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STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
March 2, 2001
9:30 a.m.

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

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

1 THE STATE OF ARIZONA INDEPENDENT
2 REDISTRICTING COMMISSION convened in Public
3 Session on March 2, 2001, at 9:30 a.m., at the
4 Industrial Commission of Arizona, 800 West
5 Washington, First Floor Auditorium, Phoenix,
6 Arizona, in the presence of:

7

8 APPEARANCES:

9

CHAIRMAN STEVEN W. LYNN

10

COMMISSIONER JAMES R. HUNTWORK

11

COMMISSIONER JOSHUA MARK HALL

12

COMMISSIONER ANDI MINKOFF

13

COMMISSIONER DANIEL R. ELDER

14

BILL HERNANDEZ, Acting Executive Director

15

JOSEPH KANEFIELD, Assistant Attorney General

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DIANE VARELA, Assistant Attorney General

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JAN McLEMORE, Legal Secretary

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LISA A. NANCE, RPR, CCR, Court Reporter

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Phoenix, Arizona

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2 AGENDA DESIGNATED SPEAKERS:

3

4 Karen Osborne

5 Tim Johnson

6 Kimball Brace

7 Joel Wilson

8

9

10 SPEAKERS FROM CALL FOR PUBLIC COMMENT:

11

12 Steve Gallard

13 Anthony Sissons

14 Cortland Coleman

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1 Open Session
2 Phoenix, Arizona
3 March 2, 2001
4 9:30 o'clock a.m.

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P R O C E E D I N G S

CHAIRMAN LYNN: Good morning. I
would like to call the meeting of the Independent
Redistricting Commission to order.

Can you hear me in the back without
amplification? Are you okay?

Good. Then we won't try to use
those. I think that's a little overkill.

First item on the agenda is approval
of the February 16th meeting minutes.

The Commissioners have had a chance
to read those minutes. Are there any additions or
corrections to the minutes?

Ms. Minkoff.

COMMISSIONER MINKOFF: Yes,
Mr. Chairman. I just had one correction. In
listing of possible agenda items for today's
meeting, we did specify that we did want to begin
talking about personnel, specifically executive
staff and independent counsel, which is on today's
agenda but is not listed in the last minutes as an

1 agenda item.

2 CHAIRMAN LYNN: Thank you.

3 Any other additions or corrections?

4 May I have a motion?

5 COMMISSIONER MINKOFF: I move to
6 accept them as corrected.

7 COMMISSIONER ELDER: Second.

8 CHAIRMAN LYNN: Those in favor say
9 "aye."

10 (Vote taken.)

11 CHAIRMAN LYNN: Those opposed, say
12 "no."

13 Motion carries. Motion to accept
14 the minutes is accepted.

15 At a suggestion of members of the
16 public in the last session we moved public comment
17 to earlier in the meeting in consideration that
18 members of the public may have other agenda items
19 they need to take care of in the course of the day
20 and would like to be heard on matters regarding
21 the Commission earlier in the agenda.

22 Next item is call to the audience
23 for public comment.

24 I would say before we begin public
25 comment that anyone who is anticipating being with

1 us for most of the day, or much of the day, and
2 you are parked in the parking lot to the east, if
3 you are not parked on top of the parking garage,
4 you are probably going to get a ticket after three
5 hours. So my suggestion would be that at some
6 point, either the first break, or whatever, you
7 might want to move your car to the top of the
8 parking garage, if you are going to be here
9 long-term. Just a suggestion. We've been
10 informed by the Capitol Police they'll be active
11 in enforcing that in the lot.

12 COMMISSIONER ELDER: Also north
13 parking.

14 CHAIRMAN LYNN: Anywhere where they
15 have a three-hour limitation. So that the only
16 unlimited parking for the course of the day is on
17 top of the parking garage. So -- and there were
18 plenty of spaces this morning when I pulled in.
19 So I think we're okay.

20 All right. Are there members of the
21 audience that would like to be heard?

22 I ask if those who speak, if you've
23 not signed in, please make sure you do that on the
24 sign-in sheet outside the door before you leave.
25 We would ask each speaker to identify themselves

1 by name and for the court reporter, to spell their
2 name so that we get it correctly.

3 Are there members of the audience
4 that wish to be heard?

5 Just come forward.

6 MR. GALLARD: Okay.

7 CHAIRMAN LYNN: Or there, Steve, if
8 you prefer.

9 MR. GALLARD: This is fine as long
10 as everyone can hear me?

11 CHAIRMAN LYNN: I think we can all,
12 that need to, hear you.

13 MR. GALLARD: Again, my name is
14 Steve Gallard, Latino Coalition for Political
15 Action.

16 I wanted to comment on a couple of
17 issues. One in particular is -- has to do with
18 minority outreach.

19 The public notices is the first
20 thing that comes to mind. And correct me if I'm
21 wrong. I have not seen any notices that have been
22 printed in Spanish. I don't know if there has
23 been and I just have not seen any, but the ones I
24 have seen have all been in English. And I would
25 recommend that the Commission, for future

1 meetings, do post public notices in Spanish as
2 well, especially considering the current situation
3 and outcry by the minority community, especially
4 the Latino community, as far as not having
5 representation on the Commission.

6 Second recommendation would be the
7 posting of the notices. I have noticed there is a
8 posting outside the door; but I would recommend,
9 again, using minority media. I did bring with me
10 today a list of the Spanish and minority media
11 that the Commission can post this notice in and
12 hopefully, especially with the minority and
13 Spanish media, that the notice could be posted in
14 Spanish as well. So this I will leave with you.

15 Also, third recommendation, again
16 correct me if I'm wrong, I don't know that there
17 is an interpreter here. I would recommend a
18 Spanish interpreter, especially if we do try to
19 reach out to the minority community and do get
20 someone in Spanish community only fluent in
21 Spanish so they'd be able to address the
22 Commission and have their thoughts be considered.

23 Those are just three
24 recommendations.

25 I would hope and imagine the

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1 Department of Justice when reviewing the final
2 plans, their first question to the Commission is
3 what has the Commission done to involve the
4 minority community, especially with the current
5 circumstances.

6 The third concern I have, and now
7 that the minutes have been approved, is the item
8 of minority concern. I believe it was
9 Commissioner Huntwork who brought this up last
10 meeting, discussing the idea of minority concerns
11 and what the Commission can do to resolve that.
12 After looking at the agenda items, I don't see
13 this on here. I hope this has not been tabled.
14 This is something of great importance. I know
15 there are several members of minority interest
16 here, here to hear what Commission ideas are on
17 Commission issues. I hope it's a clerical error
18 and will be discussed today.

19 My third concern is item number four
20 on the agenda, which is the Commission structure.
21 Arizona voters approved Proposition 106 and the
22 establishment of this Commission based on the fact
23 that they lost confidence in the previous way
24 their district lines were being drawn. With the
25 Commission currently established with no minority

1 representation, again the question of the
2 confidence of this process is brought up again.

3 I would recommend that the
4 consideration of the minority applicants for the
5 independent legal counsel and executive director
6 be given strong consideration.

7 The Hispanic community has
8 identified several attorneys that will submit
9 resumes to the Commission. These are attorneys
10 well-versed in election law, knowledgeable in
11 redistricting, DOJ, civil rights, I believe
12 well-qualified to serve in this capacity; as well
13 as executive director, have identified several
14 members that will submit names to the Commission
15 for consideration. I would hope their
16 applications would be given strong consideration.

17 My third and final comment is public
18 comment. I believe with -- I believe it was
19 Mr. Turner who brought this up, having the public
20 comment brought up at the beginning of the
21 meeting. I would recommend, also, to have a
22 public comment section also at the end allowing
23 the citizens here to comment on today's
24 proceedings; otherwise, by just having public
25 comment at the beginning of the meeting, anyone

1 who wants to comment on today's proceedings would
2 have to wait until any future meetings which could
3 be two or three weeks later before commenting on
4 what was decided today.

5 I recommend public comment not only
6 at the beginning of the meeting but at the end as
7 well. This would allow for additional input by
8 the public.

9 CHAIRMAN LYNN: Thank you,
10 Mr. Gallard.

11 Mr. Sissons.

12 MR. SISSONS: Thank you,
13 Chairman Lynn, members of the Commission.

14 Later on the agenda today you'll be
15 receiving a presentation from at least one
16 national redistricting consulting firm. And I
17 would request that, and I don't know what your
18 process would be for engaging a firm, but I would
19 request that you also seek input for -- look at
20 those consultants who are Arizona based.

21 My firm is -- has experience in this
22 area. We are a local firm. And I would like -- I
23 prepared a letter of introduction about my firm I
24 would like to distribute later on to members of
25 the Commission.

1 I would like to be sure -- I would
2 like to encourage the Commission not to simply
3 focus on national consulting firms.

4 Thank you.

5 CHAIRMAN LYNN: Thank you,
6 Mr. Sissons.

7 Any other members of the public wish
8 to be heard?

9 MR. COLEMAN: Cortland Coleman,
10 Arizona Democratic Party.

11 Mr. Chairman, members of the
12 Commission, we simply echo Mr. Gallard's statement
13 regarding minority outreach feeling it is key,
14 especially as there are no minorities on the
15 Commission at this point, moment. We also echo
16 the comments regarding the public comment period,
17 having an additional comment period at the end,
18 towards the end of the meeting so the public can
19 comment on any proceedings of that day.

20 Thank you.

21 CHAIRMAN LYNN: Thank you. Any
22 other members of the public wishing to be heard at
23 this time?

24 Seeing none, we'll close the public
25 comment period.

1 Moving on to the next agenda item,
2 item four, Commission structure. Let me first,
3 before we get into the specific discussions,
4 indicate to the Commission that the Department of
5 Administration has been extremely helpful in
6 trying to get the Commission set up. As we
7 mentioned last meeting, this Commission has no
8 precedent, has no antecedent, has no structure.
9 We are new.

10 We are in the business of setting up
11 office space, buying equipment, or renting it, or
12 whatever is appropriate, and getting set up as a
13 Commission.

14 To that end, the Department of
15 Administration has supplied a number of people to
16 us in a variety of capacities. And I want to
17 extend our thanks to the Department of
18 Administration and Elliot Hibbs, it's director,
19 for their cooperation.

20 We have with us this morning Bill
21 Hernandez who is with the Department of
22 Administration, a veteran in working with
23 commissions and boards. And Mr. Hernandez has
24 been loaned to us as the interim sort of
25 coordinator of our activities until such time as

1 we have an executive director and staff selected.

2 And Mr. Hernandez will be functioning in that
3 capacity.

4 And we will be, hopefully without
5 objection from the rest of the Commission, using
6 Mr. Hernandez in that capacity until we get things
7 set up.

8 Mr. Hernandez, we thank you for
9 being here, thank you for being volunteered for
10 this job. And we appreciate very much your help
11 in helping us get our office and other staffing
12 needs set up.

13 So with that, we have on the agenda
14 several items under Commission structure. And
15 unless you have other desires, members of the
16 Commission, we'll take them in order.

17 We have hiring of an executive
18 director. I believe each member of the Commission
19 has received from the Department of Administration
20 a draft job description for the executive director
21 position. And I would ask if there are any
22 comments or questions or revisions to that job
23 description at this time.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: I'm not used

1 to reading job descriptions for public positions,
2 but as nearly as I can tell from this, it does
3 describe very accurately what I had had in my mind
4 for this position. So I would support it as it
5 was written.

6 CHAIRMAN LYNN: Okay. Ms. Minkoff.

7 COMMISSIONER MINKOFF: Mr. Chairman,
8 I believe that the first two items on page one are
9 essentially the kinds of things that we talked
10 about in terms of what we need for our executive
11 director. My only concern is on the last page, I
12 believe it's the last page -- second-to-last page,
13 when -- where the percentage breakdown of the
14 activities of the job are be listed, I'm not sure
15 that those have any basis in reality in terms of
16 what is going to happen. I think that's the kind
17 of thing that we are probably going to have to
18 work out as we move through this process.

19 CHAIRMAN LYNN: Thank you. Other
20 comments?

21 If not, the Chair would entertain a
22 motion to --

23 First of all, I would say I concur
24 with Ms. Minkoff's comments on allocation of time
25 on work activities. I don't think that those are

1 necessarily representative of the work that is
2 going to be done by the executive director. But
3 given that that can be reassessed as we go forward
4 and reallocated as the work picks up, I think that
5 it will get us where we need to go in terms of
6 collecting applications and considering
7 applications.

8 So with that, the Chair would
9 entertain a motion to accept the job description
10 and direct the Department of Administration to
11 post the vacancy and to begin the process of
12 collecting applications using as fast a track
13 process as is reasonable, again, taking into
14 consideration not only the concerns we heard
15 expressed from the public but also our own
16 concerns about making sure that this is widely and
17 properly disseminated.

18 Mr. Huntwork?

19 COMMISSIONER HUNTWORK: I'll make
20 that motion as you stated it.

21 CHAIRMAN LYNN: Thank you.

22 Is there a second?

23 COMMISSIONER MINKOFF: I'll second
24 it.

25 CHAIRMAN LYNN: Discussion?

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Yes. I'm not
3 sure who the correct the person is to answer this,
4 perhaps Mr. Hernandez. I'd like some sort of
5 estimate of what is a reasonable timetable.

6 CHAIRMAN LYNN: I'm not sure if
7 Mr. Hernandez is ready to answer that. I'll ask.

8 MR. HERNANDEZ: My associate,
9 Claudia Smith, is eminently qualified.

10 MS. SMITH: We can do several
11 things: Go through the existing data base. We'll
12 certainly post the position. What is your
13 pleasure? If you can give an idea what your
14 pleasure would be, the length of time you'd like
15 that posted, we will put that on the posting to
16 make the public aware of the fact there is a
17 closing date, it is not open until filled.

18 CHAIRMAN LYNN: Typically, if there
19 is such a thing, what is the typical amount of
20 time, minimum amount of time for a position to be
21 open?

22 MS. SMITH: Seven to 10 days is
23 usually adequate unless you would like to have it
24 set to a broader base where we have to do
25 publication in the newspaper, these type of

1 things. We will put it on the internet. If you
2 want it in a newspaper of general circulation,
3 that would require additional time. I'd say a
4 minimum of 10 days.

5 CHAIRMAN LYNN: Let me ask this
6 question: Typically -- there may not be a
7 typical. Typically what percentage of positions
8 of this type are advertised in general circulation
9 newspapers?

10 MS. SMITH: I wouldn't have that
11 information.

12 CHAIRMAN LYNN: Other members of the
13 Commission?

14 COMMISSIONER HALL: Am I safe in
15 presuming we'd like to see all applications prior
16 to our next meeting?

17 CHAIRMAN LYNN: I think that would
18 help. I'm not sure.

19 COMMISSIONER HALL: Well --

20 CHAIRMAN LYNN: We'll have to
21 coordinate this with arrival of the census data
22 and other things for when we schedule our next
23 meeting. I hope to have applications in and
24 disseminated so we can review them and be able to
25 make some progress toward hiring an executive

1 director next time.

2 Any other discussion?

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Chairman,
5 I'm not sure that publishing in a newspaper of
6 general circulation would be an effective way for
7 us to proceed. I would think that people
8 interested in this position, in many cases, may
9 already be aware that we're looking. I don't want
10 to short-circuit the process. I think
11 particularly because that would be a delaying
12 factor we might want to avoid doing that.

13 CHAIRMAN LYNN: Any other comment?

14 Mr. Hall.

15 COMMISSIONER HALL: Does the
16 Commission recommend any minimum requirements with
17 respect to education or experience? You know,
18 there's some general parameters but, for example,
19 is there a minimum requirement that they have a
20 college degree, et cetera? I just --

21 CHAIRMAN LYNN: If I could ask
22 Claudia, would this be the sum total of the
23 announcement in terms of the job description or
24 are there other basic requirements that go into an
25 announcement of this type that might not appear in

1 the job description?

2 MS. SMITH: Typically the knowledge,
3 skills, and abilities will be extracted from the
4 PDQ, position description questionnaire before
5 you. Because that would be, if you accept that,
6 that would be the basis on which we would extract
7 those SKAs.

8 CHAIRMAN LYNN: Do you have a
9 feeling, Mr. Hall, about -- do you want to set a
10 minimum educational standard of some kind?

11 COMMISSIONER HALL: Well, I guess
12 I'm just asking for ideas. You know, knowledge
13 here, knowledge of user -- United States Voting
14 Rights Act --

15 It seems to me, I would say a
16 definite minimum is at least a high school
17 diploma. Seems to me we'd have some threshold.

18 CHAIRMAN LYNN: I'm not sure we'll
19 get too many applicants without one.

20 I guess I would -- again, this would
21 be the time to specify, if you would like to.

22 Ms. Minkoff.

23 COMMISSIONER MINKOFF: I take level
24 of education very, very seriously in considering
25 qualifications of people; but I take experience

1 even more seriously. And while obviously I agree
2 with Mr. Hall that I don't think we'd be
3 considering somebody without a high school
4 diploma, I wouldn't want to set any formal
5 educational requirements. I believe while they
6 are important, they can be overcome by the right
7 kind of experience.

8 I think we should just see what
9 applicants we have coming in and evaluate them on
10 their own merits.

11 CHAIRMAN LYNN: Any other
12 discussion?

13 COMMISSIONER ELDER: Mr. Chairman.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: I believe that
16 we should be looking at performance and experience
17 aspects, also; and degree or formal degree is not
18 critical.

19 My criteria will be, I don't know
20 whether the application requires any kind of
21 written statement about their background and
22 experience beyond answering questions, but
23 probably the most critical thing to me is the
24 ability to write, edit, because I'm not that good
25 at either. So that would be something I'd like to

1 see.

2 CHAIRMAN LYNN: Okay. Mr. Hall?

3 COMMISSIONER HALL: And maybe the
4 Department of Administration can give me some
5 input. I guess I'm just trying to narrow the
6 target, not in an effort to limit qualified
7 applicants but in an effort to limit unqualified
8 applicants.

9 In other words, if we get 400
10 applications, and as general as what I'm looking
11 at here, that could well be a possibility. Maybe
12 not. If we do it in a publication of general
13 circulation --

14 I guess, I'm just trying to say,
15 let's focus a little bit. That's my only effort
16 here. Maybe educational threshold is not the
17 appropriate way to do it.

18 That's the concern I have,
19 Mr. Chairman. I would hope we got 400 applicants.
20 That would be wonderful. My concern is that
21 having interviewed for a few positions before, I
22 know if you run an ad, that you get a lot of chaff
23 and a little wheat. I'm trying to target on
24 wheat.

25 CHAIRMAN LYNN: I understand.

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Mr. Chairman,
3 if application -- perhaps we could promulgate an
4 application form that expressly included a
5 category for education, a category for experience,
6 and a statement of interest which we could -- we
7 could look to very quickly to make some initial
8 selections.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: I also think
11 it would be helpful as the applications come in if
12 they are disseminated to us as quickly as
13 possible. I don't want to wait until the
14 application period is closed and then get a big
15 stack. As they come in, I think we can begin
16 going through them. And that will spread the
17 workload out a bit.

18 CHAIRMAN LYNN: Let me ask this
19 question: Is the Commission interested in seeing
20 all applications or are they interested in any
21 prescreening being done against either criteria in
22 the job description or any other criteria we may
23 establish? Your prerogative, either way.

24 COMMISSIONER HALL: I prefer there
25 be some prescreening. And I -- that's what these

1 folks do. I think we have to rely on their
2 expertise. That's my preference.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Chairman,
5 I'm reluctant to agree to that for myself.
6 Perhaps they could do prescreening, make
7 recommendations, which we could accept on our own.
8 If I wanted to see all the applications, I would
9 like to retain that, the right to do that.

10 CHAIRMAN LYNN: Ms. Minkoff.

11 COMMISSIONER MINKOFF: I would agree
12 with that. I think maybe the prescreening could
13 possibly divide them into groups of those that do
14 seem to meet the job description and maybe those
15 that don't. But I would still like to reserve the
16 right to look through any application of an
17 individual who is interested in any of our
18 positions and just see if I agree with the
19 assessment, if there's something that leaps out at
20 me as this person might have abilities that don't
21 really show through what is written on the paper.

22 CHAIRMAN LYNN: Without objection,
23 we'll ask the Department of Administration to make
24 all applications available to all commissioners as
25 they come in so we may begin our own review as

1 rapidly as applications are received.

2 Any further discussion?

3 Ready for the question?

4 MS. SMITH: Mr. Chairman, one other
5 thing. If it is the pleasure of the Commission,
6 you may state a preference with respect to
7 education but that doesn't necessarily -- what you
8 would say is "the desired candidate will possess,"
9 if that will make you feel any more comfortable,
10 "at least a high school education," or any of the
11 other levels of education you may feel necessary.

12 CHAIRMAN LYNN: What is your feeling
13 on stating that preference?

14 COMMISSIONER HALL: It would be my
15 preference to state the preference.

16 CHAIRMAN LYNN: At high school?

17 COMMISSIONER HALL: Be high school?
18 I'd like to take the preference of college.

19 CHAIRMAN LYNN: Degree?

20 COMMISSIONER HALL: Uh-huh.

21 COMMISSIONER MINKOFF: I think the
22 preferred candidate would have a college
23 education. I would be willing to consider someone
24 who didn't.

25 CHAIRMAN LYNN: As a preference, a

1 person with a college degree. Is that the
2 consensus?

3 Ms. Smith --

4 MS. SMITH: Any particular
5 discipline?

6 CHAIRMAN LYNN: I don't think that
7 is as important as just general background with
8 college completion as a preference.

9 All right. Ready for the question.

10 All those in favor say "aye."

11 (Vote taken.)

12 CHAIRMAN LYNN: Those opposed, "no."

13 Motion carried unanimously.

14 Mr. Hernandez, if you'd coordinate
15 as the point person, coordinate with Claudia in
16 putting the information out, and anyone else that
17 needs it, and make sure we get copies, we'd
18 appreciate it.

19 MR. HERNANDEZ: Sure.

20 CHAIRMAN LYNN: Next item on the
21 agenda is staff, in addition to that, in addition
22 to the executive director position.

23 My sense of that, just at this
24 point, is that item may be a little premature
25 unless we want to talk in general terms about what

1 we have in mind for staff. Because I think other
2 than knowing that we need clerical support, or
3 office support for the executive director, that's
4 a given, I don't know what other internal staff we
5 may need.

6 It may be that we want to have that
7 discussion in concert with whoever is a successful
8 candidate for the executive director position.
9 But I'm open to any other points of view.

10 Ms. Minkoff.

11 COMMISSIONER MINKOFF: It seems to
12 me the additional staff we're going to need will
13 depend to a large part on who we hire as executive
14 director. If we hire someone as executive
15 director that's very experienced in media
16 relations, very experienced in public relations,
17 we may not need someone on staff. If we hire an
18 executive director with strengths in other areas
19 and this person is not experienced with media, we
20 may want to hire somebody, a director of media
21 relations, for the Commission. We just won't
22 know.

23 I would suggest that while I hate to
24 defer anything, because there is an urgency to
25 getting up and running, I don't know how we could

1 consider other staff until we know the strengths
2 of the person we're going to hire as executive
3 director.

4 CHAIRMAN LYNN: Other comment? If
5 not, without further objection, we'll defer
6 consideration of additional staff until we get
7 further down the road of hiring an executive
8 director.

9 Hiring outside counsel. We have a
10 process for hiring outside counsel I believe we
11 can talk about. Maybe we should start with that
12 process even though I know it's fair to say that
13 the Commission, at least the Chairman, I suspect
14 other members of the Commission, have already
15 received a number of resumes unsolicited from
16 individuals and firms who are seeking the job.

17 So maybe we ought to ask the
18 Department of Administration to tell us about the
19 process and then we can see how these resumes and
20 others may fit into that process.

21 MR. ADLER: I'd like to stand, I
22 guess.

23 I'm John Adler I'm with the State
24 Procurement Office.

25 CHAIRMAN LYNN: Mr. Adler.

1 MR. ADLER: Thank you for inviting
2 me.

3 I have also received some
4 applications, mostly e-mails, from interested
5 parties. I put those aside. You may have had a
6 chance to see the statute, A.R.S. 41-2538, which
7 deals with contracting of professionals such as
8 legal counsel. It's not quite the process that
9 you would normally associate with government
10 contracting. It's sort of a screening process
11 where you receive letters of application, resumes,
12 qualifying statements, proposals. It's evaluated
13 by committee, may be negotiations involved.
14 Eventually selection is made.

15 We're prepared to work with you on
16 an accelerated basis in the selection process.

17 The key elements is to give fair,
18 equitable opportunity to the community to compete
19 for this.

20 We would do that through our
21 website. We could post that very quickly. And it
22 gives us the opportunity to make a best value or
23 most advantageous selection of candidates and to
24 actually negotiate fees. And we could guide you
25 through this process.

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1 By the way, you would use a similar
2 process also for contracting for other services.
3 I noticed you were talking about a consultant
4 earlier, also. A similar process is used.

5 There are several challenges to
6 this. Normally a contracting process is done not
7 in public meetings, because interviews are done,
8 discussions, negotiations are done, evaluations
9 are done. There are ways to do that in public
10 meeting. It's kind of tricky. We've done it for
11 the State Juvenile Justice Commission for a grant
12 program.

13 If that's the desire of the
14 Commission, we can waive some of the requirements
15 of procurement and work with a process to do that.

