

**In the Matter Of:**  
**ALASKA REDISTRICTING BOARD**

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**BOARD MEETING**

*June 07, 2013*

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ALASKA REDISTRICTING BOARD

BOARD MEETING

**COPY**

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June 7, 2013  
11:00 a.m.

411 West 4th Avenue, Suite 302  
Anchorage, Alaska

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1 A-P-P-E-A-R-A-N-C-E-S

2

3 Board Members Present:

4 John Torgerson, Chairman  
PeggyAnn McConnochie, Vice-Chair (via speaker phone)  
5 Robert B. Brodie (via speaker phone)  
6 Jim Holm (via speaker phone)

7 Counsel for Board:

8 Michael D. White  
Nicole A. Corr  
9 PATTON BOGGS, LLP  
601 West 5th Avenue, Suite 700  
10 Anchorage, Alaska 99501  
(907) 263-6300

11

12 Also Present:

13 Adam Berg  
14 Steve Aufreche  
Amy Carter  
15 Roger Jenkins  
John Bitney  
16 Leonard Lawson  
Mark Thiessen

17

18 Court Reporter:

19 Sonja L. Reeves, RPR  
PACIFIC RIM REPORTING  
20 711 H Street, Suite 4  
Anchorage, Alaska 99501

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23  
24  
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1 she can get down the right names and all of that stuff.

2 So Mr. White, on the legal.

3 MR. WHITE: The agenda, Mr. Chairman?

4 MR. TORGERSON: Pardon me?

5 MR. WHITE: Has the agenda been approved?

6 MS. McCONNOCHIE: Mr. Chairman, this is

7 PeggyAnn McConnochie. I would like to move for the

8 approval of the agenda, as presented to us earlier

9 today.

10 MR. HOLM: Jim Holm. I would like to second

11 that.

12 MR. TORGERSON: Is there additions,

13 corrections or discussions on the agenda? Since we're

14 all on the teleconference, we'll do a roll call vote.

15 Bob Brodie, on the approval of the agenda?

16 MR. BRODIE: Yes.

17 MR. TORGERSON: PeggyAnn?

18 MS. McCONNOCHIE: Yes.

19 MR. TORGERSON: Mr. Holm?

20 MR. HOLM: Yes.

21 MR. TORGERSON: Marie is gone. I'm a yes,

22 so how many is that? Did I leave off one?

23 MR. WHITE: That's four.

24 MR. TORGERSON: That's four. You put me in

25 charge of that? I can't get it done.

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1 PROCEEDINGS

2 MR. TORGERSON: Let's go ahead and do a roll

3 call there, Madam Secretary.

4 MS. CORE: Bob Brodie?

5 MR. BRODIE: Present.

6 MS. CORE: Marie Greene? Jim Holm?

7 MR. HOLM: Present.

8 MS. CORE: PeggyAnn McConnochie?

9 MS. McCONNOCHIE: Here.

10 MS. CORE: John Torgerson?

11 MR. TORGERSON: Here. Marie called in

12 earlier. She is in -- her plane was late. She is in

13 New Orleans, and she is headed to Chicago on her way

14 back up, but her plane was late. So she said she might

15 join us at 11:30, depending on tailwinds or other

16 things, but she won't be with us for a little while, but

17 we are going to go ahead and do that.

18 So we have what little agenda we have. The

19 first part is a legal review on the latest actions of

20 the superior court, and then we will talk about

21 scheduling.

22 Michael, you want to -- by the way, all the

23 board members, if you would state your name, because we

24 are -- we have Pac Rim here doing transcribing, so we

25 need to identify ourselves as we make comments so that

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1 So by a 4-0 vote, the agenda has been

2 approved.

3 The next thing is the legal review. Mr.

4 White?

5 MR. WHITE: Thank you, Mr. Chairman.

6 Michael White, counsel for the Alaska Redistricting

7 Board. Quickly, just kind of an overview of what's

8 happened this year.

9 As you know, after the last year when the

10 Supreme Court approved the interim plan, then about

11 seven months later, on December 28th, they issued their

12 decision. On January 7th of 2013, the board filed its

13 petition for rehearing, which is basically a motion for

14 reconsideration with the Alaska Supreme Court.

15 The Court ruled on that a little over a

16 month later, on February 15th. The board then had

17 meetings on March 12th and 13th to consider various

18 things.

19 They authorized me to request the Court for

20 a petition for clarification, which we did on March 19th

21 of 2013. And the Supreme Court ruled on that on

22 April 24th, 2013.

23 Approximately seven days later, a week

24 later, the Riley plaintiffs filed a request for hearing

25 with the trial court, as the Supreme Court, in its

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1 petition for clarification had said there is some issues  
2 regarding hearing status and timeline, those need to be  
3 addressed to the trial court, we're not going to deal  
4 with those.

5 The next day, the trial court issued an  
6 order to set a briefing schedule. That briefing was  
7 done and completed at the latter part of May. And then  
8 on May 30th, the trial court issued its order indicating  
9 that it disagreed with the board's position and that the  
10 board should begin work immediately and that it needs to  
11 hold public hearings.

12 In a footnote in that decision -- make sure  
13 I get this right, so let me grab that. The trial court  
14 seemed to anticipate that there would be an appeal of  
15 his order, and he indicated that he would recommend to  
16 the Supreme Court that basically a 30-day time schedule  
17 be set, which is set forth in footnote 12 of that order.

18 The next day, the board began, on May 31st,  
19 polling its members to determine scheduling issues. And  
20 then on June 3rd, it issued its notice of the meeting  
21 that is being held today.

22 On May 30th, also, the Supreme Court issued  
23 an order in response to the order of the trial court on  
24 May 2nd setting the briefing schedule, that it didn't  
25 retain have -- it didn't retain jurisdiction over the

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1 case and the merits had in fact been returned to the  
2 trial court. I think that's just coincidence that they  
3 were both issued on the same day.

4 This Wednesday, the Riley plaintiffs have  
5 filed a motion for reconsideration with the trial court,  
6 saying -- basically taking the Supreme Court's order and  
7 saying, "Well, now, Court, you should actually set a  
8 schedule and mandate hearings."

9 The board's time to respond to that, the  
10 trial court on June 5th indicated, would be this Monday,  
11 June 10th at noon.

12 So as we sit here today, I suggest to you,  
13 Mr. Chairman, that there is basically four options for  
14 the board to consider doing in terms as to the legal  
15 proceedings and how it moves forward.

16 It can simply comply with the Court's order  
17 and do nothing on appeal. It could appeal, file a  
18 petition for review, as this is what is known as an  
19 interlocutory order, meaning it doesn't resolve the  
20 case, it's just about the process involved in the case.  
21 So you file a petition for review with the Court. I  
22 think the Court has discretion to grant or not to grant  
23 whether it would take that.

24 The third option that I see is for the board  
25 to move forward, pursuant to the trial court's

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1 instructions, and at the same time, pursue the appeal,  
2 as the board still disagrees with the trial court's  
3 order about how it interpreted the constitution.

4 Maybe not so much for this board, but for  
5 the future boards having the process clarified as what's  
6 required on remand, I think would be helpful.

7 At the same time, you don't have to -- I  
8 guess the fourth option would be to proceed forward and  
9 then make a determination to see whether or not they  
10 want to appeal after you hear from the Court on the  
11 motion for reconsideration.

