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STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona  
October 27, 2003  
1:30 p.m.

COPY

ARIZONA INDEPENDENT  
REDISTRICTING COMMISSION

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1           The State of Arizona Independent  
2 Redistricting Commission convened in Public Session on  
3 October 27, 2003, at 1:30 o'clock p.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

VICE CHAIRMAN ANDI MINKOFF

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COMMISSIONER JAMES R. HUNTWORK

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COMMISSIONER DANIEL R. ELDER (Present telephonically.)

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COMMISSIONER JOSHUA M. HALL

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2 ADDITIONAL APPEARANCES:

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4 LISA T. HAUSER, Commission Counsel

5 JOSE de JESUS RIVERA, Commission Counsel

6 ADOLFO ECHEVESTE, IRC Executive Director

7 LOU JONES, IRC Staff

8 CHRISTINA GOMEZ, IRC Staff

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

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MEMBERS OF THE PUBLIC:

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Paul Davenport

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Elvia Diaz

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Michael Mandell

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John Mills

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PROCEEDINGS

COMMISSIONER MINKOFF: I'll call the meeting to order.

MS. HAUSER: She's in charge of pushing the button on the recorder.

COMMISSIONER MINKOFF: I'll multi task.

COMMISSIONER HALL: You and the Governor.

COMMISSIONER MINKOFF: This is the time for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission shall request permission in advance by filling out a speaker slip. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date unless it is the subject of an item already on the agenda.

I don't have any speaker slips.

Is there any public comment?

MR. ECHEVESTE: No.

COMMISSIONER MINKOFF: No, there is not.

1 Next item on the agenda, Steve, I'll throw  
2 back to you. Possible vote to go into Executive Session.

3 CHAIRMAN LYNN: Correct. I'd ask at this  
4 time pursuant to A.R.S. 38-431.03(A)(3) and A.R.S.  
5 38-431.03(A)(4) you entertain a motion for an Executive  
6 Session.

7 COMMISSIONER MINKOFF: I'll do that.

8 Is there a motion to go into Executive  
9 Session?

10 COMMISSIONER HUNTWORK: So moved.

11 COMMISSIONER MINKOFF: Second?

12 COMMISSIONER HALL: Second.

13 COMMISSIONER MINKOFF: All in favor?

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 COMMISSIONER MINKOFF: "Aye."

17 COMMISSIONER ELDER: "Aye."

18 CHAIRMAN LYNN: "Aye."

19 COMMISSIONER MINKOFF: Motion passed.

20 MS. HAUSER: For clarification with the  
21 statute, it is for purposes of receiving legal advice and  
22 consulting with counsel.

23 COMMISSIONER MINKOFF: Do we have any idea  
24 about how long the Executive Session could take?

25 MS. HAUSER: It could be --

1 MR. RIVERA: A while.

2 MS. DIAZ: An hour?

3 CHAIRMAN LYNN: I'd guess an hour.

4 COMMISSIONER HALL: We have Pepsis for the  
5 press in the hallway.

6 MS. HAUSER: Always bring a book to read.

7 MS. GOMEZ: Everyone showed up. Two more  
8 spectators.

9 MR. RIVERA: Kristina, make sure --

10 COMMISSIONER HALL: Who is it?

11 MR. HUTCHISON: Mandell and John Mills.

12 COMMISSIONER HALL: Okay. Thanks.

13 MS. HAUSER: They were late. Keep people  
14 away from the door.

15 MS. GOMEZ: She'll keep them outside.

16 (Whereupon, the Public Session was recessed  
17 while the Commission went into Executive  
18 Session from 1:42 p.m. until 2:45 p.m.)  
19 (Recess taken.)  
20 (Whereupon, the Commission resumed Public  
21 Session at approximately 3:24 p.m.)

22 COMMISSIONER MINKOFF: Call the Commission  
23 back into order in Public Session.

24 Because we had such an abbreviated Public  
25 Session beforehand, we want to offer another opportunity

1 for public comment at this point.

2 This is the time for consideration and  
3 discussion of comments and complaints from the public.  
4 Those wishing to address the Commission shall request  
5 permission in advance by filling out a speaker slip.  
6 Action taken as a result of public comment will be  
7 limited to directing staff to study the matter or  
8 rescheduling the matter for further consideration and  
9 decision at a later date unless it is the subject of an  
10 item already on the agenda.