16 It would involve some action in
17 executive session, though. That's a
18 recommendation, though.

19 You are looking for time. We are
20 prepared to do an accelerated process. We --
21 accelerated, I mean it would take about three
22 weeks. If you want to push it harder than that,
23 it makes it more challenging to get through the
24 evaluation process.

25 CHAIRMAN LYNN: Three weeks to what

1 point, John, three weeks --

2 MR. ADLER: Three weeks from the day
3 you come to us and say this is what we'd like to
4 do. If you make a decision today to go through a
5 contracting process, we can post it immediately,
6 this afternoon. I would say within three weeks,
7 we could have proposals for you to look at. We
8 would have a deadline for them to respond to.

9 COMMISSIONER ELDER: Yes. John, you
10 said "reviewed by committee." What committee?

11 MR. ALDER: I envision that to be
12 you, the Commission. If that is done that way,
13 your reviews would be public meetings. Next time
14 you meet would be a meeting of the Commission, or
15 if you had a subcommittee of the Commission, it
16 would be a public meeting law.

17 CHAIRMAN LYNN: If less than a
18 quorum, it's not necessarily an open meeting.

19 MR. ADLER: That would have to be a
20 question answered by someone knowledgeable on
21 public meeting.

22 CHAIRMAN LYNN: Joe?

23 MR. KANEFIELD: A subcommittee, the
24 open meeting does envision subcommissions, say
25 they are part of the Commission. Then there's the

1 other question of a quorum. I don't know the
2 answer offhand as to whether it is.

3 CHAIRMAN LYNN: Okay. I thought I
4 heard Commissioners say at a former meeting it was
5 their desire to review all applications. And I
6 think, I think unless I hear something different
7 this morning, I think we probably would want to do
8 that first, individually; but everyone review all
9 the applications and then probably come together
10 as a Commission for discussion, some of which may
11 take place in executive session, if it were
12 appropriate to do so, around negotiation of fees,
13 and that sort of thing. But the general
14 discussion about merits of applicants might very
15 well take place in an open meeting.

16 MR. ADLER: Yes, sir. We understand
17 that. That's something we can support.

18 The area we try to keep confidential
19 or have to keep confidential, if you do
20 negotiations, information in proposals open to
21 negotiations. You don't want to reveal from one
22 firm to the other what is going on.

23 But we can put together a plan for
24 you, or are putting together a plan for you, based
25 on criteria, I believe a letter from Mr. Bales.

1 CHAIRMAN LYNN: Yes, to you.

2 MR. ALDER: To us or to you,
3 describing criteria. We'd use that as a basis for
4 request for proposals. We'd also put in required
5 contractual requirements we would need for this
6 contract.

7 COMMISSIONER HALL: Have we seen a
8 copy of that letter?

9 CHAIRMAN LYNN: I don't know whether
10 you've seen a copy of that letter or not. I'll
11 make it available to you. I received a copy.
12 I'll get it to you.

13 In fact, I'll try to do that today.
14 I don't know if we have copying facilities
15 available in the building. I'll try to get it to
16 you today so you can review it.

17 I'd like to -- absent objection, I'd
18 like to get the clock moving and ask Mr. Adler to
19 begin the process of formally requesting and
20 getting applications for our counsel positions.

21 Ms. Minkoff.

22 COMMISSIONER MINKOFF: I'm concerned
23 about the length of time you say it will take for
24 this process versus the length of time it will
25 take applicants for an executive staff position.

1 Is three weeks essential? I'm not
2 sure how law firms work in developing these kinds
3 of proposals. Any way we can streamline the
4 process a little bit and cut some time out of it?

5 MR. ADLER: Yes, we can.

6 A procurement process of this nature
7 usually takes as long as 60 days. We anticipated
8 accelerating it. I can cut it down to as short as
9 you like. The issue comes in, complaints from the
10 community, not enough time, not enough time to
11 respond to this.

12 My theory always is the more time
13 you give them up to a certain reasonable point,
14 the better applications you get.

15 If you want to make that two weeks,
16 we could certainly cut it down to that.

17 CHAIRMAN LYNN: Mr. Huntwork?

18 COMMISSIONER HUNTWORK: Mr. Chairman,
19 being an attorney myself.

20 CHAIRMAN LYNN: You can't apply,
21 with all due respect.

22 COMMISSIONER HUNTWORK: I understand
23 that.

24 I also understand that attorneys can
25 submit applications very, very quickly. And I

1 would think we would want to allow no more time
2 for this than for the executive director
3 application so that we might be able to make those
4 key decisions, more or less, at the same time.

5 So 10 days to two weeks seems to me
6 to be an adequate amount of time.

7 CHAIRMAN LYNN: Okay. What I'm
8 passing down is the letter from Mr. Bales
9 outlining the qualifications.

10 Any other comments with respect to
11 this process?

12 Ms. Minkoff.

13 COMMISSIONER MINKOFF: In general,
14 I'm in support of Mr. Huntwork's statement.
15 However, I believe that both of these tasks are
16 going to take a considerable amount of time, might
17 not be done at the same meeting. It's very
18 possible we'll need to devote an entire meeting to
19 selecting an executive director and may need to
20 devote most of a meeting for selection of counsel.

21 While I'm comfortable with seven to
22 10 days for executive director, I'd be comfortable
23 allowing 10 days to two weeks for counsel. I
24 don't know.

25 CHAIRMAN LYNN: It's hard to know

1 until we know how many applicants and how we come
2 down on qualifications and abilities.

3 Mr. Hall?

4 COMMISSIONER HALL: Maybe I'm an
5 idealist. I hope we can somehow funnel through
6 this and have in the next meeting an opportunity
7 to listen to a pool of applicants, or whatever, or
8 interview, or whatever, of both positions, legal
9 counsel and executive director.

10 My concern is the time line that
11 Mr. Bales so graciously prepared for us. If we're
12 talking three weeks from today before we even get
13 that ball rolling, I just think it's going to be
14 difficult to hit the road running, especially once
15 we receive census data.

16 Is that unrealistic?

17 CHAIRMAN LYNN: Mr. Kanefield, you
18 may not be able to answer this off the top of your
19 head, but under open meetings, if every member of
20 the Commission were to receive applications in one
21 or the other of the categories, and they submitted
22 back to Mr. Hernandez their list of, let's say,
23 their idea of the top five, we'll use a number,
24 candidates from each pool, could then
25 Mr. Hernandez, based on the concurrence of those

1 lists, invite, if you will, finalists to join us
2 at a meeting and would that process violate open
3 meeting law?

4 And you can get back to me on that
5 one. But I'm just -- I'm trying to figure out if
6 that process would allow us to do our homework,
7 funnel it through our administrative support,
8 serving as what would -- the executive director
9 process would be if we had one, and then make it
10 easier for us to have those individuals or firms
11 represented at the next meeting and be able to
12 talk to them, engage them in questions, and make a
13 decision.

14 MR. KANEFIELD: I don't see a public
15 meeting problem with that proposal if what you are
16 doing -- essentially you are delegating to DOA the
17 task of screening, if the Commission is
18 comfortable doing that. No public action,
19 deliberation, is taking place as part of a quorum.

20 CHAIRMAN LYNN: Screening as
21 individuals.

22 MR. KANEFIELD: As individuals, not
23 a group. Delegating the task of screening your
24 comments to DOA. If you are comfortable, if the
25 Commission wants to make that delegation, I don't

1 see a problem.

2 CHAIRMAN LYNN: How does that sound
3 to you?

4 COMMISSIONER HALL: I agree with
5 you. It's probably better.

6 To formalize the process, why don't
7 we develop some form of evaluation sheet to attach
8 to each application where we're all providing
9 consistent evaluation of every application?

10 CHAIRMAN LYNN: I suggest we use
11 criteria in that letter not everyone has read.
12 The criteria is fairly clearly outlined in terms
13 of what we need to do.

14 COMMISSIONER MINKOFF: Is that for
15 counsel or the executive director?

16 CHAIRMAN LYNN: This is counsel.
17 The job description for executive director would
18 serve the same purpose.

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: If I
21 understand the suggestion, we each -- say I want
22 to talk to this person, so no other action is
23 taken. The other four don't somehow veto
24 considering the applicant that one of us feels
25 strongly about.

1 CHAIRMAN LYNN: No. I didn't
2 necessarily suggest that. But we can do that as
3 well. What I was trying to do is get the list
4 down to a manageable number so at a meeting we
5 consider the entire body of those applicants,
6 whether for the executive director position or the
7 counsel position. What I was suggesting was if,
8 on review of -- and let's just pick one. Let's
9 take the counsel applicants. I as an individual
10 look at all of those counsel applications. And
11 I'm in a different position from each of you
12 because I'm in an independent position. My list
13 would probably have some of each, and yours may as
14 well, firms that are known to be or I know to be
15 aligned with one party or another, for the sake of
16 argument. There may be some that are truly
17 independent. We'll see. And my list to
18 Mr. Hernandez would be my top X number, whatever
19 it is. You make the same list for you. I was
20 asking if there was any convergence, that is to
21 say any time my list and some other commissioners
22 listed the same name on it, so there were at least
23 two commissioners who felt they would like to
24 interview that person, that would be enough to get
25 it down to a manageable number, two or more.

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1 If we started with individuals, it's
2 conceivable that we could have a much longer list.
3 And if you want to do it that way, it's fine. I
4 think it would need to be more than one.

5 COMMISSIONER HUNTWORK: Mr. Chairman,
6 I -- you are suggesting sort of the Heisman Trophy
7 candidate system. I think that is very useful.
8 But I can't imagine having more than one or two
9 people that I would feel strongly enough about
10 that I would personally want to insist they be on
11 the list and give my colleagues an opportunity to
12 talk to them. I can't imagine that if we have the
13 additional understanding that we could say -- we
14 could specify I want us to give further
15 consideration to this firm or to this lawyer, I
16 can't imagine that that would be a big problem.

17 CHAIRMAN LYNN: Mr. Elder?

18 COMMISSIONER ELDER: Mr. Chairman,
19 could we add into the selection process, or
20 ranking, or listing a, whatever you want to call
21 it, a trump, "I want" as Commissioner, have each
22 Commissioner have at least one preemptive "I want
23 this person to be in here to interview" with the
24 other three people or firms that appear to be
25 qualified?

1 CHAIRMAN LYNN: I think we can do
2 anything we want.

3 Again, I'm just trying to have it be
4 a manageable number rather than a two-day
5 marathon.

6 If I take Mr. Huntwork's comments,
7 at least his process, speaking only for him, he
8 will narrow the list of applicants down to the
9 very, very top of his choices, then I don't know
10 any reason that if we each did that that we would
11 have too many to interview. I buy that as a way
12 to get that done. And then whatever the list is,
13 it be given to Mr. Hernandez, and he could -- and
14 there would probably be some overlap just by
15 virtue of meetings of the mind that took place
16 individually, that we would have a reasonable
17 number to look at.

18 COMMISSIONER HALL: We haven't done
19 anything official and I have three names in front
20 of me.

21 CHAIRMAN LYNN: Only three?

22 COMMISSIONER HALL: Right.

23 CHAIRMAN LYNN: I'll share some
24 others with you, many of whom are here today.

25 COMMISSIONER HALL: That is my

1 point. Thank you.

2 I think that there are going to be
3 more applicants. And I agree with that
4 assessment. And I would tender a motion that we
5 each, individually, evaluate any and all
6 applications based upon this letter and make a
7 recommendation of our top three, funnel it back to
8 them, and by the next meeting, then, we have an
9 opportunity to listen to approximately 12
10 applicants.

11 CHAIRMAN LYNN: Let me ask --

12 And Joe has some updated information
13 as to whether we can do this. We better hear this
14 first before we go further.

15 I understand you made a motion. If
16 you hold that off a second.

17 MR. KANEFIELD: I've just spoken to
18 one of the open meeting law experts in the state.
19 This is probably something for review further.
20 Arguably if reviewing for further vote of the
21 Commission, even if not getting together, voting,
22 giving direction, giving votes to third parties
23 not familiar -- even though -- it could be the hub
24 and spoke, or whatever you call it.

25 My specialty is not open meeting

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1 law. Other things prohibit that.

2 My recommendation is do it in
3 another meeting, get together, select, make the
4 selection. Even if you have to call a specific
5 meeting for that purpose, do it in open meeting.

6 CHAIRMAN LYNN: Do it in open or do
7 it in executive session since it's discussion of
8 personnel?

9 MR. KANEFIELD: Your call.

10 COMMISSIONER HALL: Can I amend my
11 motion?

12 CHAIRMAN LYNN: Hang on one second.
13 I want to be clear.

14 Do you want more time to check that
15 out or is that your recommendation at this point
16 we do it in a meeting open or part of executive
17 session?

18 MR. KANEFIELD: I'd be happy to
19 check it out, if you like. My recommendation is
20 do things in open as much as possible or have a
21 posted meeting so there's no question whatsoever.
22 Since is a Commission, you could go into executive
23 session, since it is personnel issue, upon vote of
24 a quorum.

25 CHAIRMAN LYNN: I understand and

1 it's the desire of every member of this
2 Commission, I want to make it clear, to do as much
3 of the Commission's business in open session as
4 possible.

5 I think this may be, only speaking
6 for myself, we may wish to discuss some aspects of
7 the applicants in an executive session.

8 MR. KANEFIELD: True.

9 CHAIRMAN LYNN: Obviously reconvene
10 to have any action that needs to be taken.

11 Mr. Adler, may I hear from you, your
12 help on the process?

13 MR. ADLER: If I could shed a little
14 light on that. The -- when you receive proposals,
15 when you collect proposals, you are likely to get
16 anywhere from 10 to 50 offers. Judging by the
17 interest I've heard so far, I would think it would
18 be closer in the neighborhood of 20 to 30
19 different offers.

20 You are looking for individual
21 qualifications for your legal counsel. These
22 offers could be rather large. We'll try very hard
23 to keep this down to essential data you can
24 analyze. However, offerers, unless lawyers are an
25 exception, tend to provide you as much paper as

1 they possibly can to tell you how great they are.
2 We'll try to do something to keep that down to a
3 minimum and keep it to essential information.

4 There is a requirement for public
5 meeting. There is no requirement you read
6 proposals in public meeting. You can take them
7 back and read them yourselves.

8 CHAIRMAN LYNN: We understand
9 individually we can review applications outside of
10 the meeting forum.

11 MR. ADLER: You can also make notes
12 on those in private. You can also score those,
13 not voting on them, analyzing those, and giving
14 some sort of equality rating. Then you can
15 assemble, go into executive session, if that is
16 required, or go into meeting, and make your
17 recommendations or your vote. That -- I think
18 that process would work for you.

19 Okay. Mr. Huntwork?

20 COMMISSIONER HUNTWORK: I was simply
21 going to comment that if this is at all a gray
22 area, especially with regard to selection of
23 counsel and executive director, we should err on
24 the side of being in the pure white.

25 CHAIRMAN LYNN: Absolutely.

1 COMMISSIONER HUNTWORK: I suggest
2 doing it at a subsequent meeting.

3 CHAIRMAN LYNN: Mr. Hall then
4 Ms. Minkoff.

5 COMMISSIONER HALL: Go ahead, Andi.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Seems to me
8 in dealing with the issue of counsel, there is a
9 relatively easy solution. Our next meeting
10 probably will be to spend considerable time
11 determining who the executive director is going to
12 be. At the end of that meeting, we could take a
13 short time and look at the applications that we've
14 received for counsel and narrow them down and
15 determine who we want to talk to at the following
16 meeting.

17 Q. My concern is how we narrow down the
18 executive director applicants for that first
19 meeting. And I'm wondering, is there any way to
20 have a public meeting that we do by video
21 conferencing or anything of that sort? Because we
22 don't live that close to each other. And to bring
23 everyone in for a relatively short meeting just to
24 narrow down a pool to maybe a dozen people we
25 maybe want to talk to seems rather cumbersome.

1 Can we do this in a public way so
2 the public can watch us without making everybody
3 drive in from all over the state?

4 CHAIRMAN LYNN: The answer is yes.
5 Facilities are primarily afforded at Northern
6 Arizona University or one of the other
7 universities, remote sites. I know they have a
8 remote site in the White Mountains. I know they
9 have a site in Tucson, and know they have a site
10 in Phoenix, which would cover us. I would also
11 assume that the site in Phoenix might be large
12 enough so that would be the point, as well as
13 other points, where we could notice the meeting.
14 And those who wish to be there from the public
15 could be there.

16 It's feasible, possible, and also
17 legal under the open meeting law, as I understand
18 it, as long as properly noticed and all locations
19 are clearly made available to the public. That is
20 a possibility.

21 Mr. Hall.

22 COMMISSIONER HALL: What if we did
23 this: What if we receive all the applications,
24 review them individually, come to this meeting,
25 come to our next meeting, and identify every name.

1 And on a vote of three or more, that name stays on
2 the list. Then with that list we provide an
3 opportunity for whoever remained on the list to
4 speak, present themselves for a limited time,
5 about three to four minutes. We then have
6 opportunity to go to executive session, review
7 those applicants, and then make a determination
8 that -- if we would like to do a more extensive
9 interview subsequent to funneling to that point.

10 Worst case scenario, 50 applicants
11 come in here and we all agree that we're going to
12 vote on those 50 and only the ones that cleared
13 the list stay, are those that get three or more
14 votes, allow for public input. Then we have an
15 opportunity to discuss those in executive session.
16 And then subsequently we then go to the three
17 finalists, or something, interview them, and make
18 a determination in a public meeting.

19 COMMISSIONER ELDER: Mr. Hall, is
20 that all in one meeting or are you talking about
21 doing the screening, asking three to five?

22 COMMISSIONER HALL: I'm saying we
23 all review it on our own. Then in public meeting
24 we publicly: The name is, vote. Joshua Hall,
25 they say, we vote. If there's three votes, they

1 state on the list, the name stays on the list. If
2 not, it falls off the list. And do a quick
3 funnel, if you will, of the list, a quick
4 reduction. And then from those that are left we
5 have an opportunity to, if they are here, to let
6 them make public comment and go into and try to do
7 something more.

8 COMMISSIONER ELDER: I guess, in my
9 opinion, that seems unreasonable if we do have a
10 pool of 50, to ask 50 people to show up --

11 COMMISSIONER HALL: I understand.
12 I'm saying if they want to, they can. If they
13 don't want to, they can. Totally up to them.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Hall put
16 his finger on a very good point, though. It may
17 take two meetings. But I think that what
18 Ms. Minkoff was suggesting was have first one by
19 teleconference, so we do the winnowing down
20 quicker, then have a second subsequent one where
21 we could invite the individuals. I guess we're
22 stuck with that for the reason that Mr. Hall has
23 identified.

24 CHAIRMAN LYNN: I'm not sure the two
25 can't work together. The first part of the

1 process can be done by teleconference. My
2 assumption is all executive director candidates
3 will be from Maricopa County, just because that's
4 where the job is. May not be. That's fine.
5 Obviously they need to be willing to staff the
6 office, we'll be here, wherever we decide that
7 office will be.

8 Most of the applicants, if not all
9 of them, will be, I think, easily able to get to
10 one of the sites where the teleconference would be
11 and make themselves available, if they chose to.

12 Under Mr. Hall's scenario, they
13 wouldn't be required. If they happened to be
14 there, wanted to be heard, they could be.

15 COMMISSIONER HALL: I think the
16 teleconference idea, I'm the furthest away. I'm
17 happy to drive. It complicates the matter. I
18 just say -- you guys have to come an hour and a
19 half. I just say we meet, make it happen. And I
20 would suggest a similar process for both
21 positions. Evaluate one. I'm assuming there are
22 parties, for example, sitting in the audience now
23 that would like to apply for one of these
24 positions.

25 I think at some point now,

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1 considering the application, we'd be sitting down,
2 looking on paper. It's nice to say --

3 Another alternative, open up the
4 meeting initially to public comment. Anyone gets
5 up to speak who wants to speak. You have an
6 application in front of you, introduce myself,
7 look at my face, then do initial weeding down and
8 from that final list go into executive session.

9 CHAIRMAN LYNN: Another possibility
10 comes to mind is structure a meeting so we might
11 begin a meeting in the afternoon of one day to do
12 the first part of the process with the clear
13 understanding that we would reconvene the next
14 morning to do the second half. Applicants would
15 know of the process and time line so they would at
16 least be on standby if selected in on day one that
17 they'd need to be available day two, take care of
18 it that way. Meet in the afternoon to do
19 prescreening. Meet the following morning to hear
20 applicants.

21 COMMISSIONER ELDER: Perfect.

22 CHAIRMAN LYNN: Go on with the
23 process.

24 COMMISSIONER HALL: I know the
25 Appellate Court Commission took 311 applicants for

1 this to a pool of 25 in one day. I would hope
2 that we --

3 CHAIRMAN LYNN: I'm sure many would
4 argue that process might have taken longer and
5 yielded a different result.

6 Having said that -- having said all
7 of that, let's --

8 COMMISSIONER HALL: Nevertheless,
9 let's move on with our process.

10 Regardless of what the decision was,
11 I think we can do it in one day.

12 CHAIRMAN LYNN: Mr. Elder.

13 COMMISSIONER ELDER: Mr. Adler, I
14 deal with a different genre than attorneys. Is
15 there a 254, 255 standard form for attorneys, or
16 the way we turn in a 254, 255, and you say limit
17 your personal statement to two pages, so we could
18 have that at the front? I know from reviewing,
19 some reviewers say if you take the boilerplate,
20 tear off, that's apples and apples. If I want to
21 read more about a person, you have the
22 supplemental. For qualifications, quick screen
23 two, three, four --

24 MR. ADLER: I'm familiar with the
25 254, 255, used for architecture services. I wish

1 it was that easy.

2 The process the State uses to
3 contract architects and engineers is much
4 different than lawyers. Architects and engineers,
5 you cannot consider price until you make a choice.
6 Lawyers, you can consider price before you make a
7 choice. I always found that distinction
8 interesting.

9 COMMISSIONER ELDER: I object.

10 MR. ADLER: I can prepare for you,
11 with criteria you're looking for, I can prepare
12 for you somewhat an application type process.

13 I do want to make it clear, thank
14 you for reminding for me, Claudia, the process
15 recommended today does require a waiver of
16 statutes.

17 Normally under procurement laws
18 you're required to advertise to the public in the
19 newspaper and general circulation such and such
20 for a period of time, the normal procurement
21 process as required under the statutes.

22 CHAIRMAN LYNN: I drafted a letter
23 to ask for a waiver.

24 MR. ADLER: We are going to
25 provide --

1 It will require a waiver. And there
2 certainly has to be justification to do that.

3 In addition to that, the public
4 meeting issue and other issues are going to have
5 to be handled under that waiver.

6 We are going to some sort of hybrid
7 process for you to do this. The ultimate goal is
8 to get that lawyer, legal counsel, most
9 advantageous at the most reasonable price; and we
10 certainly will lead you through that effort.

11 COMMISSIONER HALL: While you are
12 standing, do you have any comment relative to the
13 discussion we've had with respect to how to weed
14 down and get to the heart of the matter?

15 MR. ADLER: Yes, sir, I do. We face
16 this all the time.

17 We usually do initial screening of
18 proposals, make sure they are susceptible for
19 award of a contract. If there are some obviously
20 not susceptible, for instance, somebody not yet a
21 not lawyer that says I could still provide legal
22 counsel, for example, we'd definitely set those
23 aside, advise you of those, but would not want you
24 to spend a lot of time reading.

25 CHAIRMAN LYNN: You notice we didn't

1 set a prescreen for education on attorneys.

2 Probably should do that.

3 MR. ADLER: I think we can make some
4 assumptions there, if we can.

5 As far as a screening process goes,
6 we'll make these available to you. And we'll also
7 give you some sort of evaluation form you could
8 use to make your comments and everything else.
9 Hopefully, if everything works the way it should
10 in this process, the choices will become pretty
11 clear to you.

12 You have pretty clear evaluation
13 criteria already sent out. Mr. Bales has done a
14 fine job in his letter laying out qualifications
15 and criteria. And using that as your guide, I
16 don't foresee a major problem. I think you'll
17 have a short list of candidates to interview. And
18 I think that will come pretty easy to you.

19 Does that answer your question?

20 COMMISSIONER ELDER: It does.

21 Question, and this may be for
22 Mr. Kanefield as well as you, do you have a
23 network capability beyond the web for soliciting
24 proposals?

25 MR. ADLER: Yes, sir, we will. We

1 will send out -- I have -- I didn't check the
2 numbers. There are several hundred lawyers that
3 have registered with the State of Arizona to be
4 notified. And we will be sending them a
5 notification right away. In addition, if you have
6 recommendations, we'll include those. And
7 finally, we'll contact the Attorney General's
8 Office who also maintains a list; and we'll get it
9 out to them.

10 COMMISSIONER ELDER: I think where I
11 was going, if there are any community groups,
12 agencies, that wish to have their preferred or
13 their people submit, that there is a way of either
14 having them, say, either send a request for
15 proposal to us we can disseminate to our groups.

16 MR. ADLER: Yes, sir. We, under our
17 procurement laws, we're required to give everyone
18 an opportunity to compete that asks for the
19 opportunity. We'll be notifying like the ABA of
20 this opportunity. They'll further distribute
21 information. I imagine this will be in the paper
22 tomorrow. Although not a legal advertising, most
23 everybody will be aware of what is going on.

24 COMMISSIONER ELDER: The corollary
25 to that goes to Mr. Kanefield. Selectively,

1 because I'd like to have this submitted to me, we
2 submit, does it run into a legal problem because
3 we didn't have it submitted to somebody else?