12 There is no need to file a petition for  
13 review, as I believe this issue would be appealable on  
14 the merits, if you will; on any merit appeal that would  
15 follow, we would expect to follow the board's adoption  
16 of its final plan.

17 So that's the options that I see for the  
18 board at this point in time, Mr. Chairman. And I would  
19 be happy to answer any questions.

20 MR. TORGERSON: I'll start first. Go over  
21 number two again. I got the appeal, but you lost me.

22 MR. WHITE: Number two I would suggest would  
23 be, because we could -- the board could set a schedule  
24 and start the work process, moving forward on it, and  
25 essentially not moving towards working on the Hickel

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1 plan and following a timeline that they set, and at the  
2 same time pursue the appeal because they believe the  
3 legal precedent is wrong.

4 One of the things that this board has always  
5 made clear is that they never have indicated that they  
6 were not going to hold public hearings on remand. Our  
7 position has always been a legal one, that the  
8 constitution does not mandate them and that it's within  
9 the board's discretion to do so.

10 As I have always advised the board all  
11 along, I think public input it very important, and that,  
12 if at all possible, the board should take public comment  
13 into consideration. And I think the board record  
14 clearly and unequivocally reflects how hard this board  
15 has worked to consider public input.

16 I can remember sitting in this room and  
17 talking with Marie and talking with PeggyAnn at  
18 different times, and them agonizing over the comments  
19 they had received and what they could do to try to take  
20 those into account when they were engaging in the very  
21 difficult task of trying to comply with the Voting  
22 Rights Act.

23 And so I would suggest that option number  
24 two basically is proceeding forward, moving matters  
25 forward, so that we're moving towards resolution, and

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1 then at the same time you could petition the Court  
2 saying, "We're moving forward, but we need guidance and  
3 clearance on this, because we think the trial court  
4 misinterpreted."  
5 MR. TORGERSON: I must have had these wrong.  
6 I had that down as option three. What you were talking  
7 about is appeal, and then you went into something about  
8 reconsideration. I got lost between the two.  
9 MR. WHITE: Number one was just simply say,  
10 "Fine, trial court, you have ruled. We're not going to  
11 appeal. Let's move forward."  
12 Number two would be, "Thanks, trial court,  
13 we appreciate it. We respectfully disagree. We are  
14 going to petition the Supreme Court for review of this,"  
15 and then wait for the Supreme Court to provide us  
16 guidance on that issue.  
17 Number three would be what I just discussed  
18 under number two.  
19 Number four would be to move forward and  
20 save any issue that we want to have resolved, the legal  
21 issue, until after any merits appeal that we would  
22 expect would follow after the board adopts its new plan.  
23 MS. McCONNOCHIE: Michael, this is PeggyAnn.  
24 If I might ask a question, Chairman Torgerson?  
25 MR. TORGERSON: Yes, go ahead.

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1 MS. McCONNOCHIE: Thank you. Once again,  
2 this is PeggyAnn McConnochie. I understand the timing  
3 of all of this.  
4 For the motion to the Court --  
5 (indiscernible) -- upon their trying to impose a  
6 specific timeline on us; is that correct?  
7 MR. WHITE: The motion for reconsideration  
8 that was filed on Wednesday by the Riley plaintiffs asks  
9 the Court to set a specific timeline and to mandate  
10 public hearings.  
11 I read the order from Judge McConahy as  
12 indicating that his interpretation of the Alaska  
13 Constitution was that public hearings were required.  
14 His footnote seems to indicate that his thinking was  
15 that public hearings were required on the Hickel plan.  
16 Whether or not the public hearings would be required if  
17 the Voting Rights Act is upheld by the United States  
18 Supreme Court, and we have to go through steps two and  
19 three of the Hickel process is unclear.  
20 I would anticipate that whatever is  
21 determined when we respond to the motion for  
22 reconsideration, which we must do by Monday at noon, we  
23 would ask Judge McConahy to provide us guidance with  
24 what he meant by public hearing.  
25 Does that mean we hold public hearings on

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1 the Hickel plan and then, if we're required to go  
2 forward and the Voting Rights Act still applies, section  
3 five still applies, do we then have to hold public  
4 hearings on the final plan that we adopt?  
5 Now, you recall the process under the  
6 constitution in the initial drafting process, the board  
7 is only required to hold public hearings on their draft  
8 plans.  
9 After the draft plans are done, then the  
10 board moves forward to draft its final plan, the  
11 constitution clearly doesn't require any additional  
12 hearings after a final plan is adopted. But whether or  
13 not that is Judge McConahy's interpretation may well be  
14 something we want to ask him to clarify when we respond  
15 to the motion for reconsideration.  
16 MS. McCONNOCHIE: So just one follow-up  
17 question, if I might. Once again, this is PeggyAnn  
18 McConnochie. So one of the options, Michael, is that we  
19 could do two things at once?  
20 The first one would be put together some  
21 type of a plan for drawing, public hearings, et cetera,  
22 at the same time we file the motion. Am I correct on  
23 that?  
24 MR. WHITE: PeggyAnn, that is correct.  
25 That's one of the options, is to proceed forward. It's

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1 going to -- we can't just do this in a day, so we have  
2 to set a schedule, we have to give notice. The Court  
3 indicated that it wanted opportunity for third parties  
4 to present plans.  
5 I think it's only fair that they have a  
6 certain amount of time to be allowed to develop those  
7 plans. And then at the same time, we could file a  
8 petition for review with the Supreme Court asking them  
9 to rule on the issue while we're moving forward, or we  
10 could decide that we'll appeal that issue because it's a  
11 legal issue that needs to be resolved for future boards  
12 on what the board's obligations are after a remand.  
13 We could do that if there is an appeal on  
14 any of -- the final plan that the board adopts.  
15 MS. McCONNOCHIE: I'm sorry, Michael. You  
16 lost me on the very last portion of that as far as if we  
17 waited, we could wait until the judge rules on  
18 Petersburg's and Walleri's motions, and then at that  
19 time, file the petition for review?  
20 MR. WHITE: What I'm suggesting is that we  
21 don't have to file the petition for review at all, which  
22 is a discretionary appeal that you could then file and  
23 raise this issue in an appeal, which the appeal that we  
24 expect would address any challenges to the board's  
25 second amended proclamation plan.

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1 In other words, go through the process. We  
2 adopt our plan, and then we expect that there will be  
3 legal challenges, and we'll go first to the trial court.  
4 The trial court will make its ruling, and then any  
5 aggrieved party, plaintiffs or us, would then have the  
6 opportunity to go back to the Supreme Court.  
7 And at that point in time, this issue could  
8 be raised with the Court. You don't necessarily have to  
9 do it on a petition for review at this time.  
10 MS. McCONNOCHIE: Just one more question.  
11 This might rightly be more appropriate for executive  
12 session, but what's the pros and cons of doing it now  
13 versus doing it later?  
14 MR. TORGERSON: He is thinking.  
15 MS. McCONNOCHIE: Okay. I thought that  
16 maybe I got cut off because he didn't like my question.  
17 MR. TORGERSON: That's why I said that.  
18 MR. WHITE: We don't have an executive  
19 session scheduled for this time, PeggyAnn. Before I  
20 would give my opinion on litigation strategy, I would  
21 want to do that in executive session.  
22 Generally, I can say that -- I'm not the  
23 board, so I can't say, and I need to have -- I can't  
24 speak for the board at this point in time, but it was my  
25 understanding that this board was always going to have

