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MEETING
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Friday, July 10, 1998

The Commission met in Room 540, YWCA
Building, 624 9th Street, N.W., Washington, D.C. 20425,
at 9:30 a.m., MARY FRANCES BERRY, Chairperson,
presiding.

PRESENT:

MARY FRANCES BERRY, CHAIRPERSON (Via Telephone)
CRUZ REYNOSO, VICE CHAIRPERSON
CARL A. ANDERSON, COMMISSIONER
ROBERT P. GEORGE, COMMISSIONER
A LEON HIGGINBOTHAM, JR. COMMISSIONER (Via Telephone)
YVONNE Y. LEE, COMMISSIONER
RUSSELL G. REDENBAUGH, COMMISSIONER (Via Telephone)

RUBY MOY, STAFF DIRECTOR

STAFF PRESENT:

KIMBERLEY ALTON
MARLISSA BRIGGETT, Parliamentarian
BARBARA BROOKS
MARGARET BUTLER
DAVID CHAMBERS
KI-TAEK CHUN
JAMES S. CUNNINGHAM
PAMELA DUNSTON
BETTY EDMISTON
M. CATHERINE GATES
EDWARD A. HAILES, JR.
GEORGE M. HARBISON
CAROL-LEE HURLEY
FREDERICK F. ISLER
WANDA JOHNSON
REBECCA KRAUS
REGINALD MARTIN
STEPHANIE Y. MOORE, GENERAL COUNSEL
CHARLES RIVERA
MARCIA TYLER
AUDREY WRIGHT
NADJA ZALOKAR

COMMISSIONER ASSISTANTS PRESENT:

KAREN CENCE
ADERSON FRANCOIS
MICHAEL MORRISON
CHARLOTTE PONTICELLI
WILLIAM L. SAUNDERS, JR.
KRISHNA TOOLSIE

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1 P R O C E E D I N G S

2 (9:38 a.m.)

3 CHAIRPERSON BERRY: I would like to have a
4 motion to approve the agenda for the meeting today.
5 Can I get a motion?

6 COMMISSIONER GEORGE: So moved.

7 CHAIRPERSON BERRY: Now could I get a second?

8 VICE CHAIRPERSON REYNOSO: Seconded.

9 CHAIRPERSON BERRY: All in favor, indicate by
10 saying aye.

11 (Chorus of ayes.)

12 CHAIRPERSON BERRY: The second item is the
13 approval of the minutes of the June 12th, 1998 meeting.
14 Could I get a motion on this?

15 COMMISSIONER GEORGE: So moved.

16 CHAIRPERSON BERRY: Okay. Could I get a
17 second?

18 COMMISSIONER REDENBAUGH: Seconded.

19 CHAIRPERSON BERRY: Any discussion?

20 (No response.)

21 CHAIRPERSON BERRY: Any changes anybody wants
22 to make?

23 (No response.)

24 CHAIRPERSON BERRY: If not, then hearing
25 none, all in favor indicate by saying aye.

1 (Chorus of ayes.)

2 CHAIRPERSON BERRY: So ordered.

3 The third item is announcements. I do not
4 have any.

5 Staff Director, do you have any
6 announcements?

7 STAFF DIRECTOR MOY: Yes, I do, Madam Chair.

8 CHAIRPERSON BERRY: Please proceed.

9 STAFF DIRECTOR MOY: Thank you.

10 I'm sorry, let me get my clip on.

11 CHAIRPERSON BERRY: Oh, okay.

12 STAFF DIRECTOR MOY: On June 25th, the Senate
13 Appropriations Committee held a full committee mark up
14 allocating 8.9 million to the Commission in fiscal year
15 '99.

16 One June 24th, the House Appropriations Sub-
17 Committee held a mark up allocating 8.74 million to the
18 Commission in fiscal year '99.

19 A full committee mark up in the House is
20 tentatively scheduled right now for next Wednesday,
21 July 15th.

22 I am also pleased to announce that on June
23 8th Kimberley Alton joined the Commission as a Special
24 Assistant to the Staff Director.

25 Prior to this position, Kimberley worked

1 extensively on the Hill and also at the EEOC.

2 That is all I have. Thank you.

3 CHAIRPERSON BERRY: The appropriations, do
4 you know whether the House Oversight Commission, Sub-
5 Committee, has sent a letter to the Appropriations
6 Committee indicating what they think should be done
7 with our budget?