4 MR. KANEFIELD: If somebody asks for
5 an application, there's no problem.

6 COMMISSIONER ELDER: I guess
7 Mr. Perez and Gallard are here, specifically have
8 asked, and say we should consider. I request they
9 say to your constituents: If you are qualified,
10 make an application. I'd like that to be
11 something they can actively do.

12 MR. KANEFIELD: Sure.

13 COMMISSIONER ELDER: Do we take a
14 risk, didn't have a contact from who knows what
15 group, they come back in three weeks, four weeks,
16 we're making a decision, no, we didn't have fair
17 access to the process? Is it open enough, fair
18 enough, we don't expose ourselves to being
19 selective?

20 MR. KANEFIELD: That's a tough
21 question to answer. If you take John's
22 recommendations, reach out to as many as you can,
23 including minority groups, bar associations,
24 whatnot, I think there's less of a risk of any
25 challenge on that.

1 COMMISSIONER ELDER: Totally
2 accessible from some method.

3 CHAIRMAN LYNN: I think there's
4 already considerable discussion in the legal
5 community of this process and these openings. So
6 clearly those who have interest are already
7 discussing it among themselves.

8 Some have taken the step of
9 providing information, already. Others will
10 certainly do that as the process moves forward.

11 To your point, Mr. Elder, I think
12 for all those who have a point of view about how
13 this process ought to be inclusive, that they take
14 it upon themselves to share that information with
15 those people qualified to serve so we do have a
16 rich pool of applicants from which to select.
17 Okay?

18 Other comments from the
19 Commissioners?

20 Mr. Huntwork.

21 COMMISSIONER HUNTWORK: Getting back
22 to how we do this a little bit, number one, I
23 think it is important we have public comment,
24 certainly, before we make a selection. It might
25 be appropriate to have some public comment before

1 we begin the narrowing down process. And
2 secondly, in order to assure us of time to be --
3 pursue a careful process, I like your idea of
4 dividing it into two days. It gives us plenty of
5 time to talk and consider among ourselves and then
6 invite those we wish to talk to and give them an
7 opportunity to actually come and speak to us and
8 have enough time to interview them carefully.

9 CHAIRMAN LYNN: Ms. Minkoff?

10 COMMISSIONER MINKOFF: I'm
11 wondering, if we're going to a two-day meeting,
12 which I think is an excellent idea, if we can deal
13 with the executive director and outside counsel at
14 the same time, have the first day of the meeting
15 to be screening and narrowing down for both
16 positions and the following day, possibly those
17 people we want to interview for the executive
18 director's position, do that in the morning, a
19 rather long session, start earlier. We're not
20 dealing with people driving in from outside the
21 city. We're all here. Begin earlier in the
22 morning, interview people we want to talk to for
23 executive director in the morning and possibly
24 begin the process of selecting outside counsel in
25 the afternoon.

1 CHAIRMAN LYNN: Certainly possible.

2 COMMISSIONER MINKOFF: And go home
3 exhausted.

4 CHAIRMAN LYNN: Certainly possible.

5 COMMISSIONER MINKOFF: That's
6 probable.

7 CHAIRMAN LYNN: Mr. Elder.

8 COMMISSIONER ELDER: Mr. Huntwork,
9 being an attorney, seems like I sat on a jury and
10 attorneys' calendars were inevitably a problem.
11 Will we be able to request somebody, if they would
12 like to speak, be here the next day and actually
13 get a response?

14 COMMISSIONER HALL: Depends how bad
15 they want the job.

16 COMMISSIONER HUNTWORK: There's a
17 risk you wouldn't be able to with attorneys when
18 you have court dates that they can't change, for
19 example. But I think if we indicate the date on
20 which we're going to do this in advance, at least
21 it would give interested parties an opportunity to
22 clear their calendars so we will have done the
23 best that we could.

24 CHAIRMAN LYNN: What I'm hearing is
25 a sense of the Commission that to the extent

1 possible, we combine the executive director search
2 and counsel search; that we do the screening in
3 public meeting on a day and then recess until the
4 following day when the process would continue, to
5 the extent possible, to then interview the
6 finalists for each of the positions and to perhaps
7 reach some conclusion on all of them at the same
8 time or on the same day.

9 If that's the sense of the
10 Commission, I'll take a motion that outlines that
11 process.

12 COMMISSIONER MINKOFF: Mr. Chairman,
13 I move we schedule a two-day meeting far enough in
14 the future that we have applicants for both the
15 executive director's position and outside counsel
16 position; that we use the first day to screen
17 those applicants and determine those we wish to
18 interview; that we conduct those interviews on the
19 second day and make a decision at that time.

20 CHAIRMAN LYNN: Is there a second?

21 COMMISSIONER ELDER: Second.

22 CHAIRMAN LYNN: Discussion?

23 COMMISSIONER HALL: Do we want to
24 make any specification of how we're going to
25 screen?

1 CHAIRMAN LYNN: What I'm hearing is
2 on both -- and again, this is an assumption, not a
3 conclusion. With respect to the screening, I
4 think the job description allows itself to be
5 reconfigured into a scoring sheet based on the
6 kind of things we're looking for for the executive
7 director.

8 I think Mr. Bales' letter outlines
9 the qualifications for legal counsel which also
10 lend themselves to a scoring sheet, if you will,
11 or at least an evaluation sheet, which would
12 assess each candidate's ability in those areas.
13 And I suggest we use those for our own individual
14 screening and give ourselves some communality in
15 terms of how we address the applications.

16 COMMISSIONER HALL: I'm referring
17 to, Mr. Lynn, in the public meeting, I wonder if
18 you wanted to amend the motion, be screened via
19 number of votes or --

20 CHAIRMAN LYNN: In fact, I didn't
21 hear objection to --

22 COMMISSIONER HALL: Majority vote.

23 CHAIRMAN LYNN: Didn't hear
24 objection if someone got three votes to be
25 interviewed --

1 COMMISSIONER HALL: Need to specify
2 number of finalists, recommend a specified number
3 of finalists to the second day, maximum of five,
4 something to that effect? I'm open. I don't
5 think we want to take 10 apiece, do we, or --

6 CHAIRMAN LYNN: What is your
7 pleasure?

8 COMMISSIONER MINKOFF: I think it's
9 reasonable to limit applicants for executive
10 director to five and interview those five.
11 However, we're going to be hiring two counsel, not
12 one. We might need to expand that pool when
13 dealing with maybe 10, five Democrats, five
14 Republicans, or three Democrats, three
15 Republicans.

16 COMMISSIONER HALL: I'd vote for the
17 latter, five, three, three.

18 CHAIRMAN LYNN: Five, three, three.

19 COMMISSIONER HALL: Okay.

20 CHAIRMAN LYNN: Want to offer that
21 as an amendment?

22 COMMISSIONER HALL: Yes.

23 COMMISSIONER MINKOFF: I'll second
24 the amendment.

25 CHAIRMAN LYNN: We have a second for

1 the amendment.

2 We have a process, and we have a
3 time frame.

4 Mr. Huntwork?

5 COMMISSIONER HUNTWORK: When are we
6 going to include public comment in the process?

7 CHAIRMAN LYNN: Public comment on
8 applicants?

9 COMMISSIONER HALL: The first day.

10 CHAIRMAN LYNN: And/or at the
11 beginning of the second day or after we've heard
12 interviews.

13 COMMISSIONER HUNTWORK: Both times?

14 CHAIRMAN LYNN: Every meeting, all
15 issues. If the public wishes to comment, make
16 comments known on applicants in the pool the first
17 day before votes, they'll have an opportunity;
18 second day, both before and after the interviews,
19 they can certainly weigh in.

20 COMMISSIONER HALL: And are -- you
21 indicated initially the first day may be a half
22 day. Are we proposing two full days?

23 CHAIRMAN LYNN: I thought the
24 screening process, we'd be voting on a list, if
25 you will, of applicants trying to get anyone with

1 three or more votes in a pool.

2 COMMISSIONER HALL: Right.

3 CHAIRMAN LYNN: Could be done in an
4 afternoon. I think that would probably be done on
5 a number we have to vote on and in fact we might
6 be doing both at the same time.

7 COMMISSIONER MINKOFF: Also will
8 depend on the amount of public comment we have.
9 Certainly we need to allow as much time for that
10 as it takes.

11 CHAIRMAN LYNN: I was just speaking
12 as someone who doesn't live here.

13 COMMISSIONER MINKOFF: Your loss.

14 COMMISSIONER HUNTWORK: But we could
15 work late.

16 CHAIRMAN LYNN: Yeah.

17 COMMISSIONER HUNTWORK: We could
18 start late. If it was a full afternoon, work
19 until 10:00 o'clock at night, especially since
20 we're all stuck in Phoenix, anyway.

21 COMMISSIONER MINKOFF: Don't say
22 "stuck."

23 CHAIRMAN LYNN: He lives here.

24 COMMISSIONER ELDER: Would it be
25 fair or reasonable to limit the comment to five

1 minutes, ten minutes, three minutes, or something
2 like that?

3 COMMISSIONER MINKOFF: Per person.

4 COMMISSIONER ELDER: Per person, so
5 we don't get an oration of two hours on a favorite
6 candidate.

7 COMMISSIONER MINKOFF: Certainly.

8 CHAIRMAN LYNN: As amended, there's
9 a motion on the floor.

10 Any further discussion?

11 COMMISSIONER ELDER: Call the
12 question.

13 CHAIRMAN LYNN: The question has
14 been called for.

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

17 (Vote taken.)

18 CHAIRMAN LYNN: Opposed, no.

19 Motion carries unanimously.

20 Mr. Adler, we have a process in
21 place which necessitates, I guess, I begin the
22 process by sending the letter to Ms. Garcia
23 requesting a waiver of the statute. I have one to
24 you. I guess I need one addressed to someone
25 else, Christine Garcia.

1 MR. ADLER: We'll take care of that.

2 CHAIRMAN LYNN: In fact, if you get
3 on the phone and draft something so I can sign it
4 today, we'll get the process on the road and
5 moving.

6 COMMISSIONER HALL: I'm safe to
7 assume, Mr. Chairman, we'll arm wrestle about the
8 date --

9 CHAIRMAN LYNN: Absolutely, when we
10 get to next meeting dates.

11 COMMISSIONER HALL: Are we -- are we
12 limited to 10 days, fly with that?

13 CHAIRMAN LYNN: I think that's the
14 accelerated process. We heard from everyone
15 that's sufficient time to disseminate information,
16 get people interested to comply, and get
17 information back.

18 MR. ADLER: One question. You said
19 to bring something back for signature. Is that --
20 what are you referring to, sir?

21 CHAIRMAN LYNN: Just the letter of
22 waiver I have to sign requesting the waiver of the
23 statute to do it this way.

24 MR. ADLER: Okay. We will actually
25 give you a waiver letter that says we have waived

1 that.

2 CHAIRMAN LYNN: Oh. I don't have to
3 request it?

4 MR. ADLER: We'll work out the
5 details. It's your process. I'm only trying to
6 help.

7 CHAIRMAN LYNN: Thank you,
8 Mr. Adler, Ms. Smith. Thank you very much. I
9 appreciate your help.

10 And in the interim, if --
11 communication probably would be best at least
12 copied through Mr. Hernandez if not delivered to
13 him. I want to make use of his good offices to
14 coordinate information. He can then disseminate
15 any communications to all of us.

16 MR. ADLER: We will communicate
17 through Bill. We know him.

18 CHAIRMAN LYNN: Good. Terrific.
19 Thank you.

20 Let's see if we can dispose of the
21 last part of this item before we take a break, and
22 that would be space.

23 I believe last time we designated a
24 committee of two, seated to my far left, and
25 although others looked at the space, the committee

1 was charged with the idea of looking at the space.

2 I'd like to hear a report from the committee.

3 COMMISSIONER MINKOFF: How about two
4 reports?

5 CHAIRMAN LYNN: Oh, a minority
6 report?

7 COMMISSIONER MINKOFF: No. Two
8 majority reports.

9 COMMISSIONER ELDER: Just can't shut
10 those two up.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 COMMISSIONER MINKOFF: He's a
13 lawyer. I'm a woman. And both of us like to talk
14 a lot.

15 CHAIRMAN LYNN: I'm not commenting
16 on either one.

17 COMMISSIONER MINKOFF: Actually, we
18 looked at the space at 1400 West Washington, and
19 believe that it could work. But as Mr. Huntwork
20 said at the last meeting, he never takes the first
21 thing that he's offered. That seemed to make some
22 sense.

23 We both made some calls to try to
24 find out what was available in the private sector
25 that might work. When I made some calls, I kept

1 in mind the cost of the space that was being
2 provided to us by the State of Arizona and
3 certainly didn't want to spend any more than that
4 in the private sector. And I did find one
5 possibility that I think is greatly inferior to
6 what was offered to us by the State of Arizona.
7 It's near 43rd Avenue and Glendale. It's a
8 smaller space. It's actually two contiguous
9 spaces, a door going through.

10 CHAIRMAN LYNN: Let's not spend a
11 lot of time.

12 COMMISSIONER MINKOFF: No meeting
13 space adequate in the building.

14 If that's what is available in the
15 private sector, based on my research, I felt what
16 was offered to us by the State of Arizona was far
17 superior. It also has the advantage of a number
18 of hearing rooms in that building so we can find a
19 home for our hearings instead of being nomads and
20 be relatively close to our offices.

21 CHAIRMAN LYNN: Thank you.

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: I have not
24 much to add to that.

25 I made several calls to commercial

1 brokers. I was willing to consider spending more;
2 but in actuality we can't get anywhere near the
3 same flexibility for anything close to the price.
4 The only possibility would be if there were other
5 State --

6 CHAIRMAN LYNN: State offices.

7 COMMISSIONER HUNTWORK: -- State
8 offices perhaps not in the basement, which is the
9 only aspect of this that I really don't like.

10 So when we ask that question, any
11 possibility we might be able to rearrange a few
12 things and find some space not subterranean?

13 CHAIRMAN LYNN: Mr. Patterson?

14 COMMISSIONER MINKOFF: Something
15 that has a window?

16 MR. PATTERSON: The other
17 possibility I mentioned briefly is a satellite
18 facility at 1651 East Morten. I checked and there
19 is 2,000 square feet available there. That of
20 course off the Capitol Mall, in North Phoenix,
21 between Glendale and Northern off 16th Street.
22 And that space is not as ready as the space you
23 looked at at 1400. It could be unconfigured,
24 could do tenant improvement in there.

25 COMMISSIONER MINKOFF: How large?

1 MR. PATTERSON: 2,000 square feet.

2 COMMISSIONER MINKOFF: Meeting area
3 accessible?

4 MR. PATTERSON: One meeting room
5 suitable for 30 to 40 people that belongs to, is
6 dedicated to another agency, but could be
7 available on a scheduled basis.

8 CHAIRMAN LYNN: I mean, from my
9 perspective, this is a temporary home. By the end
10 of the year, or shortly thereafter, it will revert
11 to other space. I think for our purposes, it is
12 more than adequate, even though it is
13 subterranean. In the summer that will be a
14 blessing, I'm sure, better insulated.

15 I mean from my perspective, let's
16 just go with the 1400. Let's begin to get phone
17 numbers and fax numbers and other -- and addresses
18 out to people so that they can adequately
19 communicate with the Commission and we can
20 communicate with them. That would be my
21 recommendation.

22 Ms. Minkoff?

23 COMMISSIONER MINKOFF: The other
24 thing is the space, except two enclosed offices,
25 is really just open.

1 CHAIRMAN LYNN: Right.

2 COMMISSIONER MINKOFF: Is going to
3 need some TIs.

4 CHAIRMAN LYNN: We know that.

5 COMMISSIONER MINKOFF: Mr. Patterson
6 said they were readily available relatively
7 inexpensive.

8 CHAIRMAN LYNN: Yeah.

9 COMMISSIONER MINKOFF: Probably need
10 to hold off on that until we know the staff
11 complement.

12 CHAIRMAN LYNN: We know the staff,
13 director will occupy one of the two offices.

14 COMMISSIONER MINKOFF: Exactly.

15 CHAIRMAN LYNN: That's ready. Until
16 the rest of the staff complement is on, things are
17 taken care of. What we can begin doing is
18 ordering phones, have those installed, begin the
19 procurement process on equipment we will need, fax
20 and others. We can do all of that if we have an
21 address.

22 So, Mr. Hall?

23 COMMISSIONER HALL: Therefore, I
24 restate my motion last meeting we accept the
25 space, further appoint Mr. Elder, who is an

1 architect, to work with Mr. Patterson with respect
2 to the internal structure, et cetera, et cetera.

3 CHAIRMAN LYNN: I want everyone to
4 know Mr. Elder is serving without compensation as
5 a consulting architecture.

6 COMMISSIONER ELDER: No 255, no
7 254 --

8 CHAIRMAN LYNN: Not even a \$1.55.

9 COMMISSIONER HALL: Can't consider
10 fee until we hire him.

11 CHAIRMAN LYNN: I've already
12 considered it, believe me.

13 Is there a second to Mr. Hall's
14 motion?

15 COMMISSIONER MINKOFF: Second.

16 CHAIRMAN LYNN: Discussion?

17 COMMISSIONER MINKOFF: I just have a
18 question. When we looked at the space, we
19 recognize that the entrance to the space was
20 really kind of forbidding.

21 MR. PATTERSON: Yes.

22 COMMISSIONER MINKOFF: We wanted to
23 change that. Can we get started on that or wait
24 and do everything at once?

25 MR. PATTERSON: Yes.

1 CHAIRMAN LYNN: We have finished
2 drawings that will help you.

3 MR. PATTERSON: We can do that right
4 now.

5 COMMISSIONER HALL: Mr. Chairman,
6 there's a hand out in the audience.

7 CHAIRMAN LYNN: Oh, Ms. Hauser.

8 MS. HAUSER: Mr. Chairman, I
9 understood the County Supervisors Association has
10 a brand-new building just west of the Capitol.
11 They are looking for tenants. I understood
12 someone was going to be contacting you about that.

13 CHAIRMAN LYNN: Didn't happen.

14 MS. HAUSER: You didn't get that
15 information. I wanted to at least mention there
16 may be other space out there. I know nothing
17 about the cost. I only know it's about 2,400
18 square feet. It's also accessible to the tower.
19 It's right on 19th Avenue just west of the capital
20 tower. So if checking out anything else is of
21 interest to you, you might want to check that out.

22 CHAIRMAN LYNN: I appreciate that
23 information. I'm more interested in moving in
24 than other interests.

25 Mr. Huntwork.

1 COMMISSIONER HUNTWORK: I want to
2 focus on time for one more minute. I understand
3 the desire to get letterhead, and so on. Until we
4 have the office open, we can't really receive --
5 can't receive mail there anyway. Phones can't
6 be --

7 CHAIRMAN LYNN: Not true. We have
8 someone to collect mail, and other things, as long
9 as there's an address we can give people. We can
10 start tomorrow. That's the point. Me, I want to
11 move as much of the administrative oversight into
12 that office with Mr. Hernandez providing that
13 staffing until we get a permanent director as
14 quickly as possible. It will help us
15 immeasurably.

16 Sorry. Didn't want to interrupt.

17 COMMISSIONER HUNTWORK: I'm just
18 trying to put my finger on what the time line is.
19 What is the critical path item forcing us to make
20 the decision today? I guess it's that, although
21 for the time being we could have applications and
22 so forth going to one place and conceivably --

23 CHAIRMAN LYNN: All applications
24 will be taken care of by Ms. Adler and Ms. Smith,
25 Department of Administration, will come back to

1 that office and be disseminated from there.
2 Mr. Hernandez will presumably be working out of
3 his own office on our behalf. There's a way to
4 forward phones to him, a way to forward mail to
5 him. All that can be taken care of
6 administratively.

7 MS. LINKOUS: Ms. Linkous, Donna
8 Linkous, also with Department of Administration.

9 The 1400 space is also the location
10 of the accounting facilities that will be
11 processing things for you. So that would be a
12 central location as far as the mail. They also
13 have a receptionist. So everything could be
14 funneled through that 1400 office.

15 CHAIRMAN LYNN: Thank you.

16 Further discussion on the motion?

17 COMMISSIONER HALL: Did we interrupt
18 you, Mr. Patterson? Did you have something more
19 to add?

20 MR. PATTERSON: No.

21 CHAIRMAN LYNN: Hearing none, I move
22 to the vote.

23 All those in favor of the motion,
24 say "aye."

25 (Vote taken.)

1 CHAIRMAN LYNN: Opposed, "no."

2 Motion carried unanimously.

3 We have a home, 1400 West

4 Washington.

5 COMMISSIONER HALL: And a physical
6 facilities chairman.

7 CHAIRMAN LYNN: Not for sure.

8 Remember, Mr. Elder is a landscape architect.

9 It's going to be a meadow.

10 COMMISSIONER ELDER: Basement, we'll
11 have mold.

12 CHAIRMAN LYNN: A lot of mushrooms
13 in that basement.

14 I'd like a 15-minute break.

15 Those parked illegally, I remind
16 you, if you came in late, if not parked on top of
17 the parking garage, you might want to move your
18 vehicles.

19 We'll take 15 minutes.

20 (Recess taken.)

21 CHAIRMAN LYNN: I'll call the

22 Commission back to order, if we may.

23 I notice that Mr. Kanefield is gone.

24 I want to make sure we have legal representation,
25 someone replacing Mr. Kanefield.

1 Your name would be --

2 MS. VARELA: Diane Varela.

3 CHAIRMAN LYNN: Thank you,

4 Ms. Varela. Appreciate you being here.

5 For the benefit of the Commission,
6 Mr. Bales and Kanefield had a previous engagement.
7 They are teaching at a seminar and indicated they
8 would be sort of tag-teaming and providing
9 assistance from their office to make sure we had
10 legal counsel.

11 So thank you for being here.

12 I want to, without objection, take
13 the next couple items out of order.

14 Ms. Osborne from the County
15 Elections Department has indicated she has a
16 meeting to go to that starts earlier than the
17 national consultants' plane leaves from Sky
18 Harbor. So in deference to both of them, I would
19 like to ask Ms. Osborne to present next, without
20 objection.

21 Ms. Osborne.

22 MS. OSBORN: Thank you,

23 Mr. Chairman.

24 We brought some extra copies for the
25 public if they would like to have copies of these

1 things as well.

2 What we're going to do --

3 I'll ask Mr. Huntwork to take one of
4 each and pass it down.

5 MR. WILSON: I don't think this
6 microphone is working, so --

7 CHAIRMAN LYNN: You all can hear
8 Ms. Osborne, can't you?

9 PUBLIC VOICES: Yes.

10 MS. OSBORNE: The first thing I
11 wanted to do was provide this sheet, all telephone
12 numbers, e-mails, all that wonderful information
13 on it. This is a list of all the folks that
14 handle elections at the county level. And at the
15 county level you have four counties, Maricopa,
16 Navajo, Coconino, and one other where the recorder
17 is in charge of the elections process. And in all
18 the rest of them the Board of Supervisors appoints
19 an elections director that takes care of the
20 elections process.

21 So we all got together on a
22 conference call. There were more than 20 people
23 on the conference call and we didn't lose anyone.
24 We were so excited. And we talked about what we
25 might be able to do to help you. And as a group

1 we all shared the same concerns: The better you
2 do your work, the easier our lives are.

3 So what we would offer is that if
4 there is a way for the plans that you have to be
5 on the internet, we would certainly guarantee you
6 within three working days of those new plans being
7 out, each of these entities would have commented
8 on the things that affect their county.

9 Now, we're not here to comment on
10 what is politically correct. We're not here to
11 comment on where we'd like a line for any reason
12 other than to let you know where a river is that
13 is uncharted on anything else that the folks at
14 Census might not know about or a road or proposed
15 road or something that would make everyone's life
16 easier when your task is finished. That's our
17 job, to tell you where these things go. You may
18 choose not to go there because you are trying to
19 get a perfect amount of people. We understand
20 that. We'd hope to be able to do that.

21 We all stand to do that on an
22 immediate basis. If your plans come out over a
23 weekend, we'll try to shift into gear and come out
24 as fast as we can.

25 As a state, we stand ready to stand

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1 within three working days to make comment to you
2 to help.

3 That's all the numbers you could
4 possibly ever use. We do have those available.

5 Second of all, on the presentation
6 list I want to take something a little bit out of
7 order, and it was the data.

8 I believe it says this group, this
9 other group of data that is out there. And 10
10 years ago, the Legislature thought about, after
11 the last redistricting, they decided to pass a law
12 that said that all counties when they transmit
13 their information for voter registration and for
14 the data coming out of the big elections, the
15 primary and general, must do so in electronic
16 format and had to send our voter registration
17 quarterly and had to send information for the
18 primary and general. And this is all to be sent
19 by precinct with the idea that when this
20 Commission was formed, or the Legislature was to
21 do redistricting, however it was to be envisioned,
22 you would have historical data for 10 years.

23 Last year, two years ago, the
24 Legislature froze the voting precincts. The
25 voting precincts, actual definition of voting

1 precincts, are the same for 1998, 1999, and 2000.
2 So your data should be very good in those areas.
3 Past that, some of the boundaries of the precincts
4 have changed pretty dramatically in a lot of the
5 counties.

6 We went over and looked at what the
7 Secretary of State had in this box of stuff,
8 because we wanted to see if that was something we
9 wanted to take on.

