



Idaho's Citizen Commission for Reapportionment

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Public Meeting
July 27, 2011
Capitol Auditorium, Capitol Building
10:00 a.m.

Present were **Commissioner Moses, Commissioner Kane, Commissioner Andersen, Commissioner Frasure, Commissioner Finman, and Commissioner Esposito**. Present from the staff were **Ms. Kristin Ford, Mr. Keith Bybee, Mr. Todd Cutler, and Cyd Gaudet**. Present from the Attorney General's office was **Mr. Brian Kane**.

Chairman Frasure called the meeting to order, and indicated that they had a couple more housekeeping items this morning. He indicated that he appreciated **Mr. Bybee's** handout providing an update on the budget which he stated was self-explanatory. **Commissioner Andersen** then asked how much time they had left as compared to the percentage of the budget. **Chairman Frasure** pointed out that by the time they meet on the following Monday they will have one third of their time left. **Commissioner Andersen** indicated that he just wanted to make sure they were not going to go over their budget because of the time. **Mr. Bybee** indicated that they had roughly 60% of their budget, or \$63,000 remaining, so they were on pace not to spend through the entire budget. He also pointed out that regarding the portion of the budget for their mapping assistants, at almost two thirds of the way through the process, they were 35% of the way through the budget, so those numbers looked good. He said that both sides are managing their hours well and they are on the path to have some budget remaining.

Chairman Frasure then indicated that they had a number of minutes, and he would see which ones can be approved, and would hold those with questions until this afternoon. He started with the two sets of minutes from Tuesday, June 7th, which were the organizational session and the public hearing that night. **Commissioner Moses** then asked for the commission's indulgence as his notes were not pulled together, and asked if they could do this in that afternoon's session, as he would then be prepared to move forward. **Chairman Frasure** stated it would be nice to get some of these minutes approved and asked if there were any specific dates that they could approve. **Commissioner Moses** stated that it would be hard for him to say as his notes were not pulled together. **Chairman Frasure** stated that in going through the minutes there were a few very small things to note, however he appreciated the staff's efforts, and that, without objection, they would hold off until that afternoon on the minutes.

Commissioner Esposito then stated that they had made considerable progress, and that they were well on target to be able to present a full plan, with all of the documentation, similar to what his fellow commissioners presented on Monday, by the following Monday. He said that barring any snags they should be able to present the plan Monday morning, and if not he saw no reason they wouldn't be ready by Monday afternoon.

Commissioner Moses then recalled that they left open the next week's schedule to be determined that day. **Chairman Frasure** indicated yes, that the request had been that the commissioners check their schedules to see if there were any additional days that they could put on the schedule, as they approach their deadline. He said that currently they had the request from **Commissioner Kane** that August 26th be a caucus day. He stated that they had meetings that Thursday and then the following Saturday so they would not be meeting on the floor on the 26th. He pointed out that they didn't quite hit the July 27th date, but perhaps once they have each side's plans on the table, it can move

rapidly. He said that for contingency sake they should be clear on which of the dates the commissioners can handle. However he said that they can take care of that this afternoon as well.

Commissioner Esposito then advised that he had a potential conflict on the 29th, either in the morning or the afternoon. He said that he would be unavailable half of that day and would know which one by next Monday. **Chairman Frasure** said that as they picked six busy people with lives to live it is sometimes difficult to get all six of them in sync as to dates. He said that he appreciates the willingness of his fellow commissioners to adjust as much as they can, and that he is quite pleased that they have been able to come up with as many dates as they have, without any serious breakdowns. He said that obviously it is an important task and they are down to 30 days to get it done.

He then called a recess until 2:00.

Chairman Frasure brought the commission back from recess and indicated that they were discussing their August and September meeting schedule. He said that they had adjusted August 26th to do a caucus, rather than a formal meeting. He requested that the morning of August 2nd be reserved for caucus, and they not actually take up business until 2:00p.m. that day, as he had a conflict that morning. He then asked if there were any additional days that they could meet. **Commissioner Esposito** then repeated that he had a conflict on the 29th, and that he was not sure if it was in the morning or the afternoon, and if they could adjust their schedule accordingly that would be very helpful for him. He said that he should have an answer by next Monday on what the exact time will be. **Chairman Frasure** indicated that they would be flexible on the 29th, and that they would still meet on that date. He stated as they had a full month's notice, it shouldn't be a problem. **Commissioner Moses** then stated that he had some personal circumstances which arose that made him unavailable on August 25th. **Chairman Frasure** asked if he wanted to cancel that day or just make it a non voting day. As **Commissioner Moses** stated that he would not be available the entire day, **Chairman Frasure** indicated that they would scratch off the 25th. **Commissioner Andersen** then indicated that **Commissioner Kane** could not be present on the 4th, and that they may have to ask for a late start on the 5th, which may change; however, they could meet on the 6th. He also confirmed that the 8th thru 13th had been scratched. He indicated that on the 18th and 19th up through the 25th, that **Commissioner Moses** would not be available. He stated that they could meet on the 27th as well as September 1st, 2nd, and 3rd. He also said that there was a possibility that they could meet on Sunday, August 28th if they needed to.

Chairman Frasure stated that they could hold in reserve Sunday, September 4th however, without objection, he would take any other Sundays off their scheduling. He then asked **Mr. Bybee** if it caused any problem for the staff to work on Saturdays. **Mr. Bybee** explained that the only hurdles that they would have to face would be organizing the facilities. He said that being three weeks out it gives them plenty of time to make sure that security would be available, and to make sure that the room was open. He also said that it just depends on how early they need to be there and get it opened and that those are doable things. **Chairman Frasure** then asked about the Attorney General's office's ability to be present on Saturdays, and **Mr. Kane** stated that they could make that work.