11 Is there any public comment?

12 MR. ECHEVESTES: No speaker forms are filled  
13 out.

14 COMMISSIONER HALL: Hold on, this is the  
15 first time John hasn't had anything to say.

16 COMMISSIONER MINKOFF: We have received  
17 news, by the way. I'll call on our Chairman in the far  
18 north country to announce the news we have just been  
19 informed of.

20 CHAIRMAN LYNN: Madam Chairman, I want to  
21 inform the Commission and the public that we received  
22 notification this afternoon that the Governor has amended  
23 the call for Special Session to include the supplemental  
24 appropriation for the IRC.

25 COMMISSIONER MINKOFF: That is wonderful

1 news and I'm sure that I share the opinions of my fellow  
2 Commissioners in saying that is really excellent news and  
3 we look forward to positive resolution of that issue.

4           COMMISSIONER ELDER: Ms. Chairman, any  
5 timing when they'll put the agenda out for the Special  
6 Session, know when it's going to be heard so we might  
7 anticipate the results of funding?

8           CHAIRMAN LYNN: At this point it depends on  
9 the Legislature. They now have the ball in their court.  
10 They will schedule this at the time that's most  
11 convenient for them.

12           MS. HAUSER: Mr. Chairman.

13           CHAIRMAN LYNN: Yes.

14           MS. HAUSER: In terms of the Legislature's  
15 schedule, my understanding is in talking to Legislature  
16 staff, in the event Governor were to add the matter to  
17 the call, that if the members are willing to waive  
18 certain rules, the Commission's funding request can be  
19 acted upon, I mean start to finish, within a 24-hour  
20 period. If those rules are not waived, then it will take  
21 a minimum of three days to get something to the  
22 Governor's desk, whereupon she then has 10 days, but  
23 hopefully decided -- five at this point, because it's  
24 during session, but hopefully at this point having made a  
25 commitment to include it in the call, she would be

1 looking favorably upon a bill when received.

2 COMMISSIONER MINKOFF: What is the vote  
3 that is needed to suspend the rules, simple majority

4 or --

5 MS. HAUSER: Two-thirds to suspend the  
6 rules.

7 COMMISSIONER MINKOFF: Okay.

8 CHAIRMAN LYNN: Vice Chair, I'd ask those  
9 members of the Commission addressing the Commission this  
10 afternoon with members of the Legislature should be aware  
11 this afternoon at the time they get their amended call, I  
12 only ask you share with them the urgency we are operating  
13 under and urge them to do everything within their power,  
14 both sides of the aisle, to do what is fair for the  
15 people of Arizona and make this happen as quickly as  
16 possible.

17 COMMISSIONER MINKOFF: Mr. Chairman, you  
18 can be assured that will happen when we meet with the  
19 Legislature later today.

20 All right, are there any further motions in  
21 public session going forward?

22 COMMISSIONER HALL: There are, Madam Chair.

23 Before we go there, though, I'd like to  
24 express my appreciation to the Governor and confidence in  
25 the Legislature that this matter can be resolved

1 expeditiously and that this Commission is allowed to go  
2 forward and fulfill our Constitutional mandates. So I  
3 think that is important that we note publicly.

4 COMMISSIONER MINKOFF: Absolutely. And I  
5 would like to second those statements.

6 Any further business before the Commission?

7 COMMISSIONER HUNTWORK: Madam Chairman, I  
8 would like to propose a motion.

9 I move that we instruct our attorneys to  
10 continue work in our defense of the pending state court  
11 litigation as long as any funding remains available  
12 consistent with the other expenditures and priorities  
13 that the Commission has previously identified including  
14 representation of the Commission at a hearing on motions  
15 to be heard on October 31st. In making this motion, we  
16 recognize that additional funding has not yet been  
17 appropriated and the existing funding will still run out  
18 prior to the commencement of trial.

19 COMMISSIONER MINKOFF: Is there a second?

20 COMMISSIONER ELDER: Second.

21 COMMISSIONER MINKOFF: Was that Mr. Elder?

22 COMMISSIONER ELDER: Yes.

23 COMMISSIONER MINKOFF: Moved and seconded.

24 Any discussion?

25 All in favor?

1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER HALL: "Aye."