10 In a few minutes, I'll make an
11 offering to you of what Tim Johnson of our staff
12 could do.

13 We wanted to see if we could take
14 something else on in bringing all this data into
15 an electronic format. We know you probably will
16 need this information.

17 It was our consideration with all
18 the other things going on, we are not able to do
19 that for you. If you want that information
20 compiled in an electronic format, that would be
21 something for another group or consultant or
22 whatever to do.

23 The information is in various
24 formats. Some of it is electronic. Some of it is
25 not. Some of it is in paper. And it's

1 different --

2 In the old days, things were very
3 much different, not as interchangeable.

4 When you make your decisions at the
5 end and are trying to prove this all up to justice
6 is when that information base will be important to
7 you.

8 I wanted you to know what we found
9 and what shape that information is in.

10 Third of all, we would -- I'm going
11 to ask Tim Johnson to present to you what we feel
12 we can do for you and how much it costs and what
13 we can't do for you.

14 Tim has done a nice job of kind of
15 taking the issue and distilling it on the first
16 page there. And on the second page we get to the
17 money.

18 Now, as far as we're concerned, what
19 we can offer you is Tim and his ability to be here
20 kind of 24/7. And we know probably how some of
21 your work is going to go. It will happen in a
22 hurry up, rush, wait, as all this happens.

23 And as you'll see on the attached
24 sheet, Tim costs \$2,000 a week. It is very
25 simple. That is Tim and Tim to be here 24/7.

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1 The other part of that is we know of
2 somebody as a webmaster we can provide at \$50 an
3 hour, a person no longer in our employ but willing
4 to do that. He was a webmaster for us. And the
5 price sheet is what Tim feels that the equipment
6 would cost.

7 So I'm going to let Tim talk to you
8 for a minute.

9 What we are not is very important as
10 well. What we are not here to offer you a
11 proposal where we would help make substitute
12 decisions or to guide you in any political
13 fashion. That is not what we're here to do.

14 Tim is here to do, to offer to you
15 the technical expertise but certainly not where we
16 should move lines or should not move lines.

17 Tim?

18 MR. JOHNSON: Thank you, Karen.

19 Thank you, Mr. Chairman, members of
20 the Commission.

21 Like Karen was saying, our proposal
22 is a little different than some of the others you
23 might see. What we're proposing to do is give you
24 full-time, on-site GIS capability where all
25 assets, hardware, and myself are in your control.

1 What that would mean is I could either set up your
2 GIS applications for you or I could acquire,
3 install, and train you on the applications that
4 you select, all the data sets that you'll be
5 requiring on the GIS side of things, not on
6 election returns or the registration side. That's
7 a bit beyond my -- beyond the time I would have
8 for this.

9 But all the various other data sets
10 you'll need, for example identifying communities
11 of interest, I can do that. Kind of an open-ended
12 whatever GIS support that the Commission needs I
13 can provide, whether it's creating a custom data
14 set or acquiring, who knows, a certain interest
15 group may want to know how new legislative lines
16 would compare to say predicted crop satellite
17 imagery, or something like that. I could locate
18 that, acquire that, and tell them that answer.

19 So what it is, it's sort of an
20 item-by item thing I can provide. It's an
21 open-ended whatever you need, it's out there, I
22 can get it, integrate it and help you analyze it.

23 That's under the topic GIS decision
24 support. I'm not offering GIS decision making. I
25 can tell you where canyons and mountains are, but

1 I won't tell you not to cross them or any other
2 thing. I wouldn't be giving you any kind of
3 guidance as far as what decisions to make.

4 At the last meeting, we demonstrated
5 some of the internet capabilities. And we're
6 offering that as well in our proposal. We've
7 specified some of the hardware and the other
8 services that would be required to give you your
9 own website and your own -- within your own office
10 space a web server and the ability to deploy your
11 applications and your information to whoever wants
12 to go see it. That's part of our proposal, too,
13 that includes, like you saw last time, the dynamic
14 interactive mapping capabilities and even a --
15 even dynamic on-line application where the public
16 could produce their own plans, if they were so
17 inclined, or comment on plans you produced and any
18 internet services that are provided.

19 As Karen was saying, the cost of my
20 services is 2,000 per week and the webmaster is
21 \$50 per hour.

22 Underneath that, hardware and
23 software budget to do the capabilities as we
24 described. There's some overlaps in general
25 technology information needs. Most does. That's

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1 listed. That's the bare minimum to deploy the
2 kind of capabilities that we've been talking
3 about.

4 And that's it in a nutshell.

5 MS. OSBORNE: One other thing,
6 Mr. Chairman, other members, I might mention. We
7 talked last time about work Tim had done for the
8 Joint Legislative Committee, Leg. counsel. They
9 have a few acronyms over there. Leg. counsel,
10 work given to Leg. counsel, owned by Leg. counsel.
11 And that would need either to be requested of them
12 or Tim would have to recreate that.

13 I asked about how long he felt it
14 would take to redo that work, and it would be
15 three weeks going in to get that done. I'm not
16 sure how -- we just need to recognize that work
17 needs to be done.

18 COMMISSIONER MINKOFF: Can you
19 remind me what material that is?

20 MR. JOHNSON: Since 1998 I believe
21 the Census Bureau gave counties in Arizona the
22 opportunity to affect how data was going to be
23 reported, where actual census blocks were going to
24 be, and most importantly to insert the voting
25 precincts. So take historical data and attach it

1 to precincts, figure out how people would be
2 affected or not. And eight out of the 15 counties
3 did that. And so for eight out of 15 counties,
4 when you get your census geography back, it will
5 have counts by voting precinct and voting
6 precincts in it. For seven counties, they were
7 not able or didn't, for whatever reason, didn't do
8 that. There's nothing there. So there are no
9 voting precincts, no way to relate the data back
10 to all the returns and results and voting history.
11 There's nothing to attach it to.

12 So what I did for the legislative
13 counsel was create precincts for those seven
14 counties.

15 CHAIRMAN LYNN: So it fills in the
16 gap.

17 MR. JOHNSON: Exactly.

18 CHAIRMAN LYNN: The entire state
19 would be subject to the same analysis based on
20 what the Census gives us plus either what you
21 would recreate or we'd get from Leg. counsel.

22 MR. JOHNSON: Exactly, statewide
23 voter coverage.

24 MS. OSBORNE: Ability to go back, if
25 looking for voting practices, what was voted on,

1 or who voted for it. Tie apples to apples
2 together, and probably will be real important in
3 some of your later determinations.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Tim, what form
6 is the data in?

7 MR. JOHNSON: Arcview shape file
8 format.

9 CHAIRMAN LYNN: Other questions for
10 Ms. Osborne or Mr. Johnson?

11 MS. OSBORNE: Thank you very much.

12 CHAIRMAN LYNN: We thank you.

13 We'll obviously -- what I'm trying
14 to determine --

15 Karen, I'll ask this question and
16 ask it, because it may be occurring to other
17 commissioners and they may not want to seem as
18 foolish as I'm perfectly willing to seem in an
19 open meeting.

20 We've been asked or approached by a
21 number of consultants at a number of levels. And
22 not having ever done this before, and I don't --
23 again, I don't want to cast aspersions on anybody
24 or make an inference that isn't correct, but for
25 example, Mr. Sissons has been a here a couple

1 times. He does certain things as a consultant.
2 We have other people here who represent other
3 groups who do certain things as consultants. And
4 they are local consultants. Is the work that we
5 have before us in this proposal different from,
6 the same as, partially different from or the same
7 as what those other local consultants could
8 provide us?

9 MS. OSBORNE: Mr. Chairman, members
10 of the committee, I don't know. That's why when
11 you hear from them, they may want to explain what
12 portion our component is of their approach.

13 CHAIRMAN LYNN: Okay.

14 MS. OSBORNE: It may be that they
15 are fully ready to do what we have shown you. It
16 may be that they consider -- they would want to be
17 considered as an addition to what we're doing. I
18 don't really know. I can't speak for them.

19 CHAIRMAN LYNN: Okay.

20 MS. OSBORNE: I do feel, though,
21 that the internet part is a real big offering and
22 that I would hope that if -- and if we're not the
23 vender chosen or a portion, that hopefully whoever
24 does this for you would be able to let the people
25 all over the state be able to look at that and

1 make comment. I think it would make their lives a
2 lot easier as well.

3 CHAIRMAN LYNN: Just to follow up on
4 that, I'm assuming this proposal is a menu which
5 we could choose from. We don't have to take the
6 whole package.

7 MS. OSBORNE: Mr. Chairman, members
8 of the committee, absolutely. If you want Tim's
9 services, not component parts, that's up to you.
10 If you want not the webmaster, those things are
11 pieces and parts. I asked Tim to identify what
12 tools he would need to do the job correctly. We
13 put that together.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: Tim, what is
16 the time line if we said we need a website up and
17 going, what is the time line necessary to do that?

18 MR. JOHNSON: Mr. Chairman,
19 Mr. Commissioner, the -- I guess the answer is "It
20 depends." For an on-site time line, it would be,
21 I would say, time to spec the hardware, get it up
22 and running, realistically three weeks. Something
23 hosted by somebody else, like another state
24 department, it could be a matter of a single day.
25 Most of the applications that would allow

1 something to be viewed on the internet exist
2 already. It's a matter of moving them over,
3 giving them -- registering a domain name for the
4 Commission, and getting it served somewhere.

5 CHAIRMAN LYNN: I would assume, just
6 to follow up on your question, either Department
7 of Administration or some other arm of state
8 government for most applications of the website,
9 that is ability for people to communicate with us,
10 send us information, and so on, receive
11 information, minutes and other things on line,
12 that already exists and would be a shorter time
13 frame, just ability to get it up and running.

14 MR. JOHNSON: Exactly. The
15 interactive mapping is probably --

16 CHAIRMAN LYNN: The toughest part.

17 MR. JOHNSON: Everything else would
18 be very easy to get up fast.

19 COMMISSIONER ELDER: Is there a pro
20 or con to the independent site specific server?
21 At least it has an option here as opposed to
22 hiring a company that provides server interface.

23 MR. JOHNSON: Probably that it's
24 established already and would just be a matter of
25 setting you up with your own application. The con

1 is if something went wrong in the middle of the
2 night, support or something was incorrect, or
3 wanted to be changed, there would be more control,
4 possibly, in having it on site.

5 CHAIRMAN LYNN: Other questions for
6 Ms. Osborne or Mr. Johnson?

7 Okay. Ms. Minkoff.

8 COMMISSIONER MINKOFF: Ms. Osborne,
9 from the very beginning, I would like to commend
10 Maricopa County Elections for everything you've
11 done to try to make our lives easier. I don't
12 know that you have made it easier, but you've
13 tried. The level of cooperation we've received
14 has been phenomenal. I thank you for that and
15 this proposal and all the time you've put into it.

16 MS. OSBORNE: Thank you very much.

17 CHAIRMAN LYNN: Thank you very much.
18 We appreciate you being here. I know you have a
19 conflict, so thank you very much.

20 Mr. Johnson, thank you very much.

21 If we then could move to item five,
22 presentation from EDS.

23 Does everyone have a packet or is it
24 just --

25 MR. BRACE: Yours is in a packet.

1 Everyone else has one.

2 CHAIRMAN LYNN: We have the same
3 material.

4 Let me introduce Kim Brace from
5 Election Data Services in Washington.

6 MR. BRACE: Washington, D.C., yes,
7 sir.

8 CHAIRMAN LYNN: We won't hold that
9 against you, either.

10 MR. BRACE: I'm going to be using
11 Power Point. I've already blinded two members of
12 the Commission earlier this morning.

13 I wanted to -- want them to be aware
14 of -- of what is likely to take place.

15 Now, as this warms up.

16 Okay. Well, I'll talk out -- I hope
17 the curtains didn't move any which way.

18 CHAIRMAN LYNN: Not that I'm aware.
19 Might be able to push it.

20 COMMISSIONER ELDER: Can you turn
21 off the lights that blind us?

22 CHAIRMAN LYNN: I don't know. I'll
23 try.

24 That's too much.

25 MR. BRACE: Everything.

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1 CHAIRMAN LYNN: Nope. We have on or
2 off. Which would you like?

3 MR. BRACE: If everyone can see it.

4 COMMISSIONER HUNTWORK: This is
5 fine.

6 MR. BRACE: We'll go like that.

7 CHAIRMAN LYNN: Okay. Just a
8 minute.

9 COMMISSIONER HALL: You may as well
10 just sit down.

11 CHAIRMAN LYNN: Thank you, Mr. Hall.
12 He's not a technocrat.

13 MR. BRACE: Thank you, Mr. Chairman,
14 and members of the Commission, for letting me come
15 before you.

16 My name, as was mentioned, is
17 Kimball Brace, Kim Brace. I get called lots of
18 different things. I'm president of a company
19 called Election Data Services located out of
20 Washington, D.C., or as I say, the nearest
21 airport. I travel all over the country.

22 As you'll see throughout this
23 presentation, we have a lot of experience in terms
24 doing redistricting around the country.

25 With me is Joel Wilson who, up to

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1 November 6, was actually here in Arizona and was
2 involved with the Legislature in putting together
3 some initial data bases before the Commission and
4 your creation was passed by the voters.

5 Let me start off by offering my
6 congratulations to you on your appointment to this
7 Commission and, given the fact we've been involved
8 in this for 24 years, my condolences to you, also.

9 As you can see my gray hair is there
10 from long experience, and that's what we'll be
11 here to talk about.

12 I have a slide show that hopefully
13 will function in terms of here.

14 What I'm here to talk about is some
15 of the proposals that we have before you. We have
16 put together a document for you that outlines a
17 whole number of different capabilities and
18 flexibilities, which is really kind of a selection
19 on your part. But I wanted you to be aware of the
20 many different things that are being looked at
21 from the redistricting around the country.

22 First of all, Election Data
23 Services, we've always looked at, as --

24 I may have to --

25 Well, I'm frozen. Let's see.

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1 Well, I apologize. My machine has
2 been sitting here for a while, and --

3 CHAIRMAN LYNN: Decided to go to
4 sleep?

5 MR. BRACE: Decided to go to sleep.
6 So I'm going to put it to sleep and go off the
7 cuff as it comes back up again.

8 MR. WILSON: Want to use mine?

9 MR. BRACE: Yes. Is yours plugged
10 in?

11 I apologize.

12 CHAIRMAN LYNN: We don't already
13 have copies of the slide presentation, do we, Kim?

14 MR. BRACE: No, we don't.

15 CHAIRMAN LYNN: I thought it would
16 be easier to talk from those.

17 MR. BRACE: I'll let you run it.

18 Election Data Services is, as I
19 mentioned, a 25-year-old company that specializes
20 in reapportionment, redistricting, the census, and
21 election administration. We have been doing an
22 awful lot of things all around the country in
23 terms of all four of those areas, that is
24 following very closely the census, following all
25 the activities in terms of the census.

1 We have been involved in a number of
2 different states. We have serviced over half of
3 the country over the past two decades helping
4 them --

5 AN AUDIENCE VOICE: Use your
6 function key, Joel. Should be function F-5, I
7 believe. There you go.

8 MR. BRACE: And we have been
9 involved with more than half of the country over
10 the past 24 years of our existence in terms of
11 doing redistricting.

12 We got started in 1979 in the City
13 of Houston and moved on to do a number of
14 statewide redistrictings in the 1980 round of
15 redistricting and even more so in the 1990 round
16 of redistricting.

17 Since 1990 we have been involved
18 with two major activities. One is working with a
19 number of different states in helping them put
20 together their data base. That is part of what we
21 do. After all, our middle name is "data." And we
22 are specialists in compiling and pulling together
23 the kinds of data that are important for all
24 realms on the redistricting side of things. That
25 includes not only the actual line drawing but also

1 in terms of the State of Arizona Subcommittee to
2 Section 5 under the Voting Rights Act of the
3 Department of Justice and all of those kind of
4 activities.

5 So we have a wide variety of
6 experience in pulling together all of this kind of
7 information.

8 I think Joel has the short version
9 of our presentation. I worked some last night on
10 some other things. That was what I was just
11 giving you, about some of those other things, but
12 I'll be happy to provide a full copy, printed
13 copy, of the slide show for your benefit.

14 What we wanted to talk to you about
15 today is our understanding of the goals and
16 requirements of the citizens initiative that was
17 passed and that you are now seeking to implement;
18 also, to talk about some of the solutions that we
19 would have in terms of proposing to you and
20 looking a little bit at your tentative timetable
21 for delivery of products and services; and, of
22 course, talk some as I have in terms of background
23 information of Election Data Services.

24 We are a bipartisan consulting firm
25 that operates around the country. We have both

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1 Republicans and Democrats on our staff. And we
2 pride ourselves on providing fair and equitable
3 assistance to the redistricting.

4 We have actually been called upon by
5 several states to actually staff a Commission. We
6 did that in 1990 in the state of Rhode Island and
7 will be doing that again this decade. So we have
8 a lot of experience from that. We put together
9 for the Commission in Rhode Island a whole series
10 of public hearings; in fact, they were televised
11 statewide over the Rhode Island Television
12 Network. I still have the 25 videotapes in my
13 office of all the presentations that were made.

14 We pulled together not only our
15 expertise in terms of our internal staff, but
16 because we had been involved in this so long, we
17 are the premier company in the country in terms of
18 doing redistricting. We have access to a number
19 of different experts and other disciplines,
20 political scientists that can specialize in
21 racial, black voting, that actually used to work
22 with us, are now out independent, but we'd bring
23 in in terms of this process as well as legal
24 assistance.

25 As part of the proposal we have

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1 before you, we have a component of a bipartisan
2 legal team we have made use of elsewhere. Both of
3 these individuals, one Republican, one Democrat,
4 one of the major national redistricting experts in
5 both of their political parties, and we'd have
6 them available to you to provide additional
7 insight without the need for a lot of training;
8 because they have been doing the training for many
9 of the NCSL conferences around the country,
10 National Conferences of State Legislators. And
11 all of that is involved.

12 We have pulled together a wide
13 variety of different expertise. In terms of the
14 mandate, of course, of your Commission, there are
15 a number of different things in your mandate that
16 are important from a technical standpoint. I
17 wanted to highlight some of those.

18 Clearly districts have to be equal
19 in population, geographically contiguous and
20 compact, have to respect the new phrase going
21 around redistricting which is communities of
22 interest. It is a term that was outlined by
23 Justice O'Connor in the US Supreme Court decision,
24 but, as most court cases, she's the attorney
25 present, but Judge O'Connor did not provide a lot

1 of descriptions of what she described as
2 communities of interest.

3 We've been working with a number of
4 states on different ideas for you, and that's one
5 of the things we want to propose for you.

6 Clearly to comply with the US
7 Constitution and Voting Rights Act.

8 The Voting Rights Act is something
9 we have been involved with for a long, long time.
10 We have worked with the Department of Justice, are
11 under contract with them.

12 We have worked against the
13 Department of Justice in working with different
14 states or localities and a number of different
15 districts.

16 So we are very experienced in terms
17 of what their requirements are and in fact what
18 the Voting Rights Act requires.

19 I serve as an expert witness. I've
20 testified in upwards of 60 different court cases
21 in the country dealing with redistricting and, in
22 many instances, the Voting Rights Act. I'm very
23 cognizant of all requirements there in terms of
24 the Voting Rights Act.

25 And the other factor mandated

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1 through you and the Commission is competitive
2 districts should be favored not to the detriment
3 of other redistricting goals.

4 That competitive districts is
5 something I'll be talking about also that comes
6 into play in terms of this.

7 The primary intent of our proposal
8 to you today is to give you really a menu of a lot
9 of different things, to talk about different areas
10 that might be of use to you.

11 We have in fact talked with Maricopa
12 and with Tim in terms of incorporating some of his
13 things into our proposal. We're perfectly open to
14 that possibility.

15 As I said, we're teamed with one of
16 a number of different individuals around the
17 country and can provide you with all encompassing
18 or different pieces, however you would like that
19 to be.

20 Additional requirements that you
21 have is that you need to create a mapping process
22 that begins with creation of equal populated
23 districts. The key here is the phrase, "in a grid
24 like pattern across the state." You are unique in
25 this country. I've been studying redistricting,

1 know redistricting laws in all 49 of your
2 brethrens. You are unique. No other state has a
3 grid-like pattern. That is going to cause
4 problems, how you implement that. But it's more
5 going to cause problems for Karen and the other
6 clerks that are out there, because those grid-like
7 patterns don't follow the visible features that in
8 fact the Census Bureau has been pushing upon
9 states to follow, the streams, rivers, roads, and
10 all of that.

11 So you have a unique circumstance
12 here in creating this grid-like pattern. And we
13 thought about that and looked towards how we could
14 implement that. But I will tell you that that is
15 unique. And it could come back and cause not only
16 you, but it could cause the election officials
17 problems. And we don't know what ultimately the
18 Department of Justice is going to say from that
19 standpoint. But it is something from a technical
20 standpoint is very important, because it's in your
21 guidance here.

22 These districts, of course, must be
23 adjusted to accommodate the goals that we were
24 talking about. And you had language in your
25 initiative that although party registration and

1 voting history cannot be used during the initial
2 phase of the line drawing, it is there to test
3 maps' compliance with -- compliance with
4 redistricting goals and the Voting Rights Act.

5 That provides a unique and
6 interesting dichotomy for you. Clearly in terms
7 of putting together a data base for redistricting,
8 putting together the data base is the most lengthy
9 process that you have. To pull that together you
10 are going to need that, as your own initiative
11 says, in terms of dealing with the Voting Rights
12 Act. The Justice Department is going to be
13 looking at that. And that is something that we
14 have expertise in doing, because we have done it a
15 lot across the country in dealing with not only
16 existing precincts as they exist today but as they
17 were in the past. That is part of our expertise.

18 And, as Tim and Karen had identified
19 to you, as you go back in time, precincts change.
20 We're building data bases in a number of different
21 states that have precinct configurations for the
22 entire 1990 decade so that we can do the kind of
23 analysis that will be required under the Voting
24 Rights Act and take a look at that. But it means
25 a lot of different mapping and a lot of different

1 configurations. And that's the kind of expertise
2 we bring.

3 The initiative, of course, also
4 requires you as the Commission prepare a draft map
5 of the plan, both congressional and legislative,
6 for public comment.

7 As I indicated, we are very familiar
8 with public comment. In fact, since November 7th,
9 I've gotten more familiar with public comment.

10 As you know, I was one of those
11 involved in Florida in terms of testimony. And
12 we've been involved --

13 Now, as I go into airports, people
14 take a second look at me. "I know you. Where do
15 I know you from?"

16 I end up saying, "What were you
17 doing on December 2nd of last year?"

18 We are very cognizant of the public
19 and their input. I used to be a journalist. I
20 used to be with the press and cover politics. So
21 I have been able to work and deal with the public
22 in a number of different ways because of that.

23 What we're looking at in terms of
24 the services that we could provide is, of course,
25 legal and technical assistance to you in both plan

1 modeling as well as plan analysis and preparation
2 of the submissions to the Department of Justice.
3 All of those are things that you'll need to do.
4 Acquisition and installation of the redistricting
5 system itself.

6 And we have a demo using some
7 Arizona data for you today to show you some of
8 that kind of software. Really, as I mentioned,
9 preparation of that geographic and demographic
10 data bases.

11 Just as I was boarding the plane
12 yesterday to come see you, a major announcement
13 came out of the Census Bureau in terms of not
14 having adjusted data. It means we won't need to
15 have as big of a hard drive as we thought we'd
16 need today before yesterday. But it will still
17 have a lot of data out there. And I'll talk about
18 that with you.

19 Preparation of all historical and
20 data bases. Additional data for competitiveness
21 and compliance with Voting Rights Act. Those are
22 the types of assistance we end up doing.

23 As I indicated, there are a number
24 of different things we offer, Election Data
25 Services, political scientists on staff, research,

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1 statistical analysts on staff, GIS and data base
2 programmers on staff.

3 And as I indicated, we pull in
4 experts from outside both from a legal,
5 demographic standpoint, and voting rights
6 standpoint. And all of those we propose to you as
7 different services that are able to be provided to
8 you for different components.

9 In terms of on-site assistance,
10 we're prepared to provide a staff person or
11 several staff persons to live out here. Even
12 though it's getting warmer in Washington and we're
13 not getting the snow, we are willing to come out
14 here in your nice weather and provide the kind of
15 expertise and assistance that you would have. And
16 we're perfectly willing to bring in Tim in
17 conjunction with some of that, if that is
18 necessary. We have no problem with that.

19 In terms of legal consultation, as I
20 mentioned, and you'll see in that proposal, we
21 have a panel that includes attorneys affiliated
22 with both political parties that we have called
23 upon in other proposals to provide expertise to
24 Commissioners, to provide testimony, to provide
25 research to you, to provide discussions of the

1 various issues that you are going to be facing as
2 you look at the redistricting process.

3 All of the redistricting process is
4 very much bound up with the legal process, as
5 you've already experienced in terms of all the
6 lawyers coming before you.

7 But there is a lot of other things
8 that we are at a unique turning point this decade
9 with some new things that are coming about that
10 will guarantee that there will be more court
11 cases, unfortunately. And the best thing that you
12 need to do is get prepared so you can handle all
13 that sort of thing.

14 There's new issues in terms of the
15 census data. One was resolved yesterday, as I
16 indicated, the sample versus nonsample. We also
17 with the census data for the first time, 10 years
18 ago we had 12 columns of data coming from the
19 census data. This time, because of the capability
20 that the Census Bureau instituted, of having you
21 check off more than one race. We don't have 12
22 columns of data. We have 288 columns of data for
23 every single block, okay?

