

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

P U B L I C

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
November 3, 2003
8:00 a.m.

COPY
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349
4232 West McLellan Blvd.
Phoenix, Arizona 85019
(623) 203-7525
Lisa_Nance@cox.net

1 The State of Arizona Independent
2 Redistricting Commission convened in Public Session on
3 November 3, 2003, at 8:00 o'clock a.m., at the Offices of
4 the Arizona Redistricting Commission, Suite 230, 1400
5 West Washington, Phoenix, Arizona, in the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN
(Present telephonically.)

9

10 VICE CHAIRMAN ANDI MINKOFF
(Present telephonically.)

11

COMMISSIONER JAMES R. HUNTWORK
(Present telephonically.)

12

13 COMMISSIONER DANIEL R. ELDER
(Present telephonically as indicated.)

14

COMMISSIONER JOSHUA M. HALL
(Present telephonically.)

15

16

17

18

19

20

21

22

23

24

25

1

2 **ADDITIONAL APPEARANCES:**

3

4 LISA T. HAUSER, Commission Counsel
 (Present telephonically.)

5

6 JOSE de JESUS RIVERA, Commission Counsel
 (Present telephonically.)

7

ADOLFO ECHEVESTE, IRC Executive Director

8

LOU JONES, IRC Staff

9

CHRISTINA GOMEZ, IRC Staff

10

LISA A. NANCE, RPR, CCR, Court Reporter

11

MEMBERS OF THE PUBLIC:

12

Ann Eschinger

13

Howard Fischer

14

Michael Mandell

15

Steve Gallardo

16

Paul Davenport

17

Dave Voss

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Public Session
Phoenix, Arizona
November 3, 2003
8:00 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: We'll call the meeting to order.

The first item of business is public comment. And I wanted to ask either Howie or Ann if they wanted to address the Commission.

MR. FISCHER: No, other than the concerns that you have four agendas with exactly the same items on it which seems to me to suggest at least skirting the intent of the open meeting law which is to tell people what is going on.

CHAIRMAN LYNN: Howie, we'll deal with that kind of question when we're finished. I'm not going to take that up in the meeting itself; but that's a misinterpretation of what we've done. You and I will talk about that.

Ann, anything from you?

MS. ESCHINGER: No.

CHAIRMAN LYNN: Item III is possibility of an Executive Session.

Let me ask the attorneys if they would, do

1 they wish an Executive Session at this time?

2 MR. RIVERA: Yeah, I think that's a good
3 idea, right, Lisa?

4 MS. HAUSER: Yeah.

5 CHAIRMAN LYNN: Pursuant to A.R.S.
6 38-431.03(A)(3) and 38-431.03(A)(4), is there a motion
7 for Executive Session?

8 COMMISSIONER HALL: So moved.

9 COMMISSIONER HUNTWORK: Second.

10 CHAIRMAN LYNN: All in favor?

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER MINKOFF: "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: "Aye."

15 Motion passes.

16 I'd ask people remove themselves, excuse
17 themselves, and when --

18 MR. ECHEVESTE: Can you give a time frame
19 for yourselves?

20 CHAIRMAN LYNN: I'd guess a half hour to 45
21 minutes.

22 Lisa?

23 MS. HAUSER: Yeah.

24 CHAIRMAN LYNN: Adolfo, I want to make sure
25 whatever speaker you have there is not loud enough to be

1 heard outside the office.

2 MR. ECHEVESTES: All right.

3 CHAIRMAN LYNN: All right?

4 MR. ECHEVESTES: All right.

5 (Whereupon, the Commission recessed Open
6 Public Session to convene in Executive
7 Session from 8:14 a.m until 9:15 a.m. when
8 Open Public Session reconvened.)

9 MR. ECHEVESTES: We have everybody in the
10 room. We'll have them introduced.

11 MR. FISCHER: Howard Fischer, Capitol Media
12 Services.

13 MR. DAVENPORT: Paul Davenport, A.P.

14 MS. ESCHINGER: Ann Eschinger.

15 MR. VOSS: Dave Voss, Democratic House.

16 REPRESENTATIVE GALLARDO: Steve Gallardo
17 State Representative.

18 (Michael Mandell is also present.)

19 MR. RIVERA: Welcome back, Steve.

20 REPRESENTATIVE GALLARDO: Welcome back.

21 CHAIRMAN LYNN: Call the meeting back to
22 order.

23 Item IV, possible discussion, decision and
24 or adoption of resolution related to the Commission's
25 finances, payment of contractors, the Commission's

1 continued operation and or possible future legal action
2 or litigation.

3 Any discussion on this item? Anything to
4 bring up?

5 If not.

6 MS. HAUSER: Steve, I'd at least probably
7 note for the record not until we have some further news
8 from the Legislature.