3 CHAIRMAN LYNN: "Aye."

4 COMMISSIONER ELDER: "Aye."

5 COMMISSIONER MINKOFF: Chair votes "Aye."

6 Motion passes unanimously.

7 Anything further?

8 COMMISSIONER HALL: Madam Chairman, I think

9 that, as I indicated earlier, I'm confident the

10 Legislature will act promptly and that the Governor will

11 respond favorably in light of the fact she's added this

12 session; however, I don't think that that precludes us

13 from seeking every other available opportunity to acquire

14 the appropriate and necessary funds to defend the maps

15 which we've drawn for the people of Arizona. We've

16 received information from other parties, specifically

17 Maricopa County, that they have -- they are very

18 concerned about the possibility of a default and the fact

19 that the judge has alluded to potentially taking over map

20 drawing responsibilities and, therefore, are very

21 interested not only from a principled and Constitutional

22 standpoint but from a Constitutional standpoint in light

23 of the fact Maricopa County represents 56 percent of the

24 population of the State of Arizona in our maps being

25 properly defended. Therefore, I would make a motion that

1 we would move to direct counsel to make a request of  
2 Maricopa County to enter into an inter-governmental  
3 agreement to assist the Commission in meeting its  
4 financial obligations, its trial and other Commission  
5 business.

6 COMMISSIONER MINKOFF: It's been moved.

7 Is there a second?

8 COMMISSIONER HUNTWORK: Second.

9 COMMISSIONER MINKOFF: Moved and seconded.

10 Any discussion?

11 CHAIRMAN LYNN: Madam Chairman.

12 COMMISSIONER MINKOFF: Yes.

13 CHAIRMAN LYNN: I would only move to

14 Mr. Hall's motion that whereas this motion is a specific

15 request, and I think it is certainly an appropriate

16 request to make, that we -- that we also bear in mind

17 that we have other matters pending before the Supreme

18 Court in the state that are designed to achieve the same

19 result; in that instant a Constitutional appropriation.

20 I think the important thing here is this Commission is so

21 determined to do the work that we were asked to do by the

22 voters of Arizona that we are doing everything within our

23 power to move forward in an appropriate manner to

24 complete our task. And this motion is certainly

25 absolutely within the appropriate realm of completing our

1 work, and I certainly support it.

2 COMMISSIONER MINKOFF: Any other comments?

3 Mr. Huntwork?

4 COMMISSIONER HUNTWORK: Madam Chairman, I

5 think in supporting this motion I want to give voice to a

6 couple very important principles and concerns.

7 Obviously, whatever the terms of the arrangement might

8 prove to be, they must continue to assure the

9 independence of the Independent Redistricting Commission.

10 Should we be able to accept funds from Maricopa County

11 and should they be able to provide them, they must come

12 with no strings attached, and that includes in my mind a

13 couple of dimensions: Number one, they must not have

14 any -- they must explicitly have no strings attached,

15 there must be a clear understanding Maricopa County

16 cannot direct or indirectly influence the decisions that

17 are made by the Commission and its counsel in the defense

18 of our actions; and, secondly, the arrangement would have

19 to be durable, that is an arrangement that can be

20 terminated in midstream, in my view, at least, does not

21 provide the necessary independence.

22 I'm confident that the people in Maricopa

23 County who will be working with this, on this, are fully

24 aware of these considerations.

25 Maricopa County has been a contractor with

1 the Commission and has provided us with services as we  
2 have gone through this process. There has never been a  
3 hint of anything other than support and recognition of  
4 our constitutional role. And I'm sure that will  
5 continue. But I think it is important to emphasize and  
6 make sure our counsel are directed as to the will of the  
7 Commission, that these principles would be fully embodied  
8 in any agreement that was negotiated.

9 COMMISSIONER MINKOFF: Anything else?

10 All right. As to the motion on the floor,  
11 all in favor?

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER ELDER: "Aye."

16 COMMISSIONER MINKOFF: "Aye."

17 Chair votes "Aye."

18 Motion passes unanimously.

19 Is there any other business before the  
20 Commission?

21 Motion to adjourn?

22 COMMISSIONER HUNTWORK: So moved.

23 COMMISSIONER MINKOFF: Second?

24 COMMISSIONER HALL: Second.

25 COMMISSIONER MINKOFF: All in favor?

1 COMMISSIONER ELDER: "Aye."  
2 CHAIRMAN LYNN: "Aye."  
3 COMMISSIONER HUNTWORK: "Aye."  
4 COMMISSIONER HALL: "Aye."  
5 COMMISSIONER MINKOFF: "Aye."  
6 COMMISSIONER MINKOFF: Any opposed?  
7 Motion passes unanimously.  
8 The Commission stands adjourned.  
9 (Whereupon, the Public Session of the  
10 Independent Redistricting Hearing  
11 concluded at approximately 3:35 p.m.)

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