24 Now a lot of that data will be
25 blanks; but part of what we are looking at and we

1 have developed, already, is software. And some of
2 our demography experts we have on staff have been
3 looking at how to analyze this as it suddenly
4 starts flowing.

5 Given the decision yesterday
6 afternoon, I can tell you that I believe, and the
7 indications that I've gotten as recently as last
8 night in talking with the bureau, is that they
9 will be releasing data starting next week. Okay?

10 You are -- you are behind time,
11 unfortunately. But that data will start flowing.
12 In fact, under the census, under PL94-171, the
13 law, they have to have all the data out at the
14 block level by April 1st. So within this next
15 month you will see a vast amount of data coming
16 up. Luckily it's only times one because of the
17 decision yesterday, but it's an awful lot of data.

18 And so we've been putting together
19 the kind of expertise to analyze that.

20 In terms of the legal side, we've
21 looked and dealt with, our team of legal
22 attorneys, in terms of both attorney-client
23 privilege, are also offered to you in terms of our
24 clients.

25 In terms of the redistricting

1 system, there are two mainly contradicting systems
2 out there. We use one of them, but we have staff,
3 actually, that use both of them. The main one
4 that we use and we would recommend is in fact what
5 Tim has been using, which is autoBound, which is
6 built on top of an E-S-R-I, which is ESRI. They
7 are the largest GIS company in the world. And
8 they have their package of Arcview.

9 There's a company called Digital
10 Corporation out of Columbia, Maryland, we actually
11 have been working with who built this package
12 called autoBound that we have a copy here and have
13 some Arizona data. We can show you some of its
14 capabilities as we finish. It has all these
15 capabilities in terms of the redistricting system.

16 As I mentioned to one of your
17 members during the break, as you look at your
18 office space, you need to be looking at the
19 computer capabilities in terms of networking and
20 how you are going to set up that component of the
21 office, also. And as I said, it was built on top
22 of Arcview from ESRI.

23 In terms of system installation,
24 training, maintenance, we can provide all those
25 kind of services. We can train. We've done a lot

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1 of different training all around the country,
2 technical software support to maintain the system,
3 install the system as soon as the TIGER line comes
4 out. Actually that is out, and we'll show you
5 what that looks like, as soon as the PL data comes
6 out, conceivably next week. And training in
7 conjunction with system installation would be
8 provided.

9 In terms of the data and the data
10 base itself, that is, as I said at the beginning,
11 one of our key components. As we look at a
12 redistricting data base, we really look at what we
13 always called a data cube, which is a combination
14 of maps and data from both census and political
15 resources.

16 So from the census, the maps is, of
17 course, the Census Bureau TIGER files, the
18 geographic maps of the entire nation in terms of
19 data from the Census Bureau. It is the PL file
20 we'll be initially dealing with. But later on
21 this year, they will have what they are calling
22 the SDF1 file coming out later on in the year,
23 additional types of information.

24 One of the most particularly
25 important, from this state's standpoint, is

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1 demarcation in terms of Hispanic population, Cuban
2 versus Mexican versus Puerto Rican, in that SDF1
3 file you don't see in the PL file right now.
4 We're looking at that data.

5 Clearly preparation of data we're
6 looking at includes preparation of that grid.

7 As I mentioned, Joel has been --
8 used to be here. And it -- we looked very closely
9 at that grid process in prior work he has done
10 here and identified several components of what is
11 possible on that side, all that expertise in
12 putting together that grid-like system for the
13 state. And that would include reformatting of
14 that population data.

15 Basically, what you are talking
16 about is you have small census geographies down to
17 census block and grid being imposed on top of it.
18 Basically the populations down at these small
19 levels have to be added together up into the
20 grids, okay, in order to have the grids that are,
21 in essence, according to your initiative, are the
22 building blocks which you'll be dealing with.

23 So that kind of process is still a
24 technical process of pulling together that kind of
25 information.

1 In terms of the geographic data
2 base, clearly the Census Bureau's TIGER files
3 provides us with a lot of information, starting at
4 the county level down to census tracts, cities,
5 blocks, block groups, all of that kind of
6 information, and other census regions and how they
7 mesh together. But laid on top of that is the
8 other element of geography that also has to be
9 created.

10 Part of that is there in terms of
11 the current election precincts. As Karen
12 mentioned to you before, seven counties are not
13 there. They would have to be created. More
14 importantly, in looking at, going back over time,
15 because that's what the Voting Rights Act is going
16 to look to, is looking at voting patterns as they
17 go back over time for this whole decade. And that
18 change of geography is -- dictates you end up
19 creating a map for each election of the precincts
20 as they existed in that election. And that's the
21 kind of process we've done in a number of
22 different states in pulling together these kind of
23 data base, again that statewide grid.

24 One of the other things we were
25 looking at in terms of community of interest,

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1 clearly, Indian reservations in this state should
2 be looked at as a community of interest, as well
3 as what is already in TIGER files, school
4 districts, elementary, secondary. All of that can
5 be looked at from the community of interest
6 standpoint.

7 In terms of that statewide grid is
8 that line work that gets laid on top of it, as I
9 mentioned, and allocating that block level
10 population up to that grid pattern.

11 The population, that more than one
12 race, as I indicated, giving you 288 columns worth
13 of data.

14 We've already been working to look
15 toward reorganizing that 288 to analyze that to be
16 able to say well, in this jurisdiction, or this
17 area of the state, this combination is important.
18 We've been putting together the processes of doing
19 that already and bringing in our demography
20 experts and how they have already worked with the
21 Census Bureau.

22 All of that gets put together into a
23 unified data base and a series of reports that
24 would come out as you draw the district
25 boundaries.

1 The communities of interest data,
2 not only the ones that I had already identified,
3 but we had been looking at this whole issue of
4 communities of interest, given the Supreme Court's
5 decision. In fact we've been looking at and
6 implementing in a number of different states a
7 cluster base system that lets us, using a
8 marketing technique called clustering, that let's
9 us, and in fact we've been able to get this data
10 down to zip plus four label which then we can
11 geocode to the blocks and all other levels of
12 geography so we can tell different things about
13 different people as a way of identifying
14 communities of interest.

15 So that component of communities of
16 interest and pulling together and looking at 62
17 different ways of attitudes and lifestyles and
18 consumer behavior, of looking at that as a way of
19 helping to define that communities of interest is
20 one way.

21 In terms of the election returns,
22 we're proposing you do go back all the way to
23 1992, simply because of the -- your requirement in
24 terms of measuring competitiveness and complying
25 with the Voting Rights Act, as I indicated.

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1 We would -- we're proposing that we
2 would be involved with the keypunching of some of
3 those.

4 As you indicated, from Karen's
5 standpoint, they don't have the ability to
6 keypunch it. That is one of the components we do
7 all the time in pulling together that information.
8 And it's important not only from the keypunching
9 of the returns but making sure that the geographic
10 codes are properly in sync with the geography that
11 is there. That's one of the key elements that is
12 there.

13 Obtaining those precinct maps of
14 back over time from county clerks and digitizing
15 precinct boundaries, obtaining district bureaus
16 from the Secretary of State, and key coding, that
17 is what we're talking about, and disaggregating
18 from the precinct level and building it back up to
19 the block level. That's the kind of data base
20 we're talking about ultimately needing to have in
21 order to do your analysis given the initiative and
22 how it applies.

23 Looking at those precinct
24 identification codes, and also looking at the
25 spacial layout of the individual voters, what

1 we've been doing in a number of different states
2 is actually geocoding the voter file itself so
3 that you can actually take a look at where -- how
4 the voters are distributed within the precinct so
5 that it can be taken into account as you do that
6 disaggregation. So you know that while there may
7 be a lot of territory over in this part of the
8 precinct, the voters are not there. They're over
9 in a small, little area.

10 If you are looking at disaggregating
11 the data just based on the basis of area or
12 population, it may give you false readings on
13 where voters are.

14 We've adopted and implemented in a
15 lot of different states this more sophisticated
16 geovoter code and looking at where the voter
17 addresses are.

18 In terms of the racial block voting
19 analysis, that's something we've done. We've done
20 that for the past 20 years. And analyzing
21 patterns of voting by different racial groups,
22 that's required by the Voting Rights Act to see
23 whether or not polarization is taking place,
24 whether or not there is cohesiveness in a minority
25 group, cohesiveness in a white group to overturn

1 powers of a minority group, all three factors from
2 jingles (phonetic) have to go into what goes into
3 the Voting Rights Act.

4 You analyze district configurations
5 you are proposing. So you take racial block
6 analysis that takes place initially in looking at
7 voting patterns itself. As you draw and as you
8 configure a district, you need to reanalyze that
9 data to see whether or not by creating that
10 district you are disenfranchising under the Voting
11 Rights Act. So it's two components on that one.
12 So you have to evaluate.

13 Again, it would be conducted by
14 recognized demographic political science Voting
15 Rights Act experts in the field.

16 The study would employ a variety of
17 statistical techniques. In the 1990 round of
18 redistricting, there were two. A third one has
19 now come out we've also been involved with
20 analyzing and utilizing as a way of looking at
21 racial block voting patterns.

22 The kind of results that we usually
23 present are things that based upon the analysis,
24 we would then come back out with our voting rights
25 expert and come out and make a presentation to the

1 Commission that given the patterns that we're
2 seeing, you have to be concerned about this here
3 or you need to be concerned about that there.

4 All that kind of information is what
5 we try to glean from the combination of this
6 political data and the census data so that as you
7 can go into the process, you have some information
8 ahead of time.

9 Part of what we also have been doing
10 with a number of different states is doing some
11 front-end analysis, both demographic analysis to
12 help the Commission take a look at what is the
13 distribution of the population, so that what is
14 the distribution of the racial make-up of the
15 state, and the different areas, looking at
16 population trends and looking at proportional
17 representation models for racial as well as
18 minorities in terms of the Voting Rights Act.

19 Analysis also looks at what we call
20 a number of seats analysis. We have seen growth
21 in Maricopa County. How many additional seats
22 might there be? It's not to say you could draw
23 them that way, in particular, as clearly as you
24 draw different things that take place.

25 Just from a proportional

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1 representation argument, what are those kind of
2 numbers that are coming into play?

3 In terms of district
4 competitiveness, laying all that political data on
5 top of the districts as they go along, as they are
6 being created, is something that can be done.

7 Your task is not to do that as they
8 are being drawn but instead after they are being
9 drawn to use that data to look at it.

10 So that is one of the key
11 differences from your task compared to other
12 states. But in order to have that data, it's got
13 to be put together on that side.

14 Joel has also a bit of the software
15 here that we thought would be useful for you to
16 take a look at, because we've put together just
17 the geography of Arizona so that you can see what
18 is in the TIGER file.

19 This is the autoBound product as I
20 mentioned to you before. And it lets you create
21 plans at different geographic levels and for
22 different plan configurations. You designate --

23 Want to go ahead?

24 Go ahead.

25 MR. WILSON: Like Tim said, I went

1 ahead and took the first step in creating a
2 redistricting data base, taking the just released
3 TIGER line files from the Census Bureau and
4 processing those into a redistricting system in
5 order to show you what it would look like.

6 So this is just some geographic
7 data, doesn't have elections in terms of
8 population data.

9 It should give you a feel for what
10 the redistricting -- how the redistricting system
11 functions.

12 This right here is the plan manager
13 window. If I want to create a new plan, I create
14 a new work space and choose the "topic plan" I
15 want to break.

16 Say I want to create a congressional
17 plan. It defaults to eight congressional seats
18 for Arizona. You can change that if you need to.
19 No sense doing that.

20 I create work space, create
21 congressional plan number eight. That is what I'm
22 going to work on. That will be the new plan.
23 Actually congressional number seven. I'm going to
24 open this new plan.

25 What happens here, it starts

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1 Arcview, which is the industry standard GIS
2 program, and also the autoBound redistricting
3 application that sits on top of the GIS program.

4 It's telling me I'm selecting
5 counties as my redistricting layer.

6 We can change that, make some
7 changes to the way it looks. And right here this
8 is the initial, shows you Arizona counties -- it's
9 getting pushed off.

10 So at this point I'm looking at
11 Arizona counties and roads.

12 Say I want to start editing my plan.
13 Open this file here.

14 What happened here is this table
15 here is called an active matrix.

16 The source of all data as
17 redistricting, as you make a modification to a
18 plan, this table down here gets updated with live
19 data.

20 We don't have any data right now.
21 If there were data here, you would see it
22 modified.

23 We do have Connecticut on another
24 laptop we could show you. We thought you'd want
25 to see it with Arizona geography.

1 Down here we keep total population,
2 voting age population, minority statistics, that
3 sort of thing.

4 Okay. I'm going to start editing my
5 plan. And let's see. I'll zoom in to the Phoenix
6 area, give some more detail.

7 MR. BRACE: Flip to VTD. You are at
8 the county level.

9 MR. WILSON: Here I'm at -- selected
10 county. It shows the whole county. I'll switch
11 to select voter tabulation districts.

12 If you see that, we're now looking
13 at all precincts in Maricopa County as a selective
14 precinct. That precinct will be assigned to a
15 district. Right now I'll tell it to assign it to
16 new district one, and I'll just select a precinct
17 at random. You see I started creating my district
18 number one.

19 If we had data attached to it, the
20 table down at the bottom would automatically
21 update, would be statistics.

22 I don't know if you heard stories
23 about redistricting programs in the past, very
24 slow, assigning a single precinct, assign, go
25 away, have lunch. This updates in a second. You

1 can do a lot of editing in a short period of time,
2 not wait overnight to see what the actual
3 statistics are.

4 MR. BRACE: That's what I used to do
5 in 1980, using a mainframe, waited overnight to
6 see what the results were.

7 MR. WILSON: Select one precinct at
8 a time. Holding the shift key, select a bunch of
9 precincts, select those, and it updates the
10 boundary.

11 Creating a new district, number two,
12 and I can do the same thing in an area, and start
13 editing district two.

14 AutoBound also has several tools for
15 sharing data. If another Arcview user out there
16 wants to import a district plan, there is data
17 exchange which allows you to either import a
18 district, create a district for exporting so
19 somebody else can look at it, import it by block
20 assignment, taking a raw data file, importing that
21 away. So there are several ways to share
22 redistricting plans with other users.

23 There's also, if you were to create
24 over a network, share all plans on a network,
25 somebody else could open from a network location.

1 MR. BRACE: Those shape files can
2 also be put out on the web. As you adopt
3 something, similar to what Tim had mentioned to
4 you before, you can put those out on another
5 product that ESRI does, ArcIMS. So over the
6 internet people can see and take a look at and
7 drill down into the information that way, too.

8 MR. WILSON: I zoomed out so you can
9 see the actual counties that participated in the
10 voting district.

11 MR. BRACE: Resize, do your resize
12 button of windows. Yeah, that one there.

13 You can see the missing counties
14 that don't have the voting districts. This is
15 what the Census Bureau created using the
16 information that the state or counties sent to
17 them. But as you can see, there's a couple things
18 missing.

19 MR. WILSON: Do you want to go over
20 any more with autoBound?

21 MR. BRACE: Those are the main
22 components of the kinds of software you can be
23 dealing with from that.

24 But really it's the putting together
25 of the data that goes behind all of this that is

1 the most important. That takes a little bit of
2 time. And you are already behind the eight ball.
3 And so certainly as you move forward, there are a
4 lot of things that need to take place.

5 I'd be happy to answer any
6 questions. You have our proposal before you. I
7 would be happy to answer any questions of what
8 we've proposed or ideas that we have for you.

9 CHAIRMAN LYNN: Give us a second to
10 get back up here.

11 Questions for Mr. Brace or
12 Mr. Wilson?

13 COMMISSIONER MINKOFF: Yes.

14 CHAIRMAN LYNN: Ms. Minkoff.

15 COMMISSIONER MINKOFF: I have a time
16 line question. In terms of the additional
17 requirements Prop 106 imposes on us, first being
18 grid pattern and second being that there are
19 characteristics that we can only look at after
20 we've drawn the line to redraw the line, so
21 obviously we'll have a lot of versions of --

22 MR. BRACE: Right.

23 COMMISSIONER MINKOFF: -- of our
24 plan. What do you think that does in terms of the
25 timing that's going to be needed in Arizona versus

1 other states to draw these lines?

2 MR. BRACE: Well, as -- probably the
3 main thing is, my experience with other states, is
4 that they are way far ahead of you.

5 I have been creating the data base
6 in the state of Illinois since 1994, actually
7 under contract with the state of Illinois, so that
8 as an election took place, we were in place to
9 really pull together that information and keep
10 track of precinct changes and all that.

11 You are not in that situation. So
12 there is a lot of catch up. One of the nice
13 things you do have is you don't have a lot of
14 counties. I have 102 to deal with in Illinois.
15 Texas has 254.

16 Obviously, you know, just getting
17 the county election officials to send information
18 back is a lot easier in this. And as Karen agreed
19 to you, there is an understanding and cooperation
20 already there. They will -- I have been involved
21 with election administration for actually 30 years
22 in dealing with county election officials. And
23 they have always been very cooperative.

24 You do need to keep in mind some of
25 their requirements. And as I said, this grid work

1 is going to cause them problems.

2 Ultimately the timetable, it's going
3 to take, probably, a month to two months to pull
4 together all the stuff.

5 Now, you are going to have, as I
6 said, within this next month, some beginnings.
7 Okay? We may not have the grid work, but at least
8 the data and some of the analysis can begin to
9 take place as soon as we get that PL file.

10 You need to take a look at what is
11 the impact of the multiple race issue here in this
12 state and how does that ultimately impact you.
13 All of that kind of analysis can be begun as the
14 other data is being pulled together so that there,
15 as we've been setting up with other states, we
16 have a series of reports and analysis coming
17 through as the data gets put together so that --
18 you know, you basically get into a flow of
19 information, that flow of information to you to
20 help you in your adjudication.

21 When we had talked earlier about a
22 time line, Mr. Bales presented a proposed time
23 line to us in -- based on the amount of time the
24 Department of Justice will need for preclearance
25 and assuming they'll ask for more information, as

1 they always do.

2 More information.

3 COMMISSIONER MINKOFF: We determined
4 we wanted a draft plan to go out for public
5 comment probably by the end of June so we'd have
6 the entire month of July, or most of it, being
7 able to adopt a final plan by August 1st. Is that
8 doable?

9 MR. BRACE: Yes. You may not have
10 everything, because it may not be possible to get
11 all the election results from the 1992 election,
12 for example. But some of that can come into play
13 and get added. Ultimately a bunch of that is what
14 gets submitted to the Justice Department.
15 Certainly in terms of doing that, yes. Joel also
16 had something.

17 MR. WILSON: From past history with
18 the Legislature, we were involved with a voting
19 rights submission where we had to submit all
20 election returns just in paper format.
21 Anticipating redistricting, the Legislature made
22 an extra copy of all election returns. And if
23 legislative counsel and the Legislature would
24 share those copies with the Commission, it's all
25 compiled, all the paperwork is there, so it's a

1 matter of just starting keypunching data.
2 Wouldn't have to go around to counties for returns
3 but have to go to counties for actual precinct
4 matters.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: A question on I
7 guess the interpretation of cells. In the VGIS
8 background, I've been able to go in, say I want to
9 have a 30-meter cell size. I don't know that the
10 proposition or initiative identified what type of
11 cell or what type of grid we were to use.

12 MR. BRACE: That's correct, it did
13 not.

14 COMMISSIONER ELDER: If we go in
15 there and say we want to have thousand-meter cell
16 sizes and that cuts across precinct boundaries,
17 there may be multiple shapes there. Do you have
18 the capability with the data base as given to
19 generate the data base within each cell to give
20 attributes to characteristics we need to work
21 from?

22 MR. BRACE: Yes. The kinds of
23 capabilities, given GIS capabilities and given
24 spacial analysis capabilities, gives a lot more
25 flexibility.

1 As I said, when I first started
2 doing this in 1979 with paper maps, the biggest
3 commodity was how tall a room. Had to have all
4 the maps and acetate overlays. Thank heavens for
5 notebook computers now. It's all doable.

6 It does present some conceivable,
7 the data base issues. When you impose the grid on
8 top of a precinct, if that grid line becomes the
9 line of one of your districts, then from a county
10 elections standpoint it causes them to have to
11 subdivide that precinct or do something in terms
12 of that precinct information.

13 Having the voters end geocoded where
14 they are located helps immensely in that process.
15 That's what we've done for a lot of jurisdictions
16 around the country.

17 CHAIRMAN LYNN: For a point, not
18 only rely on information, too, local election
19 officials could provide supplemental information
20 to make it easy.

21 COMMISSIONER ELDER: Geocode,
22 georeference, voter rights there.

23 MR. BRACE: Yes.

24 COMMISSIONER ELDER: So we have
25 spacial where the voter sits.

1 MR. WILSON: If I may say one more
2 thing about the grid work system. Arizona might
3 be the worst state to implement that in. Dense
4 population in Maricopa County but sparse
5 population elsewhere. So you need a grid work
6 system very small in the dense areas and very
7 large in the more rural areas. So in creating
8 that, I don't create one single size for the
9 entire state, create a big grid work system, go
10 into Maricopa County, use a smaller patch-work
11 system based on the population.

12 CHAIRMAN LYNN: I think we have to
13 go back and look at the intent of that part of the
14 law which, as I understand it, is to simply begin
15 with as equal an application as possible for the
16 population of the state with regard to all the
17 other factors. You start with that to see what we
18 can do and then move from that to consider the
19 other things that have to be considered with
20 regard to legal overlay and everything else.

21 MR. BRACE: That's correct. That's
22 correct.

23 CHAIRMAN LYNN: Obviously that will
24 be ongoing discussion.

25 Other questions?

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Several
3 questions. Firstly, as you develop data for us to
4 use, who does that belong to?

5 MR. BRACE: Belongs to you. We are
6 under contract to the State, or to the Commission.
7 When we compile data for people, it is their data.
8 It is not ours. That's been our policy since I
9 started the company in 1977.

10 COMMISSIONER HUNTWORK: Okay.

11 Secondly, you must have a 10-year
12 cycle of prices. I'm curious, especially with
13 states like Illinois, Texas, how do you staff for
14 something like this and how would we make sure
15 here in Arizona that we have your complete and
16 undivided attention?

17 COMMISSIONER ELDER: I guess, in
18 other words --

19 MR. BRACE: I find that gets asked
20 of me in a number of different states.

21 What we are prepared to do, in fact,
22 is, given Joel's background, is have Joel out here
23 and to live back out here, to work with you. And
24 then we would be flying in in terms of the
25 different experts on the issues as your meetings

1 are --

2 We've, as I indicated before, my
3 favorite house is the nearest airport. I live in
4 airports an awful lot, particularly in years
5 ending in years zero, one, and two. Also given
6 your background, thanks to the lawyers, my cycle
7 is not feast and famine. Because of all the court
8 cases we get involved with, we're always involved
9 with things.

10 COMMISSIONER HUNTWORK: Things like
11 data inputting, though, that would be much more
12 cyclical, would it not?

13 MR. BRACE: Data inputting, yes.
14 Right now we're compiling a big data base in
15 Florida partly to analyze what was going on down
16 there as well as all the other states we're doing.

17 We bring on board people in terms of
18 keypunchers for different type jobs on a temporary
19 basis. But we also gear up. You know, as soon as
20 your initiative passed, this guy became my
21 employee as opposed to out here because we are
22 always looking -- in fact, I interviewed several,
23 a year and a half ago was looking at hiring Tim,
24 too. So we're always looking for very good staff.

25 COMMISSIONER HUNTWORK: Just a

1 couple more questions.

2 CHAIRMAN LYNN: Go ahead.

3 COMMISSIONER HUNTWORK: Who is a
4 typical client? Who are you working for in
5 Florida? Who in Illinois?

6 MR. BRACE: In Florida, a number of
7 the media because of that thing.

8 In terms of Illinois, it's the
9 Speaker's Office and the Legislature.

10 Usually we do not work for political
11 parties, mainly because about 20 years ago I was
12 burned as a consultant; and so we avoid candidates
13 and avoid political parties. We tend to work for
14 state and local governments.

15 COMMISSIONER HUNTWORK: One more
16 question, just something you were talking about
17 that peaks my curiosity.

18 In the initial gridding of the
19 state, to find equal population plots, is there
20 one grid that pops out that the computer generates
21 or is there an infinite number of possible grids
22 depending if you start at the upper end of the
23 state, or state house in Phoenix, or --

24 MR. BRACE: There is a number of
25 different grid possibilities. The issue, however,

1 you are not always going to create a grid pattern
2 that every single grid will have the same number
3 of people, because you have population
4 concentrations, Maricopa versus elsewhere. So
5 your grid pattern will have to be a flexible one.

6 COMMISSIONER HUNTWORK: As I
7 understand, some grids are big, some very small,
8 based on population. You push a button on the
9 computer, it satisfies one only grid pattern --

10 COMMISSIONER ELDER: What's to say
11 we couldn't have, off the wall, a one-meter cell
12 size and combine 200 cells here and 400,000 cells
13 here to come up with a grid pattern that comprises
14 this grid?

15 MR. BRACE: Right, right. And
16 that's some of the issues we have experts also to
17 take a look at in terms of that. There's not one
18 answer.