9 CHAIRMAN LYNN: Okay.

10 Any other discussion on Item IV?

11 Item V, possible discussion, decision, and
12 or approval of an IGA with Maricopa County for the
13 purpose of providing financial assistance to the
14 Commission.

15 Anything on this issue?

16 COMMISSIONER HALL: Mr. Chairman.

17 CHAIRMAN LYNN: Mr. Hall.

18 COMMISSIONER HALL: In light of the fact
19 that our counsel is utilizing all and more than available
20 of their time in litigation that is pending, I would move
21 that we would assign Commissioner Huntwork to continue in
22 discussions regarding this matter.

23 CHAIRMAN LYNN: Is there a second?

24 COMMISSIONER MINKOFF: I'll second it.

25 CHAIRMAN LYNN: Thank you, Ms. Minkoff.

1 Discussion on the motion designating
2 Commissioner Huntwork as our liaison on this particular
3 issue?

4 COMMISSIONER MINKOFF: Mr. Chairman, I
5 think certainly if we're going to have a liaison,
6 Mr. Huntwork is more than capable. I think the important
7 issue is that unless and until we have a secure source of
8 funding, we have to explore every possible option that
9 will allow the Commission to go forward and do the work
10 that it's been assigned to do. And this appears to be a
11 viable option. I believe we have to pursue it. And I
12 believe Mr. Huntwork is more than capable of pursuing it
13 for us.

14 CHAIRMAN LYNN: Thank you, Ms. Minkoff.
15 Any more discussion?

16 COMMISSIONER HUNTWORK: I'm happy to do it.
17 I'd do it in my capacity as a Commissioner, not in a
18 capacity as a lawyer.

19 COMMISSIONER MINKOFF: That means you can't
20 bill us.

21 COMMISSIONER HUNTWORK: That's right.

22 CHAIRMAN LYNN: Understood. I appreciate
23 that distinction.

24 COMMISSIONER HALL: We can't afford you.

25 CHAIRMAN LYNN: Right. Your rate is much

1 lower as a Commissioner than as a lawyer.

2 COMMISSIONER HUNTWORK: That's right,
3 priceless.

4 CHAIRMAN LYNN: Any further discussion on
5 the motion?

6 Well, that's interesting.

7 COMMISSIONER ELDER: And I'm not there.

8 CHAIRMAN LYNN: Interesting music.

9 All those favor of the motion, signify
10 "aye."

11 COMMISSIONER ELDER: "Aye."

12 COMMISSIONER HALL: "Aye."

13 COMMISSIONER MINKOFF: "Aye."

14 COMMISSIONER HUNTWORK: "Aye."

15 CHAIRMAN LYNN: Chair votes "Aye."

16 Motion carries. So ordered.

17 Item VI, possible discussion and or
18 decision related to affirmation, modification or repeal
19 of the current redistricting plans.

20 Ladies and gentlemen, Commission, this item
21 is on this agenda and will also appear on future agendas
22 because it is a, an -- certainly an issue that may, at
23 some point very soon, have relevance beyond its current
24 level of interest, but it is something that we obviously
25 need to maintain as an option depending, of course, on

1 our funding and how the preparation for trial and the
2 trial itself is preceding.

3 Is there any specific discussion on Item VI
4 for today?

5 If not, Item VII.

6 Before we adjourn, I want to direct a
7 question to staff.

8 We have noticed meetings for the remainder
9 of the week. And we want to meet only when there is a
10 reason to meet based on either progress on funding,
11 progress on litigation, and so on, that would mirror the
12 items that we have noticed as an agenda for recent
13 maintaining meetings.

14 If we were to contact staff, Adolfo.

15 MR. ECHEVESTES: Yes. I'm here.

16 CHAIRMAN LYNN: If we were to contact
17 staff, say, by 3:00 p.m. on the day prior to a noticed
18 meeting with the information as to whether or not we
19 would go forward with the meeting or would cancel the
20 meeting based on no specific need to meet that day, would
21 that be sufficient time for you to notice the
22 cancellation and or prepare for the meeting the next
23 morning?

24 MR. ECHEVESTES: Yes, it is, provided
25 that -- well, we've already noticed the meeting. So as

1 long as that is in place, I believe the cancellation is
2 something that can be done very quickly. And to
3 certainly set up for the actual meeting, that's no
4 problem.

5 CHAIRMAN LYNN: Okay.

6 COMMISSIONER ELDER: Commissioner Elder.
7 Is there any statutory rule in relation to cancellation
8 as far as time?

9 CHAIRMAN LYNN: No.

10 MS. HAUSER: No.

11 CHAIRMAN LYNN: No. You can cancel a
12 meeting as long as it's properly noticed. You can have
13 it, cancel any time.

14 MS. HAUSER: We'd like to be able to
15 cancel -- don't want to inconvenience people having them
16 show up at 8:00 o'clock in the morning, or whatever, and
17 then finding out it's canceled. It's better, as
18 suggested, to do it in the afternoon before, we get that
19 information to DOA, post it, and have it posted on the
20 website as well so people interested can continue to
21 check the website.