At the request of **Commissioner Esposito**, **Chairman Frasure** then went through the potential days that they would be meeting. He stated that they had prescheduled August 1st, 2nd and 3rd, with a possible late start on Friday the 5th, and then Saturday the 6th they were open to meeting. He indicated that the commission has the latitude of two days before and two days after meeting, and confirmed that they are well under on budget, so it was certainly doable on the 5th and 6th. He indicated that the week of August 8th there are no meetings. He said they would then come back on August 15th, 16th, and 17th, and then they would honor **Commissioner Moses'** request that there not be meetings from the 18th through the 25th. He stated that as **Commissioner Kane** had requested just a caucus day on August 26th, that had been taken off the calendar, and they would be open for a meeting on Saturday the 27th. He said they would then be coming back on Monday the 29th with an either late or early start pursuant to **Commissioner Esposito's** request. After that they would be meeting on the 30th, 31st, September 1st, 2nd, 3rd, and possibly the 4th. In summary then, they had scratched the 25th and 26th, with the 26th as a potential caucus date, and they are looking at adding the three Saturdays as new days of August 6th, 27th and September 3rd. **Commissioner Esposito** indicated that by Monday he would also confirm his availability on August 6th. **Chairman Frasure** indicated that they could settle this on Monday, however they certainly needed to settle the next week's schedule, and if they had the next two week's schedule in concrete they should be in good shape as to notice. He indicated then, without objection, at least through the 20th they could have the dates of August 1st, 2nd, 3rd, 15th, 16th, and 17th confirmed. He said that the only exception would be a 2:00 p.m. start on the 2nd, and maybe a late start on the 5th, and then they would be open on the 6th. He confirmed that for the public notice they have to give 5 days notice on the schedule, and that the agenda doesn't have to be out until 48 hours before the meeting. He stated that unless he and **Commissioner Andersen** could come up with any changes, the agenda would be the same as they were down to the short strokes of approving the plan, other than approval of minutes and budget.

Commissioner Esposito then asked if they could go ahead and schedule the 5th and 6th and then cancel them if need be. **Chairman Frasure** indicated that as long as they cancelled them within 2 days they could do that, and without objection, he so ordered that the schedule will be August 1st, 2nd, 3rd and 5th with a late start that day, and then the 6th, 15th, 16th, and 17th.

Chairman Frasure then indicated that he wanted to thank the staff again, that they had given them three more sets of minutes, and he believed that they now had 17 sets of minutes.

Ms. Ford then confirmed that the commission wanted to schedule 2:00 p.m. starts on the 2nd and 5th. As there was no objection **Chairman Frasure** confirmed that.

The commission then went back to the approval of the minutes, and **Chairman Frasure** stated that they would handle them in chronological order. He then asked for any discussion or motions on the two sets of minutes from June 7th. **Commissioner Kane** noted a couple of clerical items, the first was on page one of the Public Hearing on June 7th, on the fifth line from bottom, the word simply needed to be changed to simplify. She also made reference to a statement from **Commissioner Frasure** where a sentence was not completed. **Commissioner Kane** then made a motion to approve the minutes of June 7th. As all agreed, the minutes were approved.

Commissioner Finman then made a motion to approve both sets of the minutes of June 8th. As all agreed, the minutes were approved.

Commissioner Finman then made a motion to approve the minutes of June 9th. As all agreed, the minutes were approved.

Commissioner Andersen then made a motion to approve the minutes from the week of June 13th in Idaho Falls, Rexburg, Pocatello and Soda Springs. As all agreed, the minutes were approved.

Commissioner Finman then made a motion to approve the minutes from the week of June 22nd in Moscow, Lewiston, Sandpoint, and Coeur d'Alene. As all agreed, the minutes were approved.

Commissioner Andersen then made a motion to approve the minutes from the week of June 28, 29, and the 30th in Burley, Twin Falls, and Hailey. As all agreed, the minutes were approved.

Commissioner Finman then made a motion to approve the minutes from July 13th, and 14th, the Meridian Public Hearing and the meeting that afternoon. As all agreed, the minutes were approved.

Chairman Frasure then asked **Ms. Gaudet** where they were in terms of being caught up on the minutes. **Ms. Gaudet** indicated that she believed they had two more sets from the prior week, and then this week's minutes to complete. **Chairman Frasure** asked if those would be ready by the following Monday, and **Ms. Gaudet** indicated that would be a goal.

Commissioner Esposito then indicated that he would like to thank the staff for getting these done for them and that they had done a great job. **Chairman Frasure** then indicated that this had been a tremendous effort. He stated that if, in fact, they do have to defend themselves in court, that the Attorney General's advice was to have good minutes, and hopefully these are complete enough as certainly they have tried. He said that they have comments from everyone who testified, and at least some indication of what they said. He added that hopefully they are just a historical document that is never dusted off again. He indicated he is hopeful that they don't get sued; however, with the nature of this litigious society, there is a high probability. He indicated that since 1971 everyone has gone to court. He then asked if there was any further discussion on the congressional or legislative plans at this time.

Commissioner Esposito asked if they could adjourn for the day so that he could get back to work on their plan to meet the Monday deadline. **Commissioner Moses** then made a motion to adjourn. **Chairman Frasure** then called for a vote to adjourn until 10:00 a.m. the following Monday. As all approved, the Commission was adjourned.