19 CHAIRMAN LYNN: Mr. Hall?

20 COMMISSIONER HALL: As you heard,
21 we're in the midst of acquiring staff.

22 MR. BRACE: Correct.

23 COMMISSIONER HALL: What are your
24 recommendations in that respect? You have done
25 this obviously a long time in a lot of places. Do

1 you have any input with respect to that particular
2 issue?

3 MR. BRACE: It does pose an
4 interesting prospect. I hate to say it. If you
5 hire somebody good, don't hire him. I'll probably
6 look to hire him.

7 I know you are in a different
8 circumstance. The -- you know, from an executive
9 director's standpoint and legal consultant
10 standpoint, particularly the legal consultant, as
11 you've already indicated, there's a lot of
12 different lawyers. What we were looking at
13 providing to you is some immediate,
14 well-knowledged lawyers to you that are very
15 well-steeped in this particular area of the law.
16 Both of the consultants that we have on staff
17 would have that kind of expertise. That's not to
18 say that they would replace anybody else.

19 I would certainly, and what we've
20 generally done, is looked towards local expertise
21 that is familiar with the local judges, or the
22 local laws, or that sort of thing, to provide that
23 kind of local expertise, but also have outside
24 consultants come in, as our two that we're
25 proposing to you, to provide that immediate

1 knowledge base that maybe the locals don't have.

2 And so it's that combination.

3 Now in terms of executive director,
4 you've got a unique task of, you know -- and we
5 were kind of in a quandary, also, in terms of what
6 we could propose to you. I mean clearly as I said
7 in Rhode Island, we're doing the staffing of the
8 Commission. We'll have a staff, like we did in
9 1990, we had a staff person up there, made use of
10 secretarial assistants that the Legislature
11 provided and the administration office provided.
12 But we provided that staff person.

13 You know, what we're providing is
14 some of that to you. But I think it still makes
15 sense for you to have your own executive director
16 on that side. And it depends on the kind of role,
17 as you were talking earlier today. Is that a
18 media person or is that the job of Mr. Chairman,
19 in terms of being out front answering questions
20 from the press, that sort of thing.

21 That is the kind of decisions that
22 you have before you. And it ultimately dictates,
23 as was already indicated, the kind of person you
24 are looking for.

25 But clearly, you are in the unique

1 situation as a Commission, as opposed to a
2 Speaker's Office, or a Senate President's Office,
3 or somebody that has to be looking at
4 redistricting in terms of getting 51 votes on the
5 floor to pass a bill. You don't have that worry.
6 So the staff persons you have to interact with the
7 general public and yourself have a different kind
8 of qualification.

9 CHAIRMAN LYNN: I knew there was a
10 bright side to this. I hadn't figured out what it
11 was. One ray of light on the bright side.

12 Mr. Hall, other questions. Then
13 Mr. Elder and Mr. Huntwork.

14 COMMISSIONER ELDER: Website.

15 MR. BRACE: Yes.

16 COMMISSIONER ELDER: I'd like a
17 website interactive so citizens can get on a
18 website and say "what about" or "I don't like this
19 because."

20 Do you provide data analysis from
21 the standpoint of being able to categorize the
22 issues or categorize the questions that citizens
23 make?

24 MR. BRACE: Certainly.

25 COMMISSIONER ELDER: Then provide

1 query capability through the data base we have to
2 say this is what appears to be the question, this
3 is what appears to be the issue or ramifications
4 of what we're dealing with from that standpoint?

5 MR. BRACE: Yes. That is something
6 we look at all the time.

7 Now, the issue in terms of internet
8 use and internet use of the public being able to
9 draw, there's a distinction here. The public
10 being able to, over the internet --

11 What you saw up there on the screen
12 is a lot of data, and it's graphically oriented.
13 That is unique from an internet standpoint. It's
14 not raw text coming back and forth, okay? So you
15 are talking about a data stream that becomes much
16 more of a problem when you are dealing with a
17 drawing capability over the internet. There's not
18 a lot of states that have tried that. Most of
19 them have gone to this as a static plan. Now, you
20 may be able to drill down into the plan to see is
21 my house in this district or not in this district.
22 Certainly the ArcIMS kind of package can have a
23 query like an address, so you could type in your
24 address and immediately see well, where did that
25 line, what did it do to me? What district would I

1 be in?

2 Those kind of things are certainly
3 doable via the internet. But giving them the
4 capability of on their home computer of recreating
5 or redrawing those grids --

6 COMMISSIONER ELDER: My question
7 would be probably more a text kind of thing.
8 Somebody says it looks like these districts you
9 created include high-tech residential and
10 agriculture, or the fringe of an urban area is
11 expanding. We think we'd be better represented if
12 you included only urbanized areas and agricultural
13 areas. 50 hits on this, 50 hits on that, that
14 type information and graphic reproposing.

15 MR. BRACE: That's precisely what
16 we're proposing in cluster analysis. That's
17 precisely what it does.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: The question
20 I was going to ask with regard to lawyers, how do
21 you arrange it if you use legal, lawyers there?
22 Our lawyers owe us undivided loyalty, give
23 information we tell them to give information we
24 ask for, are not under your control even though
25 you hired them and picked them.

1 MR. BRACE: In both of these
2 instances, very good question. It's come out
3 before. And in both instances both of those
4 attorneys are willing to have attorney-client
5 privileges with the Commission and guarantee that
6 they would not work with other entities within the
7 state, for example, challenging the Commission, or
8 filing suit, or something like that, on that side,
9 so that they -- they recognize what -- what they
10 are looking at providing.

11 CHAIRMAN LYNN: Other questions?

12 I have several. Let's stick with
13 lawyers for a moment.

14 COMMISSIONER HUNTWORK: Okay.

15 CHAIRMAN LYNN: Assuming that we
16 decide to go forward with hiring our own counsel,
17 that wouldn't necessarily preclude getting legal
18 assistance from your in-house counsel on matters
19 they are particularly expert in. I can think of
20 one off the top of my head which is getting a plan
21 through DOJ with specific preclearance --

22 MR. BRACE: That's correct.

23 CHAIRMAN LYNN: -- issues. Where
24 our attorneys may know something about election
25 law and a lot about Arizona law and may know a lot

1 about Arizona, that kind expertise working in
2 combination would be most helpful.

3 MR. BRACE: That's correct. That's
4 correct. And that's what we would be proposing.

5 CHAIRMAN LYNN: Second, just for my
6 own standpoint, I don't think it's appropriate nor
7 do I think it's a useful exercise for individuals
8 to be able to draw their own maps using an
9 interactive system. However, I, however, know
10 we're going to get maps unsolicited from a variety
11 of quarters in the state. I want to know early on
12 what the capability is to consider those maps in a
13 useful way along with the maps that we've drawn,
14 we collectively, you've drawn at our behest.

15 MR. BRACE: Right.

16 CHAIRMAN LYNN: To see where
17 convergence might be, to see where congruity might
18 lie, to see where points of view might be able to
19 be accommodated.

20 MR. BRACE: Okay.

21 CHAIRMAN LYNN: I assume there's
22 requirements in terms of what kind of program is
23 drawn, what data base, and so on. Assuming that
24 can be overcome.

25 MR. BRACE: There is capabilities.

1 And it is a simple answer, but it's been made
2 complicated by your initiative in the grid work.

3 What most other states have adopted
4 is what we adopted in 1990 around the country
5 which is what is called DOJ format, which is to
6 say that each piece of geography, each census
7 block, is uniquely defined within the census data
8 with a county, a census tract number, and a block
9 number. That gets you your unique characteristic
10 of the piece of geography down to the block. Next
11 to that would be a three-digit district number.
12 That DOJ format is what most, as I said, most
13 states utilized in 1990 and requested of anybody
14 submitting plans that they submit plans in a DOJ
15 format. Okay?

16 That way the data could come in,
17 could come in electronically, in that regard, or
18 whatever.

19 Now, with the new GIS that there is,
20 there is another capability. And both of the two
21 major GIS packages allow this to come into place.
22 And that is what is called the shape files,
23 basically the outer boundaries of the district.
24 Okay? Those can be brought in and then be
25 overlaid on top of your data base.

1 The one caveat of that one is,
2 however, because of geography, if you are looking
3 at it, and the world is round, and you look at a
4 map and it's flat, there are different things
5 called projections. And if in fact somebody is
6 using some software package and they have a
7 different projection than what the TIGER files are
8 native in, which is latitude longitude, then that
9 shape file could be a little different.

10 CHAIRMAN LYNN: Understand.

11 MR. BRACE: But generally, and
12 certainly what we have recommended and done in a
13 number of different states, is laid out a number
14 of things. If you are going to submit a plan, you
15 need to be looking at these kind of things.

16 The other thing we have also done is
17 we've also put a public terminal, not
18 internetwise, but public terminal at a given
19 location, or number of different locations, as
20 proposed in the proposal we have, recommending for
21 different sites in state where a limited version
22 of the autoBound system called Geotrack can be put
23 into those sites so users can come into the
24 libraries or the university and draw those
25 districts and use the software themselves at that

1 point in time. And that's a very good way of
2 getting public interaction going.

3 CHAIRMAN LYNN: Does autoBound and
4 other software packages that exist, just out of
5 curiosity, do they have the capability of
6 translating the material into another language,
7 such as Spanish?

8 MR. BRACE: I don't believe either
9 of them do.

10 CHAIRMAN LYNN: Okay. Next
11 question. Your budget summary, and I know this
12 is -- it's not a formal bid at this point, but
13 your budget summary of what you think it will take
14 to do the job, the things we've talked about so
15 far, is there anything that we've asked that was
16 not included in this summary, that you can think
17 of?

18 MR. BRACE: I don't think so. I
19 don't think so. I tried to anticipate as much as
20 possible, having followed your process already,
21 and knowing what these kind of things take place.

22 CHAIRMAN LYNN: Under the project
23 management category, there's a figure here which
24 suggests we're not going to see you very often or
25 very much. I may be wrong about that. It just

1 seems to me that that is not a large dollar
2 figure, assuming you are the project manager for
3 the project.

4 MR. BRACE: Uh-huh.

5 CHAIRMAN LYNN: I want to be clear
6 about our need to see our project team as often as
7 necessary and appropriate. I want to make sure
8 that is available to us. More importantly, if
9 Mr. Wilson is going to be the primary contact on
10 the ground, I notice that for some reason he has
11 no resume, or at least mine doesn't include it. I
12 would appreciate getting that information as
13 quickly as possible.

14 MR. BRACE: No problem providing
15 that. Kinko's missed that when they ran it,
16 unfortunately.

17 CHAIRMAN LYNN: I assume he has a
18 background, you just didn't provide it.

19 MR. BRACE: Yes. We'll provide it.

20 The other feature, this is a
21 nationwide beeper. I answer all calls to all
22 clients immediately. You'll all have that and be
23 able to get in touch with me immediately.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Connection

1 to remote locations and computers, what about the
2 possibility of putting it on a laptop and lending
3 it to a group to use for a week or 10 days and
4 bring back to us with their ideas?

5 MR. BRACE: Well, one of the things
6 we proposed for the Commission and hardware
7 purchase was in fact a laptop you would have as a
8 Commission to allow you to hold public hearings
9 elsewhere and be able to take a projector and
10 laptop and have, you know, plan variations or
11 redraw drawings, or whatever you would need to
12 have.

13 If you wanted to have another
14 notebook, I mean, notebooks to handle these things
15 and deal -- you know, that's about \$3,000. That's
16 up to you.

17 CHAIRMAN LYNN: But a technical
18 question. Is this the kind of software and the
19 kind of process that just anybody could sit down
20 with a laptop and do? And again, I'm not just
21 talking about how easy it was for Mr. Wilson to
22 select district level and include one level or
23 another.

24 MR. BRACE: Right.

25 CHAIRMAN LYNN: I'm talking about

1 willing to do it, all overlays, the statutes in
2 mind, all provisions of the Voting Rights Act,
3 DOJ, and others, to the point that --

4 Are we asking for a public exercise
5 where the public is really not --

6 MR. BRACE: Up on it.

7 CHAIRMAN LYNN: -- capable of
8 providing a useful answer at the end of it as
9 opposed to reacting to a series of maps that are
10 drawn with all of those things in mind and with
11 people commenting on the results rather than the
12 process itself?

13 MR. BRACE: Very good question.

14 We have seen in working with
15 commissions elsewhere in the country, it is a
16 paramount issue. The software is easier, but it's
17 still not simple. It still has a lot of little
18 bells and whistles. And it takes some time.

19 In some of the situations, we
20 provide a staff out at that public terminal, for
21 example, so that their hand is on the mouse and
22 instead they are taking the concept from that
23 public individual, "I would like it to go this
24 way." "Okay. Well, I know how to do that and I
25 can do that." We found that that tends to be a

1 lot easier way of getting information from the
2 public.

3 Now, the other thing we've also
4 found is in fact the public is very good about
5 commenting about something concrete.

6 We've -- generally when we do work
7 in a different state, we usually work towards
8 having a series of hearings initially to get the
9 issues out there and let people come in and talk
10 about the overall issues. And that initial series
11 of hearings, the most beneficial is: "What is
12 your neighborhood?"

13 We've now had this thing called
14 communities of interest. Well, tell us what do
15 you consider to be your neighborhood? What do you
16 consider to be your community of interest that you
17 are looking at? And, you know, we can draw that
18 up on the map.

19 Is that what you are looking at? Is
20 that the way you describe Evanstown, or whatever
21 the case may be? And that is a very useful tool
22 at the initial part of things.

23 But then you take that into
24 consideration, all the other factors that you
25 have, and then put out some variations and

1 scenarios.

2 CHAIRMAN LYNN: Ms. Minkoff.

3 COMMISSIONER MINKOFF: You mentioned
4 something to me earlier about concern when we
5 configure the space that we just agreed to take in
6 terms of getting the right lines in for --

7 MR. BRACE: Computer capability.

8 COMMISSIONER MINKOFF: -- computer
9 capability. Is there anything unique to what you
10 need or is it just a standard configuration that
11 Tim would be comfortable with, that Dan would be
12 familiar with in being our overly and heavily
13 compensated architect?

14 MR. BRACE: Just watch out for the
15 mushrooms in the wire.

16 What we would be proposing is
17 similar to what Tim would be looking at. What we
18 have tended to look at, not only computers
19 themselves and set up a number of them in the
20 office, but also looking at plotting stations, a
21 large plotter, because you are going -- you can
22 take stuff on the projector and project it out.
23 You might want to have a series of plots of --
24 these are where minority concentrations are in the
25 county, going to do public hearing on. It's a lot

1 easier to have a large plotter. Need to have
2 space for a 52-inch plotter or 48-inch plotter.

3 CHAIRMAN LYNN: Nothing out of the
4 ordinary.

5 MR. BRACE: TCIB or -- or T line.

6 COMMISSIONER ELDER: T line. My 56K
7 takes forever.

8 CHAIRMAN LYNN: T line.

9 MR. BRACE: If information coming
10 in, or vice versa, T1 is lots better, particularly
11 dealing with anything in terms of internet, if a
12 web server there, in terms of some stuff being
13 able to come in.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: How immediate
16 is analysis of the effects of doing something?
17 Where I'm going, we have a -- we have a culture
18 that started off, you know, beginning with me,
19 with Donkey Kong and then through Dungeons and
20 Dragons. One of these. Now you get this. If you
21 go in and now modified that line because it fit
22 this community of interest, then you can get
23 almost instantaneous, but you sure blew this, did
24 this and did this?

25 MR. BRACE: Yes. You can end up --

1 the numbers, computer -- you need to think of the
2 computer as a big adding machine. Okay? And it
3 works best when it's an adding machine. So when
4 taking territory and assigning to a district, it's
5 going to add up all the information up to that new
6 district. And it will instantaneously across the
7 bottom give you results of that.

8 COMMISSIONER ELDER: The numbers I'm
9 looking for are -- yeah, but you now are out of
10 balance by 50,000 people. You have wiped out the
11 Hispanic or whatever it is balance or gains, done
12 this but increased that.

13 MR. BRACE: Yeah. What you are
14 looking at is population deviations are one of
15 instantaneous numbers. We have a whole series of
16 reports that you can run whenever you want to.
17 But they tend to go through the data base and
18 relook at things to give you some of the other
19 kinds of issues. Those things at most take five
20 minutes to run. Not like that, in some instances,
21 but not waiting overnight like I used to.

22 COMMISSIONER ELDER: I suppose what
23 I was looking at, if we put out the four you were
24 proposing at libraries, Flagstaff, and wherever,
25 if the public gets the -- unrealistic, so drew

1 this, really looked great, doesn't meet all the
2 criteria DOJ is going to look at, whatever groups
3 we have, they're going to be looking at this, we
4 haven't really done them a service of being able
5 to give input.

6 MR. BRACE: Correct.

7 COMMISSIONER ELDER: Need to be able
8 to at least get feedback, did this, wiped out
9 four, five, moved this, getting better. They can
10 see what a decision the process is and how it
11 might fit --

12 CHAIRMAN LYNN: I want to reiterate
13 my concern in asking anyone outside the process to
14 actually ever draw a district ever.

15 Having said that, Mrs. Minkoff.

16 COMMISSIONER MINKOFF: I'm wondering
17 how to do this understanding the requirements of
18 the open meeting law, which I really don't
19 understand.

20 You are talking about a 52-inch
21 plotter, which I imagine is not real easy to pick
22 up and take into a room like this when you are
23 having an open meeting.

24 MR. BRACE: But you won't use it in
25 that instance. Plot out the map in the Commission

1 office and take out the resulting information.

2 COMMISSIONER MINKOFF: I'm wondering
3 if we do that rather than staff at our direction.

4 Can we do that? Can we all stand
5 around a plotter? What about a meeting there?

6 CHAIRMAN LYNN: No, we shouldn't do
7 that, in my opinion. One reason for hiring
8 consultants and staff is to do those kind of
9 things and show us results.

10 COMMISSIONER MINKOFF: Okay.

11 CHAIRMAN LYNN: The thing we as a
12 Commission, again, my opinion, if you differ, say
13 so, but my feeling is that our job is to
14 ultimately pass judgment on a work product that
15 will pass muster with Department of Justice, that
16 will hopefully withstand any legal challenges
17 brought against it, that will stand up as
18 complying with the spirit and letter of the law
19 we're dealing with and everything that we've had
20 to work with.

21 And the ability to do that, I will
22 frankly tell you, is not in my capability standing
23 around any machine doing anything. It is however
24 my capability to ask of people who do that does it
25 meet all these criteria, how does it meet this

1 criteria, and what is the effect of any change
2 that might be made. That I think we have every
3 right to do and that we can do it in open meetings
4 as we go forward.

5 COMMISSIONER MINKOFF: Can we move
6 lines in open meetings?

7 MR. BRACE: Sure, you could, just
8 like Joel was doing here. What we have done in
9 other states is that we have, as staff, in
10 essence, created alternatives, created scenarios,
11 and presented to the Commission, you know, this is
12 scenario A, it does the following.

13 CHAIRMAN LYNN: These things.

14 MR. BRACE: Meets this, has a
15 problem over here, answers these groups from here
16 and here, or whatever the case may be. This is
17 one result. Here is another one. Here is a
18 couple of them. And then you as a Commission look
19 at, you know, well, we need to really tweak this
20 way or that way. We can do that on a projector.
21 Or we can say, you know, we'll get back to you
22 tomorrow and have another scenario. Both are
23 possible.

24 CHAIRMAN LYNN: Mr. Hall.

25 COMMISSIONER HALL: Did you review

1 Tim's list of hardware, software?

2 MR. BRACE: I got that just before
3 Karen ended up presenting.

4 COMMISSIONER HALL: Presuming
5 it's -- whatever he would put in would work with
6 whatever you would do.

7 MR. BRACE: Sure.

8 COMMISSIONER HALL: Would I be safe
9 in assuming we could -- looking here, your budget,
10 summary of all services you would provide, am I
11 safe in assuming if we were to do the best we
12 could in an effort to be judicious with the
13 fiduciary funds entrusted to us to obtain our own
14 hardware, software, at the best possible price,
15 have someone in your entity, position, sign off on
16 that, and then some of the data requirements I'm
17 assuming here have already been obtained and will
18 be obtained via the Maricopa County Elections
19 office, is that accurate in assuming that?

20 MR. BRACE: Some of that.

21 COMMISSIONER HALL: Some I
22 understand are --

23 MR. BRACE: Maricopa, for example,
24 is an electronic file.

25 COMMISSIONER HALL: Am I safe to say

1 we could garner some of these services and some of
2 the resources listed here from a variety of
3 sources and then still seek to utilize your
4 expertise in actual, the geographic demographic
5 data crunching issue of the equation? Am I
6 correct in assuming you will offer all or part of
7 these services?

8 MR. BRACE: Well, we are willing to
9 offer any number of different services. The issue
10 is the beginning of the building of that data
11 base. And that's where -- that forms the
12 underpinning of everything that you are going to
13 do. And so if you were to farm that out to
14 somebody else, then that starts --

15 COMMISSIONER HALL: I guess I was
16 just saying with respect to what we know we
17 already have, Maricopa County.

18 MR. BRACE: Sure.

19 COMMISSIONER HALL: The largest
20 already, that data base immediately dovetails into
21 what you've got?

22 MR. BRACE: Correct. As indicated,
23 we're happy to work with Tim and talked with Karen
24 about that possibility.

25 CHAIRMAN LYNN: Mr. Elder.

1 COMMISSIONER ELDER: A question
2 about the data base.

3 If we go in and start working with
4 the data base and bringing in data that was not
5 derived -- and I assume it was not derived from
6 the 2000 Census? I guess where I'm going, the
7 test eventually is going to come down to DOJ.
8 What data base will they use to evaluate our
9 process and our results? And if we don't use the
10 same data base, how are we ever going to get
11 through DOJ?

12 MR. BRACE: Right. Very good
13 question.

14 In fact, we've actually been in
15 communications with and have met regularly with
16 DOJ in terms of the kind of system that they are
17 setting up. They are in fact using an ESRI
18 product for their own internal analysis. They
19 were prepared to, before yesterday, prepared to
20 have both sets of data.

21 And as I believe the letter coming
22 back to the State of Arizona said they would be
23 evaluating the plans under both sets of data, the
24 adjusted or the unadjusted, if that data came out.

25 So even though the state had passed

1 that law that said only use unadjusted data, the
2 Department of Justice had served notice on all
3 states that they would be looking at both sets of
4 data.

5 Now, that was conceivably eliminated
6 yesterday afternoon with the Census Bureau's
7 decision, at least on that side.

8 But clearly in terms of the other
9 kind of data, part of what DOJ always looks at is
10 they do their own racial block voting analysis.
11 Okay? They look at, just as what Joel said, they
12 look at taking all those election returns and
13 doing their own keypunching of them and seeing
14 what their own analysis has.

15 You are unique, as I said before, in
16 this grid work. So there may in fact be something
17 that you would be communicating to DOJ that they
18 didn't have, because of the grid work.

19 They have all the Census Bureau
20 TIGER files, like you would. But they have not
21 looked at, as of yet, the grid work concept as
22 overlaid on top of that.

23 CHAIRMAN LYNN: I understand that's
24 a departure point.

25 MR. BRACE: Yes, that's correct.

1 CHAIRMAN LYNN: The law indicates
2 that's our departure point. It may not turn out
3 to be the destination.

4 MR. BRACE: Destination, that's
5 correct.

6 CHAIRMAN LYNN: Mr. Hunt.

7 COMMISSIONER HUNTWORK: Just a
8 philosophical comment based on some of the
9 discussion, and that is, you know, I expect to
10 have enough of an opportunity to at least ask
11 questions and see a wide variety of different
12 alternatives so I can actually exercise my own
13 independent judgment and not, in effect, be
14 relying on a gatekeeper to give me three choices
15 when in fact there are an infinite or wide variety
16 of choices out there. We do need to be sure we
17 have that capability.

18 Maybe I can go and sit down with Tim
19 or somebody and do that on my own at one of our
20 public terminals, just as any member of the public
21 could do; or maybe we just ask enough questions
22 together and get enough answers we cover that
23 completely right here in our open meetings. But I
24 do think we need to be mindful of that and need to
25 do it.

1 The second thing I'm a little
2 concerned about is there are not so much
3 individuals but important groups within our state
4 that want to be full participants in this process.
5 And to the extent that they are laboring under a
6 handicap because they don't really have access to
7 the same data that we do, but they feel that
8 they -- their vital interests are at stake, I
9 would want them to have every opportunity to make
10 suggestions we can consider, not suggestions we
11 had to reject because they didn't have the
12 technical ability to satisfy legal criteria.
13 That's a philosophical idea we have to keep in
14 mind as we move forward.

15 MR. BRACE: Excellent point. I
16 agree.

17 CHAIRMAN LYNN: Mr. Hall.

18 COMMISSIONER HALL: We have other
19 people interested in providing services to this
20 entity. And I'm sure more to come. I don't know.
21 I'm just guessing. But I guess my question is
22 what -- are there other services that, other
23 entities provide which you do not or is there a
24 reason why -- maybe you can give us a one-minute
25 synopsis why in your opinion we should utilize

1 your services versus some of your competitors or
2 partial competitors, whatever the case may be, and
3 if, for example, someone said hey, we ought to use
4 a local firm wherein we have greater extent of
5 local knowledge with respect to local issues. I'd
6 be interested in your reaction to some of those
7 other perspectives.