22 CHAIRMAN LYNN: Can we say at this point
23 we'll probably not need the meeting tomorrow and will
24 cancel or should we wait until 3:00 this afternoon to
25 make that determination?

1 COMMISSIONER HALL: I say we just cancel
2 it.

3 COMMISSIONER ELDER: I'd agree with that.

4 COMMISSIONER MINKOFF: I didn't hear. I'm
5 sorry.

6 CHAIRMAN LYNN: The question, Andi, is
7 whether or not we can say --

8 COMMISSIONER MINKOFF: I heard the
9 question. But Dan said he agreed with something. I
10 didn't hear what he agreed with.

11 COMMISSIONER ELDER: Joshua said he felt we
12 should cancel for tomorrow.

13 COMMISSIONER MINKOFF: The possibility of
14 anything happening today we'll need to react to tomorrow,
15 the only reason for keeping it --

16 CHAIRMAN LYNN: Yeah, that's probably a
17 good question.

18 Why don't we leave it as is and by 3:00
19 o'clock I'll try to make that determination. And at this
20 point I don't think there's a reason for a meeting, but
21 things might change today depending on the Legislature
22 and other developments.

23 COMMISSIONER MINKOFF: Staff will e-mail us
24 what the decision is?

25 CHAIRMAN LYNN: Yeah. I think just so

1 there's no confusion, not only e-mail, I think I'll ask
2 the staff to call and also leave a voice mail message
3 whether or not there's a meeting and, if so, at what
4 time.

5 COMMISSIONER MINKOFF: Great.

6 COMMISSIONER HUNTWORK: Is there any way to
7 be courteous to the press, let Howie --

8 What's the easiest way to find out what
9 we're doing?

10 CHAIRMAN LYNN: The website will have the
11 most current information as well as notification at the
12 Capitol.

13 COMMISSIONER MINKOFF: The website, I went
14 there last night. I had not received the agenda for
15 today's meeting. I pulled it off the website. The only
16 thing I saw there last night was today's meeting.

17 CHAIRMAN LYNN: Well, let's --

18 Adolfo, let's make sure the website carries
19 the other meetings as well.

20 MR. ECHEVESTES: Oh. All right.

21 MR. JONES: Sir, Tim was not in on Friday.
22 So he wasn't there to receive the e-mail that was sent to
23 him on the agendas that were posted on Friday.

24 CHAIRMAN LYNN: Okay, Lou.

25 He should have those posted by today?

1 MR. ECHEVESTE: Yes. We'll make sure he
2 does that.

3 CHAIRMAN LYNN: All right.
4 Any further business?

5 COMMISSIONER HALL: Mr. Chairman, is it
6 appropriate to reopen public comment if someone wants to
7 address the Commission?

8 CHAIRMAN LYNN: More than appropriate to do
9 that.

10 We've been joined by other guests.

11 Ms. Hauser?

12 MS. HAUSER: Also double-check. We're also
13 going to notice Friday now?

14 CHAIRMAN LYNN: Notice Friday. 8:30 to
15 9:30.

16 MS. HAUSER: Okay.

17 CHAIRMAN LYNN: Without objection, we'll
18 return to Item II, and I'd ask if anybody from the public
19 wishes to address the Commission.

20 Hearing none and noting that our, at least
21 the crowd present certainly is not bashful, I must
22 conclude that members of the public are not interested in
23 addressing the Commission at this time.

24 MR. ECHEVESTE: Mr. Chairman, just for the
25 record, Michael Mandell is here, also. He was not here

1 when everybody introduced themselves.

2 CHAIRMAN LYNN: Okay. Thank you.

3 Any further business to come before the
4 Commission at this time?

5 If not, Item VII, the Commission will stand
6 adjourned.

7 We will determine by 3:00 p.m. this
8 afternoon as to whether or not we will meet tomorrow and
9 will determine in subsequent days by 3:00 p.m. the
10 previous day as to whether or not a noted Commission
11 meeting will take place during the remainder of the week.

12 Thank you all very much.

13 MR. RIVERA: Thank you.

14 COMMISSIONER MINKOFF: Need a motion to
15 adjourn?

16 CHAIRMAN LYNN: No. When on the agenda,
17 it's done.

18 (Whereupon, the Public Session of the
19 Independent Redistricting Hearing
20 concluded at approximately 9:18 a.m.)

21

22 * * * *

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 15 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

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

DATED at Phoenix, Arizona, this 12th day of November, 2003.

LISA A. NANCE, RPR, CCR (AZ)
Certified Court Reporter
Certificate Number 50349