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1 at least some public hearing anyway at some point in  
2 time to get input, so why -- we're not going to be doing  
3 something that we weren't going to do anyway, so waiting  
4 is merely more for the Court or for future boards to  
5 help them understand what is required of them upon  
6 remand.  
7 As you know and we have spoken of before,  
8 every single plan that's ever been originally adopted  
9 has been gone through -- has been thrown out at least in  
10 part by the Court. One thing that -- perception that  
11 seems to be percolating in the public is that somehow  
12 the board's entire plan was thrown out.  
13 That's simply not the case, and in fact,  
14 after the first trial court's decision, there were only  
15 two districts that he did not uphold, and those were  
16 districts that were based on the whole Voting Rights Act  
17 issue where we admitted that, look, we couldn't comply  
18 with both the VRA and the constitution, so we had to  
19 depart from strict adherence to the Alaska Constitution  
20 in order to comply with the VRA.  
21 The trial court said, "Your justification  
22 wasn't good enough," and we appealed that. And the  
23 Supreme Court said, "Judge, you used the wrong legal  
24 standard," so basically reversed the trial judge on  
25 that, but then said, "But we can't determine, board,

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1 whether or not you have met the standard, because you  
2 didn't follow the Hickel process."  
3 And so that's what we have been dealing with  
4 since that time. So I guess --  
5 MS. McCONNOCHIE: Go ahead.  
6 MR. WHITE: I guess, PeggyAnn, what I'm  
7 indicating is that, depending on what the board's wishes  
8 are, it might well be that you will want to do a  
9 petition for review on a double-prong process, or it  
10 might be well worth waiting.  
11 I guess maybe a fifth option that I didn't  
12 talk about would be for the board to authorize the  
13 chairman to work with me to take what appropriate action  
14 we advise him to take after we get through the motion  
15 for reconsideration.  
16 MS. McCONNOCHIE: Thanks, Michael. I do  
17 apologize for that. I'm just trying to get my head  
18 wrapped around the intricacies of this.  
19 By the way, this is PeggyAnn McConnochie.  
20 Thank you very much, Michael.  
21 MR. TORGERSON: I think we made a motion  
22 similar to that on one of the other issues. Since we  
23 didn't have the trailing order that might come out on  
24 Monday and the board meeting today, that you authorized  
25 me to go ahead and engage legal, but, of course, I sent

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1 everybody e-mails to let them know what was going on.  
2 Any other questions of Mr. White? Mr. Holm?  
3 MR. HOLM: My question, I think, is to  
4 Michael, but is part of the discussion as well as to  
5 whether we move forward or don't move forward.  
6 I'm more inclined to move forward and try to  
7 do something as soon as practical, but my concern, as  
8 much as anything, is whether or not we're going to set  
9 precedence that a judge can determine the schedule for  
10 any board outside the realm of the constitutional  
11 requirements.  
12 And if we jump in and do it, I guess I'm a  
13 little concerned that we're setting -- we're complicit,  
14 and then saying, "Well, it's okay for a judge to do  
15 that," because if it isn't, I certainly don't want to  
16 have that as being some kind of a precedent that they  
17 use and say, "Well, this board did it and so therefore  
18 all other boards shouldn't complain about it."  
19 And I'm not sure that I agree with the  
20 board's -- or the judge's decision to begin with, so I  
21 guess, Michael, I'm just concerned that we start the  
22 process, you know, what your thoughts are as to whether  
23 or not that's going to set a precedence for future  
24 boards.  
25 MR. WHITE: Jim, that's a very good

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1 question, and that was something that I have thought  
2 about and contemplated. And it's kind of tied up into  
3 the joint process.

4 If you proceed forward and at the same time  
5 appeal asking for guidance from the Court, then I don't  
6 think you are setting any precedent. You will get a  
7 decision from the Supreme Court saying "yea" or "nay,"  
8 this is required or it's not required.

9 Our position, I believe, has always been  
10 that the Court isn't -- the Court certainly has the  
11 ability to set its schedule. It certainly has the  
12 ability to interpret the constitution, and we had a  
13 mandated schedule on the first go-around.

14 And if you read the Court's order, it could  
15 be just simply saying, "Look, you guys need to get to  
16 work, not that I'm setting your schedule," because he  
17 hasn't at this point in time set any schedule. He said  
18 he would recommend to the Supreme Court, if there was an  
19 appeal, a 30-day schedule, but he hasn't actually set  
20 any schedule.

21 So our position has been that on remand it's  
22 within the board's discretion, and that if -- when and  
23 where and how many. And that issue can be appealed  
24 either at the same time you're moving forward, so that  
25 there is no precedent set for the future, or later on as

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1 a point on appeal on any merits appeal, you raise that  
2 issue in there saying, "Court, we need you to decide  
3 this. We didn't do a petition for review back in June  
4 because we wanted to move forward and get done, but at  
5 the same time, we are concerned about there being  
6 setting a precedent without there being any Supreme  
7 Court guidance.

8 "There has never been any guidance on this  
9 issue from the Supreme Court, and, therefore, we would  
10 ask that you issue a decision on -- provide guidance to  
11 future boards on what is required for a redistricting  
12 board on remand."

13 So there are ways to move forward, while at  
14 the same time, two avenues, either a petition for review  
15 or an appeal at the end after moving through the trial  
16 court.

17 MR. HOLM: Jim Holm again. Thank you very  
18 much for that clarification. I think I agree also with  
19 that assessment.

20 MS. McCONNOCHIE: This is PeggyAnn  
21 McConnochie. I agree. I think this is the first thing  
22 we need to figure out what to do, but I am loath to just  
23 do one thing at a time, so considering that, hopefully,  
24 our chairman has the time, I would almost say, okay,  
25 let's go ahead, let's set the schedule, let's go for

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1 public hearings, which I agree we were planning on doing  
2 anyway. Even though I don't believe we're required, I  
3 think that's what we wanted to do anyway, because that's  
4 in the best interest of this plan.

5 But go ahead and work out a schedule, but at  
6 the same time, I don't want any other board that is  
7 impaneled to have to deal with the stuff that we're  
8 having to deal with. And if we can help to stop some  
9 outsiders coming in and trying to dictate what does or  
10 doesn't have to be done, when I think we're doing  
11 exactly what the Court, but more importantly, what the  
12 constitution says we have to do, we could give our  
13 chairman and Michael the latitude to be able to work out  
14 when this needs to be done to put it together.

15 MR. TORGERSON: Okay. Mr. Brodie, do you  
16 have any comments?

17 MR. BRODIE: Not at this time.

18 MR. TORGERSON: Okay. Michael, do you have  
19 something?

20 MR. WHITE: Mr. Chairman, I was just going  
21 to say that my recommend to the board is for the option  
22 to authorize you -- us to determine after the board  
23 meeting what is the best method for moving forward.

24 I would like to see -- get our motion -- our  
25 reply to the motion for reconsideration in there. I

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1 think I'm hearing from the board members, without tying  
2 anybody to any vote, a consensus that let's set a  
3 schedule, let's get moving.

4 We're going to have public hearings. Then  
5 obviously that would be part of our reply to the Court  
6 on Monday, and then let's see what the trial court's  
7 decision is after that before making any decision on  
8 when and if we want to appeal that order.