8 MR. BRACE: I guess my reaction
9 would be very similar to what we talked about in
10 terms of the lawyer side. And just as I've said
11 that I would be happy to work with Tim, if there's
12 other local, we would be happy to work with them,
13 too. What we have always found is that doing a
14 redistricting requires a lot of intense knowledge
15 of the local circumstance, but framed in that,
16 global of what is required. And certainly we gear
17 up so that we gain a lot of that local knowledge.
18 But sometimes we gain that by bringing on board
19 local consultants.

20 That was part of the reason why we
21 hired Joel from that standpoint in terms of
22 Arizona, so that --

23 I don't have any problem in terms of
24 working in and utilizing local expertise. And
25 I've done that in other instances, too.

1 CHAIRMAN LYNN: Other comments or
2 questions?

3 Thank you very much for coming.

4 MR. BRACE: You are welcome.

5 CHAIRMAN LYNN: Both you and
6 Mr. Wilson, thank you for sharing this information
7 with us. As you said several times, we are behind
8 the curve. We understand that. And we need to
9 move fairly quickly. So we'll be back in touch
10 when it's appropriate, but certainly not for
11 long -- I mean we'll be making some decisions
12 other than that, but --

13 MR. BRACE: Thank you very much.
14 Thank you for letting us testify.

15 CHAIRMAN LYNN: What is the
16 Commission's pleasure with respect to a lunch
17 break? It's after 1:00 o'clock. How long would
18 you like to take and would now be a good time?

19 COMMISSIONER HALL: My question is
20 now the only issue we have remaining -- we have
21 discussion of how other redistricting commissions
22 operate, do we not?

23 CHAIRMAN LYNN: Yes, then future
24 agendas, adjournment. I'd be more than happy
25 to -- more than happy to have a shorter lunch

1 period and get back to it.

2 COMMISSIONER HALL: My question was,
3 in your long, experienced opinion in that
4 position --

5 CHAIRMAN LYNN: Yes.

6 COMMISSIONER HALL: How long do you
7 think those two items will take?

8 CHAIRMAN LYNN: The two items in
9 aggregate will take about an hour.

10 COMMISSIONER HALL: I'm too hungry
11 for that.

12 COMMISSIONER MINKOFF: Another
13 question. We've had a couple presentations about
14 technical support. Ultimately we'll have to make
15 a decision on technical support. Will we begin to
16 make a decision now or is that an agenda item for
17 a future meeting?

18 CHAIRMAN LYNN: I guess I'd ask
19 legal counsel. We didn't really agenda making a
20 decision on outside consultants. We did have an
21 agenda item on presentation from a consultant.

22 COMMISSIONER ELDER: One area where
23 we do have an opening is the standpoint of our
24 space and getting the space ready, which included
25 telephone and that, where, if we wanted to look at

1 the technical support, whether we want computer,
2 those types of things, that could be folded into
3 that agenda item.

4 COMMISSIONER MINKOFF: I'm not
5 proposing we decide today.

6 CHAIRMAN LYNN: I understand we want
7 to get a sense.

8 COMMISSIONER HALL: I think the
9 simple answer, Tim, do we not just need CAD5 cable
10 for network or more than that?

11 MR. JOHNSON: For internet high
12 speed connection, internal network, that's it.

13 CHAIRMAN LYNN: I think we were
14 discussing -- we need availability of T1 line.
15 I'm assuming, shouldn't, but I'm assuming the
16 state already has a number of T1 installations and
17 this would be yet one more.

18 MR. JOHNSON: Exactly.

19 COMMISSIONER ELDER: My experience,
20 I bought a 42-inch plotter, you can get that in
21 two, three days. We don't need to make decisions
22 on plotters, decisions on other type of things.
23 It's almost instantaneous, load on software and
24 go. Anything that relates to space, cabling, any
25 type of thing with lead time on it, I'd like to be

1 able to move on.

2 CHAIRMAN LYNN: Let's go back to the
3 question of what is our capability under the
4 agenda.

5 MS. VARELA: Mr. Chairman, I'd defer
6 to Terri Skladany.

7 CHAIRMAN LYNN: I know her.

8 MS. SKLADANY: My specific advice,
9 it says "presentations," which suggests you'd not
10 take action. However, you do have a general
11 notice on the first page that says all matters on
12 the agenda may be discussed, considered, and
13 subject to action by the Commission.

14 My best advice to you is defer
15 making a decision on this until you specifically
16 have it noticed for decision, since you only had
17 it listed for presentation.

18 It's arguable. You might be able to
19 get away with it. You're better off waiting and
20 specifically identifying for discussion and
21 decision.

22 COMMISSIONER MINKOFF: May I ask a
23 question related to that?

24 I'm not suggesting I'm ready to take
25 a vote on who our technical consultant will be.

1 I'm wondering if it's appropriate to discuss today
2 the next steps. We may want to schedule short
3 presentations. Do we want to ask for written
4 proposals, those kind of things? Are those
5 appropriate today if we decide to do them?

6 MS. SKLADANY: As a next meeting
7 agenda item, meeting next date, if you'd like to
8 make sure on the agenda are these issues to make a
9 decision, move forward.

10 COMMISSIONER MINKOFF: Is it also
11 appropriate, should we decide to do it, to say
12 between now and then we'd like to solicit
13 proposals and this is the form proposals should
14 take?

15 MS. SKLADANY: For redistricting
16 consultants?

17 COMMISSIONER MINKOFF: Right. Or is
18 that an agenda item for next meeting?

19 MS. SKLADANY: My recommendation is
20 it be an agenda item. It's arguable, also, on the
21 front page.

22 COMMISSIONER MINKOFF: I don't want
23 to argue.

24 CHAIRMAN LYNN: Mr. Elder.

25 COMMISSIONER ELDER: What

1 responsibilities or range or latitude does an
2 interim executive person have? In other words,
3 could we have --

4 We need to get these things place
5 within the facility, not software, not services,
6 not -- just get together where -- even if just
7 getting the network ready.

8 CHAIRMAN LYNN: We can do it.

9 COMMISSIONER ELDER: Direct him to
10 do it, say fine?

11 MS. SKLADANY: Direct the executive
12 director to start making plans.

13 CHAIRMAN LYNN: We can do that.
14 That's easy.

15 Mr. Hall.

16 COMMISSIONER HALL: I make a motion
17 we adjourn for lunch and reconvene at 2:30. We
18 can continue anything on the agenda for item five.

19 CHAIRMAN LYNN: We don't need a
20 motion.

21 Is 2:30 okay with everybody?

22 COMMISSIONER MINKOFF: 2:30 okay?

23 COMMISSIONER HUNTWORK: Any chance
24 we could make it 2:00?

25 COMMISSIONER MINKOFF: 2:00?

1 CHAIRMAN LYNN: Okay with me. I'm
2 happy to make it 40 minutes.

3 COMMISSIONER HALL: If the cafeteria
4 is open downstairs, 2:00 is probably okay.

5 CHAIRMAN LYNN: Let's stand in
6 recess until 2:00 o'clock.

7 (Recess taken from 1:21 p.m. until
8 2:07 p.m.)

9 CHAIRMAN LYNN: We'll call the
10 Commission back in session.

11 For the record, all five
12 Commissioners are present.

13 Is there a motion to reconsider the
14 decision on space?

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Yes. I
17 would like to make that motion.

18 CHAIRMAN LYNN: Is there a second?

19 COMMISSIONER MINKOFF: I'll second
20 it.

21 CHAIRMAN LYNN: It's been moved and
22 seconded to reconsider our decision on space. All
23 those in favor, say "aye."

24 (Vote taken.)

25 CHAIRMAN LYNN: Opposed, say "no."

1 (Vote taken.)

2 CHAIRMAN LYNN: "Ayes" appear to
3 have it. Ayes do have it.

4 We're now again in consideration of
5 location.

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman,
8 over the lunch break I went to a building that is
9 on the west side of 19th Avenue directly behind
10 the State Capitol, which I believe is owned by
11 the Arizona Association of Counties or is it
12 Maricopa County.

13 Does anyone --

14 Anyone?

15 MR. SISSONS: Association of
16 Counties.

17 COMMISSIONER HUNTWORK: Thank you.

18 There is a space on the second floor
19 containing approximately 2,400 square feet that is
20 probably within two to three weeks of completion.
21 There is a conference room on the first floor that
22 would have adequate capacity for our needs under
23 most foreseeable circumstances.

24 We were given an initial indication
25 that the rent would probably be in the range of

1 \$16 a foot prior to any negotiation. It would
2 include a phone system and high speed computer
3 lines. The conference room was all set up for
4 Power Point presentations. And we would have the
5 ability to use that function as well.

6 It appears to me that there is good
7 public parking in the west end of the big parking
8 lot behind the State Capitol and that the access
9 of this building to the State Capitol would be
10 superb. There other amenities in the building,
11 some very nice conference rooms we'd be able to
12 use for smaller purposes, or war rooms, or other
13 purposes, from time to time.

14 What I would like to suggest is that
15 at the end of this meeting we all go over there
16 and take a look, we actually do this adjournment
17 process that we talked about last time, go over
18 there and reconvene, let the Commission take a
19 look at it, and then simply decide between the two
20 spaces. And although we don't have a formal offer
21 on this other space, I think that we could set --
22 if we decided we wanted to wait and explore it, we
23 could set some parameters, see if that was
24 available to us, and if it wasn't, could elect to
25 go with those.

1 This space is modern, above ground,
2 much more attractive, better access to the public.
3 For these reasons I think it would be preferable,
4 if we can obtain it at a comparable price.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: I have a
7 question. Since comparing to the space at 1400
8 West Washington, Mr. Elder you've seen -- have the
9 two of you seen it? Almost have to go by, take a
10 look at it.

11 CHAIRMAN LYNN: Not for my purposes.
12 I want a home. I don't care what it looks like.
13 I just want to us have one.

14 COMMISSIONER HALL: I second that.

15 CHAIRMAN LYNN: I'm much more
16 interested in other things.

17 COMMISSIONER MINKOFF: Okay.

18 CHAIRMAN LYNN: Either one of these
19 works for me as long as its public access is not
20 inhibited in any way, it has the amenities we need
21 to get our work done, that our staff will be able
22 to function. Beyond that, I'm not concerned.

23 COMMISSIONER HALL: Are you
24 suggesting the conference room would serve for a
25 meeting such as this?

1 COMMISSIONER HUNTWORK: Yeah.

2 COMMISSIONER HALL: What is the
3 seating of it?

4 COMMISSIONER HUNTWORK: I would
5 guess it has room for about 30 people around the
6 table and that you could set up chairs for
7 another --

8 COMMISSIONER HALL: Similar to the
9 Secretary of State's Office where we first met?

10 COMMISSIONER HUNTWORK: No, much
11 larger than that.

12 COMMISSIONER HALL: Is there a
13 meeting room in the first location?

14 COMMISSIONER MINKOFF: A number of
15 meeting rooms at that location. I did not look at
16 them except one right next to the office space
17 provided for us which is fine, but small. Doesn't
18 have a lot of seats.

19 COMMISSIONER ELDER: 50, maybe 60,
20 all the other would have.

21 COMMISSIONER HUNTWORK: My guess is
22 the meeting room in this building is larger, I
23 think, than the one in 1400 West Washington.

24 COMMISSIONER MINKOFF: Apparently
25 also there are a number of hearing rooms.

1 COMMISSIONER HALL: Being the only
2 one having seen both buildings, you are
3 recommending the second building because of --

4 COMMISSIONER HUNTWORK: I'm
5 recommending the second building because the space
6 itself is much nicer. And the parking and access
7 to the public would be better at the second
8 building than at the first one.

9 COMMISSIONER MINKOFF: Question.
10 I'm familiar with that large lot west of the
11 Capitol. If people parked in that lot, do they
12 then have to walk across railroad tracks to get to
13 this building?

14 COMMISSIONER HUNTWORK: Yes, they
15 would.

16 COMMISSIONER HALL: Do we need to
17 carry a bodyguard or --

18 COMMISSIONER MINKOFF: Good
19 question.

20 COMMISSIONER HUNTWORK: The building
21 has good security. It does have, for after-hours
22 access, does have security.

23 COMMISSIONER MINKOFF: I'm concerned
24 about walking across railroad tracks after a
25 meeting.

1 CHAIRMAN LYNN: The location may
2 have less to offer. I was perfectly happy with
3 the State Commission, State building. It's a
4 recognized state building, has a parking facility,
5 you don't have to cross a street, railroad track.
6 It's perfectly fine with me if we stay where we
7 are.

8 I would not -- I'm not, again,
9 concerned about one or the other. I'm concerned
10 we make progress and pick one. I'm perfectly
11 happy to stay where we are. I think we ought to
12 make that decision as quickly as possible so we
13 begin the infrastructure buildout and getting
14 things we need to move forward.

15 What is your pleasure?

16 Ms. Minkoff.

17 COMMISSIONER MINKOFF: I supported
18 Mr. Huntwork's motion. I felt we needed to talk
19 about it, needed to consider this space.

20 I have a couple of issues: One, if
21 in fact we have to walk across railroad tracks
22 from parking to the building, I see that as a
23 negative for the building, especially if and when
24 we have evening meetings. I'm the first one that
25 will fall and break something, I'll tell you.

1 The other issue is one Mr. Lynn
2 brought up. I think there is an advantage for us
3 to be in a State facility. The space is not
4 elegant, contemporary, attractive, by any stretch
5 of the imagination; but I think it can be made
6 functional.

7 Parking -- I think it's a matter of
8 learning parking. Directly across to the north,
9 there's no problem finding a parking space and a
10 lot that had a lot of spaces.

11 I'm comfortable going to look at
12 that if this is the pleasure of the Commission.
13 We should make an informed decision. Quite
14 honestly, I only looked at one place.

15 I think there are advantages to
16 being in a State of Arizona complex.

17 CHAIRMAN LYNN: Let me move this
18 along. The motion to reconsider in effect secures
19 an additional vote on the item originally on the
20 agenda.

21 COMMISSIONER MINKOFF: Uh-huh.

22 CHAIRMAN LYNN: The original item
23 voted on was to secure space from the State at
24 1400 West Washington.

25 We, without objection, will move to

1 another vote on that issue.

2 All those in favor of taking the
3 space at 1400 West Washington, signify by saying
4 "aye."

5 (Vote taken.)

6 CHAIRMAN LYNN: Opposed say "no."

7 (Vote taken.)

8 CHAIRMAN LYNN: "Ayes" have it, do
9 have it. We'll stay at 1400 West Washington.

10 Mr. Hernandez, just a scare. Suite
11 10 is home sweet home.

12 MR. HERNANDEZ: Gotch you.

13 CHAIRMAN LYNN: Mr. Huntwork, thank
14 you very much for doing it.

15 COMMISSIONER HUNTWORK: I almost
16 missed lunch over this issue, so --

17 CHAIRMAN LYNN: Others would tell
18 you you didn't miss much. That's another issue
19 all together.

20 Next item on the agenda, discussion
21 of how other redistricting commissions operate.

22 You have in your packet, I believe,
23 or have in information provided to you, a survey
24 that was done through the Attorney General's
25 Office of other redistricting commissions in

1 various states. And you have a chart which shows
2 how each of them dealt with the issues of having
3 an executive director and what kind of position
4 that was, how they were staffed, any rules or
5 guidelines that govern how they operate, and a
6 contact person.

7 Assuming that you have had an
8 opportunity to review this, is there any
9 discussion or any issues that this suggests that
10 you would like to discuss at this time?

11 I hear none; therefore --

12 Mr. Huntwork?

13 COMMISSIONER HUNTWORK: Let me just
14 say that it wasn't as useful as it might have
15 been, because it's not enough data or information
16 here to know exactly what these commissions are
17 required to do or whether their task is similar to
18 ours. I know they do redistricting, obviously,
19 but I don't know if they have some of the
20 complications our consultants told us about.

21 I don't know how we could function
22 particularly without an executive director. Some
23 of these commissions, obviously, do, but there
24 must be some difference between what they do and
25 what we're proposing to do. So . . .

1 CHAIRMAN LYNN: It also seemed to me
2 that we're unique in a couple of ways. The
3 legislation here is unique, apparently. We've
4 been told that enough so that sunk in. And the
5 other thing that seems to be unique is other
6 commissions have operated for some period of time.

7 Some states had independent
8 redistricting operations for a number of years.
9 This is Arizona's first opportunity to have that
10 method.

11 In those two ways, we're clearly
12 different from the others. I'm not sure we can
13 learn anything from what they've done and how
14 they've done it. I think we're free to make as
15 many mistakes as we can between now and the end of
16 the year and learn from each one of them.

17 Any further discussion?

18 COMMISSIONER ELDER: I think from
19 what I saw, sort of the menagerie of what they had
20 and how they staffed it, is some did in-house
21 processing. It appears that Hawaii actually had
22 GIS personnel in-house, in the office, whereas
23 Colorado, for example, on this page, had one
24 clerical position and five plan drawers. I don't
25 know if five drawers to put plans in or five

1 people to draw plans. Anyway, there's a broad
2 range of staffing.

3 I think what we need to do, my
4 opinion, is get a director person on board, have
5 he, she, whatever, define when they are overloaded
6 with time responsibilities, need secretarial
7 staff, need clerical, whatever it might be at that
8 point, but start off with our director, and then
9 go from there.

10 CHAIRMAN LYNN: Ms. Minkoff.

11 COMMISSIONER MINKOFF: Of all of
12 these, the state that has been mentioned to me as
13 kind of a model that we should use is Washington
14 state. They did it before. They did the '90
15 redistricting with an independent commission. And
16 from what I recall, there were no court challenges
17 to their plan, which means they must have done an
18 amazing job.

19 If you look at the Washington state
20 staff complement on the last page, it's closer to
21 what we're talking about. And so it seems to me
22 that we probably are on the right track. They do
23 have an executive director. They do have
24 technical staff. They have other executive staff.
25 And it seems to be the direction they are going.

1 Apparently they had good experience
2 in Washington state. I feel comfortable with what
3 we're doing based on Washington state.

4 CHAIRMAN LYNN: Any further
5 discussion on this item? If not, we'll move on.

6 Agenda items -- let's defer that for
7 one second.

8 In keeping with the suggestion that
9 was made earlier, without objection, may we return
10 to a call to the audience or public comment
11 portion of the day and ask if there is anyone
12 still with us who wishes to address the Commission
13 before we move to setting agenda items for the
14 next meeting?

15 Please, please state your name again
16 for the record.

17 MR. COLEMAN: Cortland Coleman,
18 Arizona Democratic Party.

19 Mr. Chairman, members of the
20 Commission, I'll reiterate my comments before,
21 that when you set agenda items for the next
22 meeting, have a public comment period like there
23 was this morning in the beginning of the meeting
24 and then as well towards the end of the meeting.
25 I think that's convenient with everyone, helps

1 scheduling as well as being able to let folks
2 comment on what happened at that day's meeting.

3 Thank you.

4 CHAIRMAN LYNN: Any other public
5 comment?

6 If not, we'll close that off and
7 move to agenda items.

8 Let me remind the Commission that we
9 have already set one at least day-and-a-half,
10 two-day meeting we need to coordinate in terms of
11 schedule. And that agenda is as follows, so far:
12 That the first part of that two-day meeting will
13 be the screening by the Commission of applications
14 for legal counsel and for executive director, to
15 the extent that those have been provided to us and
16 we've had an opportunity to individually review
17 those applications.

18 We've already decided that any of
19 the applicants for either of those positions, for
20 any of those positions, receiving three
21 affirmative votes from the Commission would be
22 asked to join us the following day for an
23 interview period and for consideration as
24 finalists for the positions that we've advertised.
25 And on the second day we would conduct those

1 interviews, we would hear from the public, we
2 would deliberate, and hopefully select an
3 executive director and counsel.

4 So so far, those items are on that
5 agenda.

6 Are there other items that you would
7 like to add to that agenda at this time?

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: I don't know
10 how much we'll be able to do in a two-day time
11 period. I think very, very quickly we need to
12 move towards deciding technical assistance we'll
13 be engaging as a Commission. We need to decide if
14 we're going to work with Maricopa County and, if
15 so, how; if going to have an outside consultant;
16 if EDS, whether we want to schedule presentations
17 from other consultants that should be heard by the
18 Commission. And we need to move on that rapidly.

19 CHAIRMAN LYNN: Mr. Huntwork?

20 COMMISSIONER HUNTWORK: If I
21 understood correctly, the law that we were talking
22 about earlier with regard to procuring consultants
23 would require us to go through some sort of an
24 RFP, even an abbreviated one, for consultants as
25 well. Is that correct?

1 CHAIRMAN LYNN: I might ask
2 Mr. Hernandez to comment on that.

3 MR. HERNANDEZ: Mr. Chairman, sir,
4 that's correct.

5 CHAIRMAN LYNN: What does that
6 process look like, Mr. Hernandez?

7 MR. HERNANDEZ: Mr. Adler was fairly
8 flexible on this matter. Probably similar to what
9 we did earlier with legal counsel.

10 CHAIRMAN LYNN: Ms. Minkoff?

11 COMMISSIONER MINKOFF: If we decide
12 that we would like to avail ourselves of some of
13 the services offered by the Maricopa County
14 Elections Department, can we go ahead and do that
15 or do they also have to respond to an RFP?

16 MR. HERNANDEZ: That I don't know.
17 I'll have to check with Mr. Adler.

18 COMMISSIONER MINKOFF: Could you? I
19 think the RFP we would draw up would depend on
20 what relationship we wanted to create with the
21 Maricopa County Elections Department. It may be
22 we decide it makes sense for them to take a chunk
23 of it; therefore, when we ask for outside
24 consultants, we say, "Well, Maricopa County is
25 doing this. What we want you to do is work with

1 them and then also provide these services they're
2 unable to provide."

3 CHAIRMAN LYNN: Other items for the
4 agenda?

5 COMMISSIONER HALL: So just a little
6 more detail. We agree there's going to be a
7 second day. Six applicants for legal counsel,
8 five for executive director.

9 COMMISSIONER MINKOFF: Up to that
10 many.

11 CHAIRMAN LYNN: Up to, down to that
12 many.

13 COMMISSIONER HALL: Public comment
14 allowed before the screening process via three and
15 above --

16 Did we want to limit the time?

17 CHAIRMAN LYNN: I can do that at the
18 discretion of the Chair at that time. I can do
19 that depending on how many people in the audience
20 are wishing to speak, what the sense is, ask that
21 be observed.

22 COMMISSIONER HALL: I think it's
23 vital both days we have speaker slips they have to
24 fill out.

25 CHAIRMAN LYNN: Mr. Hernandez, make

1 sure we have speaker identification slips, not
2 only so we have a record, but so I keep some sort
3 of order of the speakers up here. That would help
4 for the next meeting.

5 MR. HERNANDEZ: Okay.

6 COMMISSIONER HALL: Day two, public
7 comment, 11 people in addition.

8 CHAIRMAN LYNN: Right.

9 COMMISSIONER HALL: Doubt they'll
10 want them. We'll interview them anyway, right?

11 CHAIRMAN LYNN: Right.

12 COMMISSIONER HALL: Anticipate we
13 make or anticipate making a technical decision?

14 COMMISSIONER MINKOFF: I don't know
15 if there is time for that, is my concern. But I
16 think we'd do that as soon as possible.

17 CHAIRMAN LYNN: My understanding, we
18 need to have it considered. I don't think the
19 current representatives from the AG's Office can
20 confirm. They weren't involved in the process.
21 For example, not decision, just information. I
22 believe when we -- you'll notice that the --
23 presentation, paren S, presentations, plural,
24 national consultants on redistricting, the office
25 had a list of national consultants who had been

1 engaged by either Maricopa County -- I believe it
2 was Maricopa County, might have been others, in
3 terms of their expertise. And I believe all were
4 contacted. And EDS was the only one that
5 responded.

6 So we at least made an outreach to
7 other national consultants who did not respond to
8 that outreach.

9 That doesn't mean it was
10 comprehensive, means we had a broader list and
11 attempted to get more presentations than the one
12 that we heard.

13 Having said that, for future agenda
14 items, I have been instructed by our very able
15 counsel when we list agenda items we need to list
16 presentation, discussion, and possible decision on
17 each of these so that none of those actions is
18 precluded at the meeting.

19 And, Mr. Hernandez, if you would, in
20 creating the next agenda, make sure that the
21 agenda items have that kind of language as well as
22 the language that currently exists on the front of
23 our notices that says any item may be --

24 MR. HERNANDEZ: Okay.

25 CHAIRMAN LYNN: -- discussed or

1 acted upon. We don't want that in conflict as it
2 was today. Any item on the agenda like that, so
3 there's flexibility at the Commission's pleasure;
4 if we wish to make a decision, they have that
5 prerogative at any meeting.

6 Ms. Minkoff.

7 COMMISSIONER MINKOFF: Regarding the
8 technical consultant, we did have a very
9 comprehensive presentation from EDS earlier today.
10 I've also been handed today two proposals from two
11 local consultants. We need to decide where we
12 want to go with those. Do we want to schedule
13 presentations from these people, want to hear what
14 they have to say?

15 CHAIRMAN LYNN: I'd be very happy to
16 schedule presentations from those and others, time
17 permitting on the agenda. It may very well be the
18 first day we may get through screening much more
19 quickly than anyone thinks.

20 COMMISSIONER MINKOFF: Yeah.

21 CHAIRMAN LYNN: It may well be the
22 groups, individuals who we wish to have the next
23 day, fall out very quickly in terms of our
24 deliberations. I'm happy to try to do that.

