 community, various communities just mentioned. I hope
2 this is a case for once where you have money to work
3 with. That is one of my recommendations.

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

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

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

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

17 Other members of the public wishing to be
18 heard?

19 There doesn't appear to be anybody.

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

22 I wonder if I might suggest to the
23 Commission, notice may be short, time is also short.
24 Would it be possible for others to schedule an initial
25 meeting with NDC for them to outline their proposal to

1 us in more detail, go over the time frame to look at a
2 schedule to give us an indication of how often and how
3 many meetings we'd be having over the course of the
4 summer and wonder if we could do that as soon possible,
5 as soon as this Friday?

6 COMMISSIONER ELDER: This is Mr. Elder.
7 Friday is fine with me.

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

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

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

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

20 COMMISSIONER HUNTWORK: Certainly.

21 CHAIRMAN LYNN: Mr. Hall?

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

25 CHAIRMAN LYNN: I guess the agenda items

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

6 COMMISSIONER ELDER: This is Commissioner
7 Elder.

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

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

18 Hearing no objection, if we might
19 schedule, then, a meeting for this Friday, beginning at
20 9:00 a.m. And we'll need to get from Mr. Huntwork his
21 location so we can include him by phone.

22 I intend to be in Phoenix for that
23 meeting. Mr. Elder is nodding his head, so he intends
24 to be in Phoenix as well. And we would have, really, a
25 singular agenda item, our agenda item essentially to be

1 a discussion with the consultant about the process and
2 the time frame and; two, obviously we'd have call to the
3 audience as we always do, call to the public; and if
4 there were specific items from the Executive Director or
5 legal staff, do that.

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

9 Without objection, we'll proceed in that
10 regard.

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

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

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

22 There are some dates available for the
23 person that needs to conduct that training. Until we
24 know from NDC what the schedule looks like, I don't know
25 which dates will be in play.

1 What I suggest -- for those that haven't
2 read the memo, what it states clearly, we do not have to
3 attend the day-long schedule. Some things we received
4 from Ms. Skladany from the Attorney General's thing go
5 to our credit. There is one segment of training we
6 still need to receive. That person is available a
7 number of days during the month of May. So we have to
8 figure out which day we're going to meet and have that
9 coincide and put it on the agenda.

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

12 MS. HAUSER: No.

13 CHAIRMAN LYNN: If not, report from legal
14 counsel.

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

18 MS. HAUSER: Yes.

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

23 MS. HAUSER: Yes. Members of the
24 Commission, if you've asked for legal advice, it's best
25 to do that in Executive Session.

1 CHAIRMAN LYNN: Motion?

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

5 CHAIRMAN LYNN: Second?

6 COMMISSIONER MINKOFF: I second.

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

9 (Vote taken.)

10 CHAIRMAN LYNN: Opposed, "no."

11 (Motion unanimously passes.)

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

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

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

19 (Recess taken.)

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

24 COMMISSIONER HALL: Mr. Chairman, it
25 appears no one reentered the room.

1 CHAIRMAN LYNN: Any other business to come
2 before the Commission?

3 COMMISSIONER HALL: No.

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

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

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

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

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

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

20

21

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

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