9 Now, just so you're clear, board members,  
10 after the judge issues its order by appellate court  
11 rule, you have ten days to file a petition for review.  
12 However, that time is tolled and then starts anew --  
13 it's tolled when there is a motion for reconsideration  
14 filed, which was done on the 5th, and, therefore, any  
15 petition for review would be ten days after the Court  
16 rules on the motion for reconsideration or technically  
17 the Court doesn't have to, by court rule, doesn't have  
18 to rule, and if no ruling is done on motion for  
19 reconsideration after 30 days, it is considered denied.

20 So we're not -- we're under no immediate  
21 deadline now to file a petition for review until we get  
22 the Court's decision on the motion for reconsideration.

23 MS. McCONNOCHIE: This is PeggyAnn  
24 McConnochie. I appreciate that, Michael, but I think,  
25 as you said -- okay. Listen, I'm going to make a stab

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1 at it, so do tell me if I'm too far off base.  
2 For this particular issue, I'm going to  
3 authorize -- I'm going to put in a motion that would  
4 authorize the chairman and our counsel to work on an  
5 appeal to the judge's ruling and keep the board  
6 informed, so they get to decide the order and the timing  
7 for the petition for review.  
8 MR. TORGERSON: All right. That was a  
9 motion, PeggyAnn?  
10 MS. McCONNOCHIE: Yes, it was, if that  
11 works.  
12 MR. TORGERSON: Is there a second?  
13 MR. HOLM: I'll second. Jim Holm. For  
14 discussion, please.  
15 MR. TORGERSON: Mr. White, do you have a  
16 comment?  
17 MR. WHITE: Yes, Mr. Chairman. I think  
18 PeggyAnn's motion is well stated. One little tweak. I  
19 guess I'm going to perhaps offer a friendly amendment.  
20 I would say just to determine if a petition  
21 for review should be filed, and, if so, when, so we  
22 don't know yet whether we want to file one or we want to  
23 wait, but give the chair that discretion to determine  
24 that.  
25 Because it may well be that after next week,

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1 we all sit there and say, all right, let's wait until  
2 the end, if there is any other legal proceedings to  
3 raise that issue then.  
4 MS. McCONNOCHIE: I agree wholeheartedly. I  
5 agree. That should be a part of my motion. Thank you.  
6 If the second will accept?  
7 MR. HOLM: Yes. Jim Holm.  
8 MR. TORGERSON: Thank you.  
9 MR. BRODIE: Bob Brodie in Kodiak. I guess  
10 I go along with it, but I guess my question is: If  
11 there is a time we decide to file one way or another, is  
12 a five-day notice to have a meeting to have the board  
13 vote on filing it prohibitive or will that not give us  
14 time to do what we want to do, if we decide to wait  
15 several months when the things are heard again at the  
16 Supreme Court and we challenge this point, or will you  
17 need to act sooner than five days in the near future to  
18 get a timely filing?  
19 I don't see the urgency to authorize it  
20 blindly.  
21 MR. TORGERSON: Good point. Michael, is  
22 there -- I don't mind having another board meeting. I  
23 guess my concern about that is it was a little bit  
24 difficult getting everyone together for this one, and we  
25 got folks from Chicago to all over the state to call in

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1 on this, but, hopefully, that could happen if we wanted  
2 to do that.  
3 MR. WHITE: Mr. Chair --  
4 MR. TORGERSON: The other thing, and then  
5 I'll -- is that I don't know how much of this is  
6 required in executive session and it's difficult to do  
7 when you're on the phone, but go ahead.  
8 MR. WHITE: This litigation strategy like  
9 this on these type of things could be covered in  
10 executive session, but I don't think there is any need  
11 to.  
12 We're basically determining whether or not  
13 we want to file an appeal. And, Bob, as you recall in  
14 the past, we have made similar-type motions. Whatever  
15 the board wants to do in terms of if it wants to get  
16 together again, once we have the ruling from the trial  
17 court on the motion for reconsideration, to make the  
18 decision.  
19 I don't have any issue with that. The  
20 bottom line is that I think everybody's decision is  
21 clear, except for maybe your position, Bob, and maybe  
22 you still need time to think about it and that's why  
23 you're raising the concerns that you are.  
24 I don't have any issue either way. I only  
25 would at this point in time indicate that I think that

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1 can be done, if that's what you want to do. I would  
2 expect that if we file -- our response is due on Monday  
3 on the 12th, that Judge McConahy will issue a decision  
4 on that motion for reconsideration expeditiously, I  
5 suspect no later than the next day.  
6 He has shown the ability to deal with these  
7 type of processes on a very quick basis. We will know  
8 by next Tuesday. Maybe we look at scheduling issues  
9 first, and then don't make an actual -- table this  
10 motion until we have talked about scheduling and then  
11 determine whether it's best to try to set up something  
12 to have another meeting on this issue or to just  
13 authorize the chairman now to make that decision.  
14 MS. McCONNOCHIE: This is PeggyAnn  
15 McConnochie. I think though that John hears that we all  
16 want to know what's going on. We want to be a part of  
17 this process at the same time we're setting up the  
18 schedule, so he and you could help determine what that  
19 timing should be based upon the notice requirement for  
20 five days, when we're going to be meeting, what our  
21 schedule already ends up to be.  
22 You can make the decision if it's reasonable  
23 to be able to say, stop, we're going to need a five-day  
24 notice, because we're going have to have a board  
25 meeting, or, no, we don't have the time to do the

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1 five-day notice, but you understand what we need to do,  
2 because it's got to be filed when it's got to be filed,  
3 and then go ahead with it. I'm still comfortable with  
4 what we have got going.  
5 MR. TORGERSON: Let me clarify something,  
6 Michael. If the trial judge rules on the 11th, which we  
7 think might happen, ten days from then is when our  
8 appeal would be due?  
9 MR. WHITE: A petition for review would be  
10 due. Like I said, that's an interlocutory appeal asking  
11 the Court to decide an issue that does not actually  
12 resolve the case.  
13 MR. TORGERSON: To Bob's comment, I'm asking  
14 the board in the draft work schedule to meet on the  
15 21st. And I have no idea what people's schedules are,  
16 because I didn't talk to anybody when I put this  
17 together, but we were going to -- I think the 21st.  
18 I'm looking at September. Friday,  
19 June 21st. And so that looks like eight days, so we  
20 could maybe go for the approval then and let the board  
21 review the whole thing at that time.  
22 MR. WHITE: Well, we could. I would expect  
23 that I would want more than a couple of days to do the  
24 petition for review, but I mean, we could have that done  
25 in draft form.