25 COMMISSIONER MINKOFF: On the first

1 day?

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: My thought
4 is that the -- if we could get the RFP process
5 started now for consultants, that we might be able
6 to have some results at that time. But I would
7 like to get an executive director selected and
8 perhaps play a role in selection of consultants.

9 CHAIRMAN LYNN: Mr. Elder.

10 COMMISSIONER ELDER: Mr. Huntwork, I
11 tend to disagree, because I think we've had
12 discussions or comments, you know, from some local
13 people concerning data crunch time, where we're
14 at, and this morning heard we're behind. To wait
15 two weeks to then select an executive director and
16 then try to get an RFP out and two weeks letting
17 them respond -- that puts us anywhere from four to
18 six weeks down the line.

19 COMMISSIONER HUNTWORK: My
20 suggestion is get the RFP out now, just proceed,
21 instruct we put out an RFP, but we probably have
22 enough to do it in this one meeting and schedule
23 another meeting shortly thereafter to deal with
24 consultants. And at that point we would have
25 responses back and we'd have our executive

1 director in place. It may be as fast as we can do
2 it anyway.

3 CHAIRMAN LYNN: I understand. I'm
4 not sure we're able to write that RFP or the
5 tenets of that RFP.

6 First cut is do you want somebody
7 who is national, want somebody who is local, or
8 both? If you want both, how do they interact?
9 I'm not sure we know that yet.

10 I'm getting a sense of that today,
11 but I'm not sure I actually know, because there's
12 a certain amount of overlap in what EDS proposed
13 and what the County proposed. I don't know
14 whether we need both or, if we do, which should
15 play which role quite yet.

16 Are there other consultants,
17 Mr. Sissons or others, who somehow fit into that
18 body of work somewhere? Can they do it all? Can
19 they do part of it? Can they do some of it better
20 than other parts? I don't think we know that.

21 So I would be hard pressed to write
22 an RFP quite yet for that process.

23 Ms. Minkoff and then Mr. Hall.

24 COMMISSIONER MINKOFF: Maybe just
25 have presentations from people who expressed an

1 interest understanding no decision would be made,
2 at least we'd know from them what they are capable
3 of doing, what they'd like to do, to help us
4 develop an RFP and do it quickly.

5 I agree I don't think the first day
6 will take a long time. I think we'll be able to
7 go through the resumes, decide who we want to talk
8 to, very quickly. The decision might take some
9 time.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Am I correct
12 in -- as a point of fact, I think we -- the
13 earliest we can hold the next meeting is the 13th
14 of March, right?

15 COMMISSIONER ELDER: What date is
16 that?

17 COMMISSIONER HALL: 10 days.

18 CHAIRMAN LYNN: Very earliest,
19 likely next week.

20 COMMISSIONER HALL: Understand.
21 Trying to lay the time table here. So if we gave
22 them another -- if we went into next week, that
23 would be additional time.

24 Did anyone here have any idea what
25 day they felt was good?

1 COMMISSIONER ELDER: My purpose was
2 like Monday, Tuesday.

3 CHAIRMAN LYNN: Which week?

4 COMMISSIONER MINKOFF: 19th, 20th.

5 COMMISSIONER HALL: 19th, 20th or
6 12th, 13th?

7 COMMISSIONER ELDER: Doesn't make
8 any difference.

9 COMMISSIONER HALL: 12th, 13th is
10 too early, or Thursday Friday.

11 COMMISSIONER ELDER: 10-day legal
12 notice?

13 COMMISSIONER MINKOFF: Don't need
14 10-day legal notice.

15 COMMISSIONER HALL: 10 days for them
16 to get all applications in.

17 CHAIRMAN LYNN: Rather than
18 coordinate that, ask Mr. Hernandez to canvass us,
19 get availability, and schedule the meeting.

20 COMMISSIONER MINKOFF: I think this
21 is easier.

22 CHAIRMAN LYNN: Have him do it?

23 COMMISSIONER MINKOFF: No. Do it
24 right now.

25 CHAIRMAN LYNN: Okay.

1 COMMISSIONER MINKOFF: I'm not sure
2 we could get everything done by the 12th. Might
3 need to go to 19th, 20th.

4 COMMISSIONER ELDER: Tuesday and
5 Wednesday. Thursday is my only bad day.

6 COMMISSIONER MINKOFF: Wednesday is
7 my worst day.

8 Do Monday, Tuesday.

9 COMMISSIONER HALL: 19th, 20th --

10 COMMISSIONER MINKOFF: Don't you
11 have spring break?

12 COMMISSIONER ELDER: No idea.

13 COMMISSIONER MINKOFF: Might be the
14 week of the 12th. Do Thursday, Friday that week,
15 if it's spring break.

16 COMMISSIONER ELDER: We'll check. I
17 guess that's the best way we can leave it.

18 CHAIRMAN LYNN: Where are we leaving
19 it?

20 COMMISSIONER ELDER: I'll check to
21 see if there's a spring break at the University.

22 COMMISSIONER MINKOFF: If there is,
23 we could do the 15th and 16th.

24 CHAIRMAN LYNN: No can.

25 COMMISSIONER ELDER: Don't need to

1 check.

2 CHAIRMAN LYNN: I'm not available
3 the 15th, 16th.

4 COMMISSIONER MINKOFF: 19th, 20th.

5 CHAIRMAN LYNN: 19, 20 work for you?

6 COMMISSIONER ELDER: Uh-huh.

7 CHAIRMAN LYNN: Everyone else?

8 COMMISSIONER HALL: 19th, 20th. I
9 suggest the flip side. Instead of short day
10 first, day long day the second day, how about long
11 day the first day, short day the next day?

12 CHAIRMAN LYNN: Doesn't work unless
13 we expect all applicants to be there the first
14 day.

15 COMMISSIONER HALL: Cram in on the
16 first day presentations from technical people,
17 interview the second day. Potential, second day,
18 interviews, deliberations only, day two.

19 CHAIRMAN LYNN: Let me ask a
20 question, Mr. Hernandez.

21 Again, Mr. Hernandez, based on what
22 you know for the RFP process for a technical
23 advisor, if we were to formulate that in general
24 terms, that is to say we are looking for technical
25 assistance in the redistricting process, that

1 technical assistance would include computer
2 assisted mapping and just general terms, and we
3 got that information out to obviously the people
4 here locally as well as national groups, and --
5 could we then have those proposals back to us for
6 review on the 19th and 20th time frame?

7 MR. HERNANDEZ: I would say that the
8 industry would probably need a little more time.
9 It would take time to get our specifications
10 together exactly like you mentioned, national
11 firm, local firm, combination. It's more of a
12 request for proposal that we're trying to do here.
13 And until some of those decisions are made -- or
14 we don't specify at all, local, national, doesn't
15 matter, it could take a few days to get
16 specifications together that will fly.

17 CHAIRMAN LYNN: I guess we have a
18 group of people who already one way or another
19 offered to help us. Many sat through two
20 meetings. Some sat through at least one meeting.
21 They are all aware we're going to at some point
22 make a decision. That isn't to say there aren't
23 50 more groups out there that could offer
24 assistance. I don't know how many of the other 50
25 we need to consider or want to consider.

1 I think if we -- all I'm trying to
2 do is start the process, because we are very late.
3 We have got to get people on board quickly.

4 You are telling me we need to have
5 an RFP process. I didn't need to hear that. Now
6 that I've heard it, I want to move the process
7 along as quickly as possible.

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: Seems to me
10 what you said earlier, we already made outreach to
11 national consultants, one response, and it was in
12 the form of a proposal. We may need to modify if
13 going to work with Maricopa County some aspects.

14 I'd say the RFP at this point should
15 concentrate on local firms, see what they have to
16 offer.

17 MR. HERNANDEZ: The outreach --

18 CHAIRMAN LYNN: Go ahead.

19 MR. HERNANDEZ: Was outreach by the
20 current office to request information? What form
21 did it take?

22 CHAIRMAN LYNN: I think Mr. Bales in
23 an attempt to help us, he knew we wanted to have
24 some consultant presentation for this meeting,
25 secured a list from somewhere. I believe it was

1 from Maricopa County. I'm not sure.

2 Tim, do you know?

3 MR. JOHNSON: I don't. I'm sorry.

4 CHAIRMAN LYNN: And went through
5 that list and asked if people wanted to make
6 presentations.

7 MR. HERNANDEZ: Okay.

8 CHAIRMAN LYNN: You might check with
9 him how far that outreach went.

10 MR. HERNANDEZ: Right.

11 CHAIRMAN LYNN: I don't think we
12 should limit it to local firms. Make it generic,
13 local and national firms, and it's for us to
14 decide how they best fit together.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: I agree
17 completely. I won't know. I'm not going to
18 select it on the basis of whether local or
19 national but on the basis of what credentials they
20 have, expertise, how much they cost, and other
21 similar factors.

22 CHAIRMAN LYNN: Mr. Hall.

23 COMMISSIONER HALL: Can I ask
24 Mr. Sissons a question?

25 CHAIRMAN LYNN: Of course you can.

1 COMMISSIONER HALL: Great.

2 Mr. Sissons, I'm trying to boil this
3 down here.

4 MR. SISSONS: Yes?

5 COMMISSIONER HALL: I am trying to
6 say we have three categories for lack, excuse my
7 naivete, but we need to have some hardware and
8 software. We have to buy a chunk of stuff, right?
9 Is that one category, hardware software
10 acquisition?

11 I think we also, consulting services
12 with respect to geographical and demographic data.

13 Is there -- and then -- and
14 historical data.

15 Is there any other general category
16 of services that a consultant would need to
17 provide us?

18 I'm just going off of -- just trying
19 to summarize in my own mind off EDS' presentation
20 today.

21 Are those two categories sufficient,
22 in your opinion?

23 MR. SISSONS: What you might be
24 missing from kind of the consulting package would
25 be the knowledge and ability of the consultant to

1 put together, say, a series of plans that
2 illustrate different contradicting principles and
3 be in a position to analyze plans coming in from
4 the outside. There's a certain amount of sort of
5 Voting Rights Act consciousness that I think --

6 COMMISSIONER HALL: That falls into
7 geographic demographic historical data consulting,
8 right? Looking at general categories to give to
9 staff.

10 If two RFPs, say an RFP, anyone that
11 would like to provide hardware or software within
12 the parameters spelled out already before us, or
13 somebody that would like to provide geographic or
14 demographic or historical voting data consulting,
15 would those two categories sufficiently encompass
16 the help we're needing?

17 MR. SISSONS: From the technical
18 perspective, I think that's a true statement.
19 Some legal issues, of course, will be dealt with
20 by other staff people.

21 COMMISSIONER HALL: In other words,
22 your services would fall under the second
23 category, would they not?

24 MR. SISSONS: No.

25 I don't want to give away all my

1 secrets here, but in the proposal I'd make to you,
2 my way of doing things is to have -- to bring
3 hardware, software, and data, you know, and make
4 it available to you. In other words, using my
5 in-house hardware and software.

6 In other words, you wouldn't have a
7 lot of expenses in terms of the hardware or
8 computers. I mean -- all of that is, you know, a
9 necessary part of the way that I do my consulting
10 work. So I have to have those things to do my
11 consulting work.

12 COMMISSIONER HALL: If he puts out
13 an RFP that says we would like to request
14 consultants to provide consulting assistance with
15 respect to redistricting voting registration,
16 geographic, demographic data, that's something
17 you'd respond to, would it not?

18 MR. SISSONS: It would.

19 COMMISSIONER HALL: Mr. Lynn, I'm
20 trying to say, it seems to me, I may be out to
21 lunch here, it seems to me somebody may be able to
22 separately say, hey, you know, Mr. Sissons may
23 be -- well, right, may not need to have any
24 hardware, software. I'm interested to see how
25 that could happen. On the other hand, somebody

1 may come in, make a proposal, get you the
2 hardware, the software, and I'd hope can do so for
3 less than the hundred grand or 80 grand, lowest
4 number I've seen thus far. On the other end,
5 then, let anyone who wants to come in under the
6 category, general category.

7 I'm trying to boil this down.

8 CHAIRMAN LYNN: I think the
9 important thing here is to have the umbrella be
10 broad enough that any or all of the people who
11 have addressed the Commission can get a proposal
12 in front of us so we can consider it and move
13 forward.

14 COMMISSIONER HALL: Exactly. Trying
15 to boil it --

16 CHAIRMAN LYNN: To that end, it
17 helps.

18 Mr. Hernandez, does that give you
19 enough to put together an RFP?

20 MR. HERNANDEZ: With all due
21 respect, I hate to be the bearer of bad news.
22 There's something called the Government
23 Information Technology Office, GITO, acronym, in
24 the statute. One of the requirements for any
25 purchase of computer hardware or software, a

1 project justification plan is put together prior
2 to any purchase going on. The plan needs to go to
3 the Commission and get planned out.

4 I don't know if there's a fast track
5 that we can get a waiver. That's what we need to
6 find out.

7 CHAIRMAN LYNN: Clearly we can't
8 wait for a long time to get that done.

9 MR. HERNANDEZ: Right.

10 CHAIRMAN LYNN: Another way, I
11 wonder if we can circumvent that by not buying but
12 leasing the material. We need it for now to the
13 end of the year, and then it would sit.

14 MR. HERNANDEZ: Right.

15 CHAIRMAN LYNN: Then sit for another
16 10 years. I'm not interested in buying a lot of
17 things we don't need past the work that needs to
18 be done, either.

19 MR. HERNANDEZ: It may be different
20 there, not procurement there if the consultant is
21 the owner of the software, hardware. That may be
22 a different situation all together.

23 CHAIRMAN LYNN: If in the proposal
24 we got together the consultant was the owner for
25 it, I don't know what we're paying almost \$90,000

1 for.

2 COMMISSIONER HALL: Exactly.

3 CHAIRMAN LYNN: My suspicion would
4 be they're providing it, but when they leave, it
5 stays.

6 MR. HERNANDEZ: Right.

7 CHAIRMAN LYNN: My question is under
8 what circumstances, how quickly we can get that
9 done. If you'd look into that, I'd appreciate
10 that.

11 MR. HERNANDEZ: Right.

12 CHAIRMAN LYNN: With respect --

13 What I'm hearing from the
14 Commission, we'd like to have on the agenda for
15 next time a consideration, discussion,
16 presentation, possible decision on consulting
17 services in the categories we were just
18 discussing.

19 Is that a fair statement?

20 COMMISSIONER MINKOFF: Yes.

21 CHAIRMAN LYNN: Mr. Hernandez, I'd
22 like you to do whatever is necessary between now
23 and our next meeting date, 19th of March, to make
24 sure we can have that discussion.

25 MR. HERNANDEZ: Okay.

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1 CHAIRMAN LYNN: Other items for the
2 agenda?

3 COMMISSIONER ELDER: I'd like to
4 have on the agenda, at least take action, direct
5 action on tenant improvement spaces of the 1400
6 West Washington, Suite 10.

7 CHAIRMAN LYNN: I'm wondering --

8 COMMISSIONER ELDER: Unless that's
9 covered under what we've previously --

10 CHAIRMAN LYNN: Terri, excuse me one
11 second. If we were to -- we already decided today
12 to take the space at 1400 West Washington.

13 MS. SKLADANY: Right.

14 CHAIRMAN LYNN: I know what I'm
15 about to say involves expenditure of funds. Would
16 it be possible for us today to direct
17 Mr. Hernandez to begin to make that space ready
18 for occupancy, including tenant improvements and
19 other things, and just have him do that?

20 COMMISSIONER HALL: No, because he
21 left.

22 CHAIRMAN LYNN: I know that.

23 MS. SKLADANY: Under open meeting,
24 on the agenda, office space, it says you can make
25 decisions.

1 CHAIRMAN LYNN: Yes.

2 MS. SKLADANY: I think this would be
3 within your purview of deciding on office space
4 and getting it ready for you to move into.

5 CHAIRMAN LYNN: Then if we ask
6 Mr. Hernandez to do that, in consultation with
7 Mr. Elder who we sort of shoved into the position
8 of being a consultant on that issue, would that be
9 appropriate?

10 MS. SKLADANY: I think it would.

11 CHAIRMAN LYNN: Any objection to
12 doing that, not putting it back on the agenda?

13 COMMISSIONER HALL: Mr. Elder needs
14 to consult with, at least, since he's handiest,
15 Mr. Johnson on running cable, et cetera. What
16 does he want?

17 CHAIRMAN LYNN: He wants 2,000 a
18 week. That's a different issue.

19 Mr. Johnson, would you make yourself
20 available to talk about technical requirements?

21 MR. JOHNSON: Happy to.

22 CHAIRMAN LYNN: Thank you very much.

23 Ms. Minkoff.

24 COMMISSIONER MINKOFF: The other
25 thing to find out, if we're going to use all the

1 space or part of the space. Apparently we're
2 being charged by the square foot.

3 CHAIRMAN LYNN: Won't know that
4 answer until we have staffing requirements.

5 COMMISSIONER HALL: Need to sign a
6 lease?

7 COMMISSIONER MINKOFF: Do we need
8 something on the agenda? Tenant improvements,
9 money is not a lot, but we will be charged. Will
10 we put something on the agenda approving whatever
11 the expenditure is?

12 CHAIRMAN LYNN: Eventually, that
13 would deal with the executive director. We have a
14 surrogate now making those decisions within some
15 framework. I can't imagine we'll be -- those will
16 be extensive or expensive, either one.

17 COMMISSIONER MINKOFF: I'm thinking
18 in terms of getting TIs started. Have to be some
19 kind authority.

20 CHAIRMAN LYNN: He can do it.

21 COMMISSIONER MINKOFF: We can give
22 him that authority?

23 CHAIRMAN LYNN: We can do that.

24 COMMISSIONER MINKOFF: Need to do
25 it.

1 CHAIRMAN LYNN: Consider it done.

2 COMMISSIONER ELDER: Need a motion,
3 technically?

4 COMMISSIONER MINKOFF: I think so.

5 COMMISSIONER ELDER: Mr. Chairman, I
6 move we authorize Mr. Hernandez to expend up to --

7 Do we want a certain limit without
8 prior approval of the Commission for tenant
9 improvements?

10 CHAIRMAN LYNN: Do you have an
11 estimate?

12 COMMISSIONER ELDER: \$20,000.

13 COMMISSIONER MINKOFF: Fine. I'll
14 second it.

15 CHAIRMAN LYNN: Discussion?

16 COMMISSIONER HALL: Under your
17 supervision?

18 COMMISSIONER ELDER: In consultation
19 with.

20 CHAIRMAN LYNN: Further discussion?

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

23 (Vote taken.)

24 CHAIRMAN LYNN: Opposed, "no."
25 Motion carries.

1 When Mr. Hernandez returns, we'll
2 charge him with that.

3 Other agenda items.

4 Mr. Huntwork?

5 COMMISSIONER HUNTWORK: I suggest we
6 put in the agenda discussion of other staffing
7 requirements. There may be time to talk about
8 them or not. I'd like to add the option.

9 CHAIRMAN LYNN: Add to the agenda
10 other staffing requirements. We may do that in
11 conjunction with a brand-new executive director,
12 should that person be selected on the second day.

13 Other agenda items?

14 COMMISSIONER HALL: Looking at
15 technical assistance from day one, correct?

16 CHAIRMAN LYNN: Correct.

17 Mr. Huntwork?

18 COMMISSIONER HUNTWORK: At the last
19 meeting, I understood we were adopting a rule any
20 of us could ask to have something put on the
21 agenda, is that correct, or have to do it at this
22 time? We could call up any time in advance of --

23 CHAIRMAN LYNN: One of the issues
24 here is -- and again, Ms. Skladany, I want to be
25 as accommodating with the Commission as possible

1 in terms of putting items on the agenda.

2 Is it within the purview of the open
3 meeting law, allowable for the kinds of items that
4 we've discussed today to be put in a draft,
5 circulated among the Commission, and should
6 individual Commission members wish to add, they do
7 so with the executive director with the
8 understanding it still needs to be properly
9 noticed, needs to be worded properly, and so on?
10 Can it be done in that manner?

11 MS. SKLADANY: As long as an
12 individual member has authority to ask the
13 executive director, you don't need a quorum.

14 CHAIRMAN LYNN: That's our decision.

15 MS. SKLADANY: Right.

16 CHAIRMAN LYNN: I want to be as
17 clear to the Commission as possible. I want to
18 operate that way. I think it's important
19 everybody have the ability to do that.

20 COMMISSIONER MINKOFF: We need to
21 know how to contact Mr. Hernandez.

22 CHAIRMAN LYNN: I'll make that
23 available to you. I have numbers.

24 What I would ask, though, of each
25 Commissioner, is that we simply be respectful of

1 not loading up an agenda with so much that we
2 can't possibly get to it.

3 Part of the problem is when you put
4 an agenda out for public consumption, the
5 expectation is we will act on those things.
6 There's no requirement because an item appears on
7 the agenda you will actually deal with it. You
8 may or may not get to it, may stop the meeting
9 before you get to the end of the agenda. I'm
10 concerned we just manage it in such a way.

11 What I ask is you allow
12 Mr. Hernandez in consultation with the Chair to
13 manage your items on the agenda. If we don't make
14 the very next one, it will be scheduled as quickly
15 as we can get it on the agenda. Is that
16 acceptable?

17 COMMISSIONER HALL: Can I request we
18 receive a draft copy of the agenda prior to the
19 official posting, if we can make that arrangement?

20 CHAIRMAN LYNN: Absolutely. In
21 fact, that was the plan.

22 Any other items for the agenda?

23 I think we may have enough. I think
24 it may be full.

25 Ms. Skladany.

1 MS. SKLADANY: To give you and the
2 other members all the information you need, there
3 is a provision of open meeting law we went over
4 quickly. Open meeting law does allow you to
5 interview candidates for an executive director
6 position or legal counsel in executive session
7 under certain guidelines. That's something, if
8 you want to consider have an acting executive
9 director make the agenda under open meeting law
10 broad enough to advise candidates their interview
11 may take place in executive session, if anyone has
12 a request their interview takes place in public,
13 they need to identify that to you 24 hours in
14 advance.

15 CHAIRMAN LYNN: What I'd ask, that
16 on this particular agenda, this two-day agenda
17 we're talking about, that we at least notice the
18 possibility of executive session. We may choose
19 not to do it. Notice it in case we choose to.

20 Mr. Hernandez, to the extent you
21 need assistance with all the open meeting law
22 provisions, I would ask you to consult with
23 Ms. Skladany who is in fact an expert in that
24 area.

25 MS. SKLADANY: If you could consult

1 Joe Kanefield. If he has questions, I can help.

2 CHAIRMAN LYNN: That's fine.

3 MS. SKLADANY: Fine.

4 CHAIRMAN LYNN: Is he equal to your
5 knowledge? They deferred to you.

6 MS. SKLADANY: If he has a question,
7 I can help him.

8 CHAIRMAN LYNN: Joe Kanefield is the
9 contact point, Solicitor General's Office.

10 COMMISSIONER HALL: Would he also
11 make use of receiving the draft?

12 CHAIRMAN LYNN: Yes. They're still
13 acting as counsel until we hire one.

14 If you share the draft agenda with
15 Mr. Bales and Mr. Kanefield.

16 COMMISSIONER HALL: Mr. Hernandez,
17 now you know how we feel.

18 CHAIRMAN LYNN: Thank you very much
19 for helping.

20 COMMISSIONER MINKOFF: Shall we tell
21 him the job you gave while out of the room?

22 Congratulations.

23 CHAIRMAN LYNN: What time?

24 COMMISSIONER ELDER: 9:30.

25 CHAIRMAN LYNN: I would ask day one

1 we start at 10:00 only because we have to travel
2 in, and just in case.

3 COMMISSIONER MINKOFF: Okay. I
4 think --

5 CHAIRMAN LYNN: Second day we could
6 start at 8:30, if we needed to.

7 COMMISSIONER MINKOFF: First day,
8 run all day, presumably.

9 CHAIRMAN LYNN: It's now loaded up.
10 Better count on it being 10:00 until whenever.

11 And could we at least attempt to
12 secure one of the meeting rooms at 1400 West
13 Washington for those days?

14 MR. HERNANDEZ: Yes.

15 CHAIRMAN LYNN: Since that is in
16 fact our home. It would be nice to be in our
17 home.

18 Anything else under agenda items and
19 dates for future meetings?

20 If not, the Commission will stand
21 adjourned until 10:00 a.m. on the 19th of March.

22 COMMISSIONER HALL: 8:30 the next
23 morning you say?

24 CHAIRMAN LYNN: 8:30, if we can.

25 Thank you all for coming.

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Phoenix, Arizona

1 (Whereupon, the hearing concluded at
2 approximately 3:00 p.m.)

3 * * * *

4 STATE OF ARIZONA)
5) ss.
6 COUNTY OF MARICOPA)

7 BE IT KNOWN that the foregoing hearing
8 was taken before me, LISA A. NANCE, RPR, CCR,
9 Certified Court Reporter in and for the State of
10 Arizona, Certificate Number 50349; that the
11 proceedings were taken down by me in shorthand and
12 thereafter reduced to typewriting under my
13 direction; that the foregoing 217 pages constitute
14 a true and accurate transcript of all proceedings
15 had upon the taking of said hearing, all done to
16 the best of my ability.

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

20 DATED at Phoenix, Arizona, this 6th
21 day of March, 2001.

22
23 _____
24 LISA A. NANCE, RPR
25 Certified Court Reporter
Certificate Number 50349