8 As I recall, last year the letter said that
9 they are not going to give us a budget increase.

10 Do you know whether any letter went to the
11 Appropriations Committee from the Oversight Committee
12 this year?

13 STAFF DIRECTOR MOY: Only verbally I have
14 been told that a letter has gone but we have been
15 trying to get a copy of it and have not been
16 successful.

17 CHAIRPERSON BERRY: Do you know what or do
18 you have any indication of what the position of the
19 Oversight Committee was?

20 I am assuming it was not to give an increase
21 because that is why the Sub-Committee and
22 Appropriations did not give us one, but I do not know.

23 STAFF DIRECTOR MOY: No, Madam Chair, I am
24 not aware of that.

25 CHAIRPERSON BERRY: Could you have somebody

1 try to find out, ascertain, what recommendation went...

2 STAFF DIRECTOR MOY: Yes, I will.

3 CHAIRPERSON BERRY: Anyone else have any
4 questions about the announcements?

5 COMMISSIONER ANDERSON: Well, Madam Chair --

6 CHAIRPERSON BERRY: Commissioner Anderson.

7 COMMISSIONER ANDERSON: Thank you.

8 I do not see the budget on the agenda for
9 today's meeting. Do we plan to vote on the FY 2000
10 budget?

11 CHAIRPERSON BERRY: Right, it is going to be,
12 and I should have said this. Under the Staff
13 Director's report there is an ongoing item. We are
14 going to -- we approved some general outlines back in
15 January, but the actual numbers we have to approve at
16 this meeting; and, so, under that, I am going to
17 propose that we review that. You were sent information
18 about it. And, also, a couple of other things that
19 have come up since the last meeting in the last few
20 days that we have to consider, Commissioner Anderson.

21 COMMISSIONER ANDERSON: Thank you.

22 VICE CHAIRPERSON REYNOSO: Madam Chair --

23 CHAIRPERSON BERRY: Yes, Vice Chair.

24 VICE CHAIRPERSON REYNOSO: I have an
25 announcement. I would like to introduce Mike Morrison.

1 Stand up, Mike. This is my Special Assistant for this
2 summer. He is a UCLA law student. I will have a
3 permanent assistant in the fall. Thank you.

4 CHAIRPERSON BERRY: All right. Thank you.
5 Welcome, Mr. Morrison.

6 MR. MORRISON: Thank you.

7 CHAIRPERSON BERRY: Any other announcements?
8 (No response.)

9 CHAIRPERSON BERRY: Okay, hearing none, we go
10 to the Staff Director's Report.

11 Under the Staff Director's Report, first I
12 will see if anyone has any questions, other than about
13 the budget issue which we will take up and the GAO
14 audit response which we have an item on the CFR that
15 you received that I want to tell you some things about.

16 Does anyone have any questions about other
17 matters that are in the Staff Director's Report?

18 COMMISSIONER LEE: Madam Chair.

19 CHAIRPERSON BERRY: Yes, Commissioner Lee.

20 COMMISSIONER LEE: I would like to get a
21 report of the status on the SAC's...mentioned that he
22 had abandoned the project before it was completed.

23 CHAIRPERSON BERRY: Right, and you asked
24 about that at the last meeting and said you were going
25 to defer it until this meeting.

1 Staff Director, are you aware of what
2 Commissioner Lee is talking about?

3 STAFF DIRECTOR MOY: Yes, I am.

4 CHAIRPERSON BERRY: Could you please respond.

5 STAFF DIRECTOR MOY: Yes. On the -- let me
6 take the State of New Hampshire first.

7 CHAIRPERSON BERRY: Okay.

8 STAFF DIRECTOR MOY: I'm sorry, just a
9 second.

10 Staff was assigned to rewrite a New Hampshire
11 report that dealt with any racial tensions in schools
12 and police/community relations in New Hampshire.

13 Due to personnel changes, the report was not
14 in any shape for submission to Commissioners to review.
15 Then it was placed on the back burner because the staff
16 person assigned to this task had to carry out his
17 duties for other SAC's; and, the New Hampshire SAC
18 Committee also felt frustrated by the inaction or lack
19 of progress in this report and then more timely or new
20 topics came forward and they were -- the one they were
21 dealing with passed their interest so they proposed a
22 new one called the Bi-annual Civil Rights Report 1998-
23 2000, which was approved by the Office of the Staff
24 Director.

25 So they voted on this and it was determined

1 to terminate...and go forward with the new one.