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1 MR. TORGERSON: I think I would have you  
2 start on it. Clearly, you have to have that. I think  
3 what Bob is saying is he would like to look at it and  
4 have a meeting on it, not just vote again blindly.  
5 He wants to be able to look at it, and the  
6 five-day notice is the hang-up, but I would be more  
7 concerned if we couldn't get together on the 21st. That  
8 would concern me, but since we are, and you start your  
9 petition for review and do your work, then we could get  
10 the final board approval on the 21st.  
11 MR. WHITE: That could certainly happen.  
12 MR. TORGERSON: Does that make sense?  
13 MR. WHITE: It does.  
14 MR. TORGERSON: PeggyAnn, did that make  
15 sense what I was saying?  
16 MS. McCONNOCHIE: Well, yeah. That's the  
17 same thing I was saying. I'm perfectly comfortable with  
18 that.  
19 MR. TORGERSON: Okay. Then do you want to  
20 remove your motion or table it or what do you want to  
21 do? We still have a motion before us right now.  
22 MS. McCONNOCHIE: I know, and I guess don't  
23 see the need to remove it, because if I'm leaving it up  
24 to the discretion, then you can be watching what happens  
25 to see whether or not we need to do something fast or if

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1 we can afford the five-day notice. Then we work on our  
2 schedule and we know that, for example, we are going to  
3 be meeting the 28th and we can go ahead and make the  
4 decision at that meeting.  
5 MR. TORGERSON: Okay.  
6 MR. BRODIE: I'm comfortable with that, as  
7 long as we have a chance to have a look at it.  
8 MR. TORGERSON: I agree with that, Bob. It  
9 is kind of like a blank check when you make a motion the  
10 way we did it there.  
11 So what we're saying is that we would  
12 authorize legal and the chairman to prepare the  
13 documents for the appeal, but the actual pulling the  
14 trigger would be a board action, hopefully, around the  
15 21st, or sometime that I can call a meeting and get a  
16 quorum and get the majority of the board, enough to do  
17 an action. Is that kind of what we're saying?  
18 MR. BRODIE: If the time limit is practical.  
19 If it proves impractical, then you should probably have  
20 the authority to do it, if necessary.  
21 If it can be just a cursory review, so we're  
22 all on board and know what's going on, then --  
23 MR. TORGERSON: Then I think her motion  
24 would stand the way it is, and I'll just tell you that I  
25 will have, the best we can, if we adopt this draft

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1 schedule and we can't get a quorum before the timeline  
2 expires to where we can review it, we'll send it out  
3 anyway. You can review it, but we won't be taking any  
4 votes or doing anything like that over the phone on that  
5 issue.  
6 MR. BRODIE: I'll support the motion, and  
7 then we'll try to keep everybody informed to review it.  
8 MR. TORGERSON: Thank you. Any other  
9 discussion on the motion? Hearing none, then we will do  
10 a roll call vote.  
11 PeggyAnn McConnochie?  
12 MS. McCONNOCHIE: Yes.  
13 MR. TORGERSON: Bob Brodie?  
14 MR. BRODIE: Yes.  
15 MR. TORGERSON: Jim Holm?  
16 MR. HOLM: Yes.  
17 MR. TORGERSON: Marie, did you join us by  
18 any chance? Okay. And John Torgerson is a yes.  
19 So by a 4-0 vote, the motion has passed to  
20 authorize the chair and legal to start drafting the --  
21 or to draft the appeal.  
22 Okay. Now, Michael, I just had a couple of  
23 -- maybe they are oddball questions, but it seems like  
24 the Court has won -- we won some issues in the Court and  
25 it seems like it just keeps coming up and coming up and

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1 coming up. I thought they were resolved, but these  
2 things are still hanging out there.  
3 Can you tell us what is still at issue with  
4 the Court? I mean even this one that Judge McConahy  
5 ruled, it wasn't really against the board.  
6 If you read the footnotes, it's because the  
7 Court doesn't think they have time to do the process, it  
8 isn't because the board doesn't have time to draw. They  
9 are say that expedited judicial review is slow. Even  
10 though we're afforded that by the constitution, the  
11 Court -- it is what it is, slow timeline.  
12 So what issues are still hanging out there  
13 that we should be concerned about?  
14 MR. WHITE: Let me start, John, with some of  
15 the things that you all have seen in the press and other  
16 stuff that seem to be hanging around, which are not  
17 issues and that have been specifically resolved.  
18 The first one you keep seeing from various  
19 different people is about political gerrymandering.  
20 First of all, there was no political gerrymandering  
21 claim filed in any of the complaints. None were filed.  
22 There just weren't any there.  
23 At trial, the Riley plaintiffs, who were the  
24 only plaintiffs left at trial, continually attempted to  
25 put evidence about partisan motivation and partisan

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1 intent. After I kept seeing some of these things  
2 appearing in the paper and comments being made, I went  
3 back and specifically read the judge's order again, and  
4 I've got it here.  
5 Let me pull it up so I make sure I don't say  
6 anything incorrectly. In a December 23rd order that  
7 Judge McConahy issued on one of the motions filed by the  
8 plaintiffs, the Court said at page 18 -- or page eight  
9 of that order, quote, "There is not evidence in the  
10 record to find that partisan gerrymandering occurred.  
11 The plaintiffs arguments are merely that, arguments."  
12 Later on in the same order, the Court said,  
13 quote, "As the Court noted earlier, it finds that the  
14 allegations regarding political motivation are  
15 speculative and unpersuasive."  
16 In its final decision in the court, which  
17 was issued on February 3rd of 2012, the Court dedicated  
18 seven or eight pages dealing with the partisan  
19 motivation, partisan gerrymandering claims.  
20 One of issues was, you will recall, John,  
21 since you were there, they made some allegations that  
22 you had something about political payback. And the  
23 Court specifically found after hearing the testimony of  
24 you and the another gentleman, "The Court does not find  
25 --" a gentleman by the name of Mr. Hardenbook,

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1 "--credible on this point."  
2 Later in the same decision, page 96, "The  
3 Court agrees with the board and finds the plaintiff's  
4 claims alleging gerrymandering are unpersuasive and were  
5 not properly pled."  
6 The Court goes on later to say, at page 96,  
7 "Torgerson, Holm and Bickford all testified that they  
8 were proud of the plan and they were not influenced by  
9 their partisan affiliation. The Court finds this  
10 testimony credible."  
11 And then as he was going through some of the  
12 other stuff in the opinion, at page 116, related to  
13 House District 1, the Court indicated that, "Mr. Holm  
14 testified that appendage was done for deviation purposes  
15 and did not exist in the board option plans because the  
16 board made changes to the Native district."  
17 The Court specifically said, quote, "The  
18 Court accepts this testimony. The Court finds the  
19 non-compactness of proclamation House District 1 is the  
20 result of the board's effort to achieve the lowest  
21 possible deviations."  
22 The Court then goes on, once again at page  
23 134, in the conclusion that says, quote, "The  
24 proclamation plan, the whole plan is not based upon  
25 impermissible partisan intent." So this issue, even

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1 though it wasn't pled, the Court allowed the plaintiffs  
2 to make their record, and it ruled over and over and  
3 over again that there was no such thing and that issue  
4 was dead and is not an issue at all in the court.  
5 Another issue that I see popping up again  
6 amongst various litigants in other areas is that somehow  
7 the whole plan that was adopted by the board was  
8 illegal, and that's simply not the case.  
9 The board's entire plan has never been  
10 declared illegal. No Court has ever declared the  
11 board's entire plan illegal. It has made specific  
12 rulings on specific districts and it has ruled on the  
13 process.  
14 If you read the actual decisions, what the  
15 Supreme Court said on the Hickel process was that by not  
16 following that, we can't tell whether or not you  
17 properly balanced the federal constitution, the VRA and  
18 the Alaska Constitution, and, therefore, because you  
19 didn't do that, we can't do our job.  
20 It didn't say -- that Supreme Court has not  
21 found, other than House District 32 in Southeast, which  
22 if you recall the trial court granted summary judgment  
23 on, because we had said it's compact, and if it's not  
24 compact, we needed to do it for the Voting Rights Act,  
25 the trial court agreed with us in a summary judgment