2 The Maryland SAC, the same -- similar things
3 but different aspects. Member interest shifted, they
4 were no longer interested in the project which was
5 Civil Rights Issues of Aging Americans in Montgomery
6 County; and, also the newly appointed members to the
7 Maryland SAC saw this project as the previous
8 Committee's work and did not want to put limited staff
9 resources...into it.

10 They also requested for updated information
11 which did not prove productive, so they decided to poll
12 the membership, which was in favor of termination.

13 CHAIRPERSON BERRY: Okay, so the SAC'S agreed
14 since it had been so long, in other words, to shift to
15 other projects. Is that basically what happened?
16 Okay.

17 Under the Staff Director's Report, any other
18 Commissioners have a question before I go to the GAO
19 questions in the budget?

20 (No response.)

21 CHAIRPERSON BERRY: Okay, hearing none, on
22 the GAO audit response, you were given a copy of a
23 revised section of the CFR. That is the section which
24 was the object of discussion in the GAO audit report,
25 which has to do with the...organization, how the

1 Commission is organized.

2 It is given to you for your comments. If you
3 have any comments, you should give them back to the
4 Staff Director fairly soon. She will give you a
5 specific deadline within another week or two. Because
6 the intention is to have all matters dealing with the
7 CFR have to be approved by the Commissioners.

8 Is that right, General Counsel?

9 (No response.)

10 CHAIRPERSON BERRY: Is the General Counsel
11 there?

12 STAFF DIRECTOR MOY: No, she is not, but
13 Eddie --

14 CHAIRPERSON BERRY: Is Eddie there?

15 MR. HAILES: Yes.

16 STAFF DIRECTOR MOY: Yes. Eddie said yes.

17 CHAIRPERSON BERRY: It has to be approved by
18 the Commissioners before it can go out for the
19 regulatory review process, so we would probably do that
20 in September because we want to beat the September 30th
21 deadline to at least have these things approved by the
22 Commission and out into the process so we can beat the
23 GAO deadline.

24 The other matters having to do with the GAO
25 audit, my understanding...reported that they are on

1 target. Is that right, Staff Director?

2 STAFF DIRECTORY MOY: Yes, we are.

3 CHAIRPERSON BERRY: Okay, that is...

4 Okay, the other item is, before we do the
5 budget, the crisis of African-Americans among -- the
6 African-American men project.

7 The staff has proposed that we delay the
8 project because the papers that need to be written have
9 not been done yet and the Commissioners will need time
10 to review them, and they have suggested that the
11 project be deferred until -- the consultation be
12 deferred until December.

13 They sent out --I think the Staff Director
14 sent out the memo asking for us to consider this. We
15 would have to agree to this in a meeting and not in a
16 poll. That is not the way we do it.

17 So, I would like to ask now, do the
18 Commissioners - -is there anyone who disagrees with the
19 staff proposal, which they made, I guess, in light of
20 the work that they have to do on schools and religion
21 and...and all the other projects that they have.

22 Is that right, Staff Director.

23 STAFF DIRECTOR MOY: Yes.

24 CHAIRPERSON BERRY: Is there any Commissioner
25 who disagrees with the deferral to December or would

1 like to discuss it?

2 VICE CHAIRPERSON REYNOSO: Madam Chair, I
3 just want to know whether all of the papers have been
4 commissioned...?

5 STAFF DIRECTOR MOY: No. In fact, some of
6 the consultants said that they would not be able to get
7 their papers to us until the end of August or
8 September.

9 VICE CHAIRPERSON REYNOSO: But, they have
10 been contracted?

11 CHAIRPERSON BERRY: Ed, you may have
12 identified the people and they are beginning, actually
13 doing their work?

14 MR. HAILES: Yes, and the people agreed to do
15 the work but not that they have finished it. I know
16 about academic life.

17 VICE CHAIRPERSON REYNOSO: Madam Chair, Eddie
18 Hailes is prepared to answer this.

19 CHAIRPERSON BERRY: Okay.

20 VICE CHAIRPERSON REYNOSO; Madam Chair, let
21 the record show that he even smiled.

22 CHAIRPERSON BERRY: Oh, he smiled. Okay.

23 MR. HAILES: I am only smiling to point out
24 that prospective consultants have been identified and
25 they have been asked if they are available and

1 interested. They have not been commissioned or under
2 contract until they know with certainty the specific
3 data of the consultation.

4 Once we know with certainty when the
5 consultation will be held, then we will specifically
6 draft a contract and have them go forth with their
7 work.