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1 motion. And then in its trial decision after the trial,  
2 the trial court said, "There may be some issue on the  
3 influence districts, whether they apply or not, but  
4 based upon the testimony of Lisa Handley, your Voting  
5 Rights Act expert, that the 2006 amendments to the VRA  
6 and the DOJ regulations on that don't rule out influence  
7 districts, I'm not going to disturb my decision, but,  
8 Supreme Court, you may want to look at this."  
9 On the first remand, the Court didn't deal  
10 with that. On the second one --  
11 MR. TORGERSON: I hate to interrupt you, but  
12 I told the board we would only do this for an hour.  
13 MR. WHITE: The bottom line is -- let me  
14 just make one more point here.  
15 As we sit here, the plan that went out and  
16 the plan that was voted on, in that interim plan, there  
17 were only two districts that there were legal challenge  
18 still pending on; House District 32 in Southeast, which  
19 if you recall we changed submitted back to the Supreme  
20 Court and the Supreme Court sua sponte said, "Never  
21 mind, use your original plan," and House District 38,  
22 which is the Fairbanks district that stretches out to  
23 the east, and that district we said all along didn't  
24 comply with the constitution because of the Voting  
25 Rights Act, and now we're just dealing with the Hickel

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1 process issue and where we have to balance that.  
2 So that is the only thing that is still out  
3 there, so if you hear these things about people saying  
4 illegal plan and you have to vote on plans that were  
5 illegal, there were only originally ten out of 60  
6 districts that were challenged.  
7 There were only four that were appealed.  
8 And in the interim plan, there were only two that were  
9 still in question.  
10 MR. TORGERSON: We fixed a bunch of those.  
11 MR. WHITE: We fixed a number of them, even  
12 though we weren't required to by the courts.  
13 MR. TORGERSON: Any other questions of  
14 Mr. White?  
15 MR. BRODIE: Thank you for that  
16 clarification, I appreciate it, because you read so many  
17 times when they say our plan is unconstitutional. It  
18 has always been, when I read the papers, I never saw  
19 where they said our plan was unconstitutional; they just  
20 said that they couldn't see how we arrived at the final  
21 product and whether or not we went through the steps of  
22 the Hickel plan, which I believe we did. I just think  
23 they didn't understand it, so thank you.  
24 MS. McCONNOCHIE: This is PeggyAnn. And,  
25 Bob, I agree wholeheartedly. I was touched by what you

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1 said, because I believed, all along, as Bob said, a  
2 remarkable job and it was constitutional. It was just  
3 nice to hear that from you, Michael.  
4 MR. TORGERSON: Good update. Any other  
5 comments for Mr. White? Hearing none, we'll move to the  
6 next item on the agenda, which is the board's draft  
7 schedule.  
8 I'll give you a little bit of a background  
9 first. I know I have not talked to any of you about if  
10 you can be here on these days or how it's going to work,  
11 but I know everyone has some days they can make it and  
12 some days that you have other jobs and things you have  
13 to do.  
14 I will tell you first that we got Eric  
15 Sandberg that will be here on June 12th if we approve  
16 the starting time there. We have a DNR, I don't have  
17 his name, but DNR GIS person. They had two that they  
18 were considering loaning us for this project for the  
19 mapping, and we'll get one of the two.  
20 I don't know the person, but I met with DNR  
21 yesterday and that will happen. And if we pull -- adopt  
22 the schedule, that person will be here also on the 12th.  
23 What we'll do is just RSA the money from our budget to  
24 DNR's budget, so we will in fact be paying the person  
25 through our budget.

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1 We have -- I'm looking at my notes. I know  
2 Marie wanted me to tell everyone that she would be here  
3 the 14th, 15th and 16th, which is Friday, Saturday and  
4 Sunday. That's -- in the short-term schedule, that's  
5 when she could recognize the dates that she could be  
6 here to help formulate districts.  
7 And then I'm going to just quickly ask  
8 Michael to give an update. As you know, we re-entered a  
9 contract with Dr. Handley, and we have -- if you also  
10 remember last time, we didn't have that contract in  
11 place and we were quite a bit behind time waiting on  
12 that data, but Michael, would you just talk?  
13 I have Michael actually doing the  
14 interaction with Dr. Handley, our Voting Rights analyst  
15 and trying to prepare stuff in case the VRA is not  
16 thrown out, that we'll be ready to rock and roll with  
17 that data almost simultaneously maybe with the Court  
18 ruling.  
19 MR. WHITE: Thank you, Mr. Chairman. Yes, I  
20 have been working -- I think I might have even reported  
21 at the last board meeting that we have been working  
22 with, both I and Lisa on the issue of what is now the  
23 benchmark, given that you have the interim plan that was  
24 ordered by the Court and an election has been held under  
25 it. And the conclusion appears to be that the benchmark

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1 is now the 2012 plan. What that means is what Lisa is  
2 analyzing. She has the data. I know for sure that we  
3 will have that and the ability to roll that out if the  
4 Voting Rights Act is upheld and we have to go through  
5 step two and step three.  
6 MR. TORGERSON: We don't have any actual  
7 data now or any information really. She is just working  
8 on preparing it, right?  
9 MR. WHITE: Correct. She is saying that she  
10 is crunching numbers, but she doesn't have anything to  
11 give us at this point in time, because it continues to  
12 be a complicated issue, and maybe even more complicated  
13 by the election results in 2012.  
14 MR. TORGERSON: I did engage Eric Sandberg,  
15 I don't know, maybe as much as a month ago to start  
16 getting her the voting data and all the information she  
17 needs for her voting block, racial voting block analysis  
18 or whatever it's called.  
19 So that's about all I have on updates. So  
20 back to the schedule again. The court order came out on  
21 Thursday, and I sent an e-mail out last Friday talking  
22 about when we might all get together, and it all went to  
23 Mary Core.  
24 Then Monday, I noticed a meeting with the  
25 five-day requirement that it came to today. And if you

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1 notice, the work sessions, the mapping sessions would  
2 start on the 12th, and that's another five-day notice.  
3 So if we approve this agenda, then I will  
4 get the five-day notice out there. So what I would hope  
5 is I know everybody has different schedules, but I plan  
6 on being here every day that you see here. Other folks  
7 -- I think Mr. Brodie, you have a -- you're pretty open  
8 for these periods of time, if I remember right, but  
9 anyone that can come in, just talk with Mary, Mary Core  
10 here in our office, and she will set up travel  
11 arrangements and you can come in and out as your  
12 schedules dictate to you.  
13 The take-home piece of this is that this  
14 afternoon we'll also send out an e-mail to the  
15 third-party plans that were given to us last time and  
16 invite third-party participants, if they wish to, to  
17 produce the Hickel plan. And we did that last time  
18 also, and we'll see what we have for third-party plans.  
19 And they would be due on the 21st, as well  
20 as our plan, whatever would be due to the board on the  
21 21st.  
22 MS. McCONNOCHIE: Chairman Torgerson, this  
23 is PeggyAnn McConnochie. Can we require that when they  
24 submit the plan, they submit it with the proper  
25 information that allows Eric and us to be able to

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1 actually document what their -- what their variations  
2 and deviations are?  
3 MR. TORGERSON: The state files? I would  
4 hope. We generally have to almost ask all of them for  
5 the state files afterwards. We're going to have to do a  
6 little quarterbacking on that. I would hope they would,  
7 but we can ask that in our request for third-party  
8 plans, when they submit them, to submit the state files  
9 with them also. That's a good idea.  
10 MR. WHITE: Mr. Chairman, I just want to  
11 clarify for the record. I don't believe that your  
12 proposal has been distributed to anybody. Maybe you  
13 want to perhaps explain what it is so it's on the  
14 record.  
15 MR. TORGERSON: It's all been distributed,  
16 but thank you. I e-mailed this to the board a little  
17 bit before, like an hour ago, and we handed them out  
18 here. So the take-home piece is it's about ten days  
19 there that we'll be working, different board members,  
20 and we'll notice all of these as work sessions.  
21 The 21st, I'm asking the board to get  
22 together for, I believe it would be a short period of  
23 time where we can have a board action to adopt the plans  
24 or plan or whatever, so that would just be a simple  
25 motion that we want these plans to go out for public

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1 hearing. And then at the same time, we will post the  
2 third-party plans.  
3 And then on the 28th, we'll have the first  
4 public hearing in Anchorage. We'll do a statewide  
5 teleconference along with that. And then I'm proposing  
6 -- we have the 4th of July or a weekend there, but the  
7 1st of July would be in Fairbanks, the 2nd in Juneau.  
8 We would do regional teleconferences when we get there,  
9 so the teleconference in Fairbanks would just be  
10 whatever the LIO in Fairbanks controls, and then also in  
11 Juneau, do Southeast.  
12 And then the board would meet on July 8th,  
13 and that would be when we would actually start drawing  
14 the plan, taking the public testimony into consideration  
15 and doing whatever tweaks we need to do. And then  
16 somewhere around, I'm not sure it will take all week,  
17 but I put it down here, but somewhere around the 12th of  
18 July, we would have a board-adopted plan.  
19 And then what I didn't put on here, because  
20 I forgot about it, but then Eric has to do metes and  
21 bounds, so the plan wouldn't be totally done and ready  
22 to turn over to the Court until that whole process was  
23 completed.  
24 I know that a couple of folks called and  
25 said that they would rather meet over the weekend, July

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1 5th, 6th and 7th and do Friday, Saturday, Sunday,  
2 instead of the weekday here, and I'm fine with that. So  
3 I know I am kind of dropping this on everybody, and I'm  
4 not sure if you have your schedules in front of you and  
5 can confirm a lot of this, but I think it's more -- if  
6 this has to slide a little bit -- I mean, we haven't  
7 called the LIOs, we haven't set up anything, because, of  
8 course, the board hasn't approved the schedule, but once  
9 it gets set up, this may slide a day or two one way or  
10 the other. I don't suppose the 21st would slide very  
11 far, because that's the number of days I think it will  
12 take to get these things going, but the public hearing  
13 part might slide a little bit, depending upon finding a  
14 location for them and airlines and everything else that  
15 comes up.

16 I look for board members that want to go to  
17 Fairbanks and Juneau would primarily just be day trips  
18 out of Anchorage, just fly to Fairbanks for the day and  
19 the next day, hook up and go to Juneau.

20 As I said, we have done nothing on  
21 reservations, so that may slide a little bit one way or  
22 the other. The 4th of July, that's kind of the worst  
23 day, Thursday, in the middle of the week for scheduling,  
24 because I know a lot of folks have big plans for that  
25 holiday.

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1 Anyway, there is what I suggest. So I'm  
2 open to comments, suggestions, motions or whatever.

3 MR. BRODIE: Bob Brodie in Kodiak.

4 MR. TORGERSON: Hi, Bob.

5 MR. BRODIE: I guess in the plan, the draft  
6 plan that we may or may not have on the 21st and then  
7 the third-party plan, I guess, just clarification for  
8 me, will this plan that we first look at be a plan  
9 that's drafted in deference to the Alaska Constitution  
10 and then will we wait to some subsequent date down the  
11 line after all of the public hearings, to change it to  
12 comply with the Voter's Rights Act, which could be a  
13 relatively significantly changed plan, I guess, just in  
14 my mind?

15 Plus the third party plans, are they going  
16 to give us a plan that's prepared without consideration  
17 of the Voter's Rights Act for everybody to look at and  
18 then they will change theirs later too?

19 MR. TORGERSON: Thanks for that, Bob. In my  
20 mind, we were only talking the Hickel plan. So we would  
21 draw -- the board, during this work session time and the  
22 map drawings, would only be on the Hickel process.

23 And we would ask the third-party plan, the  
24 third-party proposers to also draw the Hickel plan,  
25 similar to what we did last time. This comes to what

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1 Michael was talking about a little bit earlier. We have  
2 never been required to have a public hearing, a planning  
3 process on a working-draft Hickel plan. It's something  
4 the Court wanted to see adopted.

5 I'm treating this as if it was what we  
6 talked about earlier, where we adopted plans and went on  
7 the road after the first 30 days.

8 And as far as the VRA, even though the Court  
9 didn't recognize the wisdom of our decision to wait  
10 until after the Supreme Court ruled, even in his  
11 timeline, it was after the Supreme Court ruled.

12 So his concern -- he didn't say it in there,  
13 but his timeline was suggested 30-day timeline. Ours  
14 was about 20-some days. So I just want to get it and  
15 get started and get it over with.

16 So anyway, my thought is we would ask for  
17 third-party Hickel plans. Our GIS people do Hickel  
18 plans, and then, depending on how the U.S. Supreme Court  
19 ruled, when we met on July 8th, we would have,  
20 theoretically, all the information we need to have to  
21 complete the process.

22 MR. WHITE: Mr. Chairman?

23 MR. TORGERSON: Long explanation. God, I  
24 tell you not to talk so much and I go off rattling.

25 MR. WHITE: I will be very short. I think,

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1 Bob, the indication here now is that we are in the  
2 Hickel process phase. As you know, the Hickel process  
3 is three steps, according to our Supreme Court.

4 The first one is we just draw it as if  
5 Alaska is its own independent country and there is no  
6 federal law. And that's what this original schedule is  
7 designed to do. The board starts working on it. We  
8 wanted to give the public, as I understand it, based  
9 upon my conversations with the chairman, we wanted to  
10 give them a couple of weeks in order to do the same  
11 thing.

12 And then on the 21st, you get together, we  
13 get -- third-party plans have to be in, I think, John,  
14 about noon on that day, the board adopts its plan and  
15 then you have a week for public comment, for people to  
16 send in comments on all the plans. And then on the  
17 28th, the public hearing, you would give some  
18 presentation time to the people that have submitted  
19 plans and then have public testimony, a statewide  
20 teleconference, and then public hearings on the next few  
21 days.

22 And then when the board comes in on  
23 July 8th, I believe we will know conclusively -- the  
24 Supreme Court should have ruled by then. If they  
25 haven't ruled, we know that we have to then move to step

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1 two of the Hickel process, and we will be ready to move  
2 forward on that with our Voting Rights Act expert.  
3 As as you know, that means we submit our  
4 Hickel plan to Lisa. She says whether it complies with  
5 the VRA, and, if it doesn't, then we have to do the  
6 balancing act and come up with the final plan.  
7 MR. TORGERSON: This is almost like the  
8 timeline I gave you earlier. This is just more on point  
9 on where we're going to go, the one we looked at in  
10 April or March or whatever.  
11 I don't know -- I know, like I said, some of  
12 these dates might have to slide a little bit, but we had  
13 to have some starting point. I would like to get our  
14 staff and available board members starting on Wednesday,  
15 the 12th.  
16 MS. McCONNOCHIE: This is PeggyAnn  
17 McConnochie. As I said to Mary when we first started  
18 looking at dates, there is some dates I have already got  
19 through the 16th, but on my way back in, I can rearrange  
20 my schedule to come into Anchorage for the afternoon of  
21 the 17th, 18th and 19th, but then that Thursday and  
22 Friday, I have got other meetings, but I could on that  
23 21st meet after 5:00 or call in.  
24 And then the rest of it at this point my  
25 schedule I can work, so I guess what I'm saying is I

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1 would be more than happy to say for the moment that the  
2 schedule works, but we have to be flexible in case  
3 something happens with, for example, one of the public  
4 hearings and we can't get a location.  
5 MR. TORGERSON: It might very well be the  
6 20th works out for our little board. I just didn't want  
7 -- we should have a board action to adopt a draft plan  
8 before we take it on the road. Otherwise, it's just  
9 staff plan and not board's plan or approved by the  
10 board, so it's almost a formality to some degree, but I  
11 think it's the proper thing to do.  
12 I don't anticipate that being a very --  
13 well, if we add in the briefing from legal, which we  
14 have done and we'll try to do, on the appeal, then it  
15 might be another hour meeting totally.  
16 And I realize this might have to move a  
17 little bit, but I had have to have a starting point to  
18 propose to everybody.  
19 MS. McCONNOCHIE: Personally I appreciate --  
20 this is PeggyAnn McConnochie again. I appreciate  
21 getting something. I'm kind of a schedule fanatic, and  
22 since my life is so crazy, having something at least  
23 preliminarily on paper is important.  
24 So I'll make a motion that we accept the  
25 timeline, as long as we all understand the flexibility,

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1 that can and will be changed as necessity dictates.  
2 MR. TORGERSON: Very good. Is there a  
3 second?  
4 MR. HOLM: Jim Holm. I second.  
5 MR. TORGERSON: Is there other discussion on  
6 the plan? I'll just say under just general comments on  
7 it, maybe later, I'll send out an e-mail later today  
8 asking for the dates.  
9 You remember planes are full and flying  
10 might be difficult, so as soon as members know that they  
11 might want to be here for that -- hotel rooms are just  
12 chock-full up here, and so that's going to be another  
13 constraint on travel in and out, but a lot of tourists  
14 in town. The sun is shining, here they come.  
15 So this will have to be flexible for that  
16 reason also. Any other discussion on the motion to  
17 adopt the board work schedule?  
18 MR. WHITE: Just one point, Mr. Chairman. I  
19 checked with the boss lady. We have two spare bedrooms,  
20 so if push comes to shove and people need a place to  
21 stay, my wife has said come on over and we'll have a  
22 slumber party.  
23 MR. TORGERSON: \$213 -- no.  
24 MR. WHITE: \$220 a night.  
25 MR. TORGERSON: That's good. Maybe we can

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1 all do that, but it's going to be difficult anyway is my  
2 point. We don't -- there is some things we just  
3 absolutely don't control. We ran into this last summer,  
4 same thing.  
5 Like I was saying earlier, I plan on being  
6 here most all of these days. I have some other board  
7 meetings that I have to bop around on, but most of these  
8 days I will be here working with the folks. We want to  
9 get as many board members -- we will notice these as  
10 work sessions, map-drawing sessions and work sessions.  
11 And so we will work here in the conference  
12 room, if we want to work as a quorum on a plan or  
13 otherwise we'll get a GIS person like we did last time  
14 and individuals can go to their offices and work on  
15 maybe their particular areas, but that part we'll work  
16 out later.  
17 The motion has been made and seconded for  
18 approval. Is there further discussion? We will do a  
19 roll call vote.  
20 Mr. Holm?  
21 MR. HOLM: Yes.  
22 MR. TORGERSON: Marie, did you join us yet?  
23 Bob Brodie?  
24 MR. BRODIE: Yes.  
25 MR. TORGERSON: PeggyAnn McConnochie?

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1 MS. McCONNOCHIE: Yes.  
2 MR. TORGERSON: John Torgerson is a yes. So  
3 by a 5-0 (sic) vote, the board has adopted the work  
4 schedule, and there we are.  
5 MR. WHITE: 4-0 vote, Mr. Chairman.  
6 MR. TORGERSON: Okay. Just got a message  
7 from Marie that she sends her apologies to the board,  
8 but the plane got in late so she had to run to catch the  
9 next one. That's what I kind of figured; otherwise, she  
10 was going to call in.  
11 Back to the schedule. The next thing is  
12 board member comments. Does anyone have anything they  
13 would like to say or do?  
14 Mr. White, anything you want to wrap up  
15 with?  
16 MR. WHITE: No, Mr. Chairman. I believe  
17 that this schedule -- we will file our reply to the  
18 motion for reconsideration notifying the Court that the  
19 board has adopted this schedule, that it anticipates  
20 that it will comply with this schedule, that it expects  
21 to have a Hickel plan adopted within 30 days from  
22 starting work on June 12th.  
23 There might be some sliding one way or the  
24 other, but from what I'm hearing from the board, it  
25 sounds like it would more slide to a shorter period than

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1 a longer period, but this is the summertime. It is  
2 Alaska. There was no plans for the board to meet in  
3 June, so under the circumstances, we are moving as  
4 expeditiously as the situation will allow.  
5 MR. TORGERSON: Any other comments? Hearing  
6 none, motion to adjourn would be in order.  
7 MS. McCONNOCHIE: Move to adjourn. This is  
8 PeggyAnn.  
9 MR. TORGERSON: Thank you, PeggyAnn.  
10 MR. HOLM: Second.  
11 MR. TORGERSON: Thank you, sir. It is a  
12 non-debatable motion, so I suppose we ought to vote on  
13 that too since we're teleconference?  
14 MR. TORGERSON: PeggyAnn McConnochie, motion  
15 to adjourn?  
16 MS. McCONNOCHIE: Yes.  
17 MR. TORGERSON: Robert Brodie?  
18 MR. BRODIE: Yes.  
19 MR. TORGERSON: Jim Holm?  
20 MR. HOLM: Yes.  
21 MR. TORGERSON: John Torgerson is a yes, so  
22 by a 4-0 vote, the board has moved to adjourn this  
23 meeting. The next one will be on the 12th and to a work  
24 session, map-drawing-type session.  
25 So thank you all for taking time out today.

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1 (Proceedings concluded at 12:07 p.m.)  
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1 CERTIFICATE  
2  
3 I, SONJA L. REEVES, Registered Professional Reporter  
4 and Notary Public in and for the State of Alaska, do  
5 hereby certify that the foregoing proceedings were taken  
6 before me at the time and place herein set forth; that  
7 the testimony and proceedings were reported  
8 stenographically by me and later transcribed by computer  
9 transcription; that the foregoing is a true record of  
10 the testimony and proceedings taken at that time; and  
11 that I am not a party to nor have I any interest in the  
12 outcome of the action herein contained.  
13 IN WITNESS WHEREOF, I have hereunto set my hand and  
14 affixed my seal this 7th day of June 2013.  
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*Sonja L. Reeves*  
SONJA L. REEVES, RPR  
My Commission Expires 8/7/15

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