8 They have simply let us know that if they
9 receive a contract today, then it would take them until
10 the end of August, beginning of September to complete
11 their work.

12 CHAIRPERSON BERRY: Okay. Any other
13 questions about this item?

14 COMMISSIONER REDENBAUGH: Madam Chair.

15 CHAIRPERSON BERRY: Yes.

16 COMMISSIONER REDENBAUGH: Commissioner
17 Redenbaugh. I think that this postponement is probably
18 necessary but I think unfortunate.

19 My recollection of when we discussed the --
20 either at the last meeting or the prior meeting -- what
21 we are doing with the whole project of schools and
22 religion impacting pending projects. What was the
23 outcome of that discussion? I thought it was that
24 there would not be.

25 CHAIRPERSON BERRY: I do not recall the

1 outcome.

2 Do you recall, Mr. Hailes, or Staff Director?

3 MR. HAILES: I'm sorry, the outcome of?

4 CHAIRPERSON BERRY: The question is when we
5 discussed this item of schools and religion item before
6 and how it related to the other projects, in particular
7 this one, was there any indication that the other
8 projects would be delayed because of the work being
9 done on schools and religion? That is the question.

10 MR. HAILES: And I don't know directly. I do
11 know that at the time of that discussion we, the staff,
12 had not completed its survey of potential consultants
13 related to the crisis project to determine whether they
14 would or would not be able to participate in a
15 consultation scheduled for September.

16 That assessment was completed after the
17 discussion on when the schools and religion proceeding
18 would be held.

19 CHAIRPERSON BERRY: My own recollection also
20 is that one of the -- somewhere in the discussion, the
21 team leaders for this crisis of African-American males.

22 MR. HAILES: Exactly.

23 CHAIRPERSON BERRY: And he left. Right?

24 MR. HAILES: That is right.

25 CHAIRPERSON BERRY: So, I recall some

1 discussion about that having -- the fact that he left,
2 having something to do with it, but I do not recall the
3 rest of the discussion.

4 COMMISSIONER REDENBAUGH: We have a new team
5 leader?

6 CHAIRPERSON BERRY: Who is the team leader
7 now, Eddie?

8 MR. HAILES: We have Ms. Deborah Reid, who
9 was serving as the co-team leader, she is now the team
10 leader, with one other person assigned to the project
11 at this time.

12 In the memorandum that the Office of the
13 General Counsel submitted to the Staff Director we
14 mention that we hope to hire soon an additional
15 attorney, at least an additional attorney, that would
16 also be assigned to this project.

17 CHAIRPERSON BERRY: And, I recall also that
18 we discussed this last time. There are actually three
19 vacancies in the OGC that have recently come to pass
20 that have not been filled. Correct?

21 MR. HAILES: That is right, yes.

22 CHAIRPERSON BERRY: Okay. So, it may not be
23 just the schools and religion project. Is that the
24 conclusion I should make...

25 COMMISSIONER REDENBAUGH: Yes, and I was not

1 trying to flame that project but only locate when we
2 had the discussion.

3 Now, maybe I should ask this question to you,
4 Eddie, if I may. How confident are you that we can
5 have this consultation in December?

6 MR. HAILES: Based on what the staff has
7 indicated to us, I am fairly confident that the persons
8 we have identified can complete their work in the month
9 of September. Staff would have an opportunity to
10 review those documents, submit them to the
11 Commissioners within a month of a December
12 consultation. And I am fairly confident that can be
13 done.

14 COMMISSIONER REDENBAUGH: Okay. That is, I
15 assume that we -- that we fill these three vacancies?

16 MR. HAILES: I think that would help. It
17 does not presume it. I think that basically that the
18 most significant factor is our contacts with the
19 consultants to see if they remain interested and
20 available to participate in a December consultation.
21 That is the most significant factor.

22 COMMISSIONER REDENBAUGH: Okay. So, this may
23 be revised again then?

24 MR. HAILES: It does not have to be. I am
25 pretty -- pretty confident, based on the earlier

1 discussion my staff had with these perspective
2 consultants that if they had additional time they would
3 be willing to participate.

4 COMMISSIONER REDENBAUGH: All right.

5 CHAIRPERSON BERRY: Okay. Any other
6 discussion?

7 COMMISSIONER GEORGE: Madam Chairman.

8 CHAIRPERSON BERRY: Yes, Commissioner George.

9 COMMISSIONER GEORGE: Thank you.

10 I also have a question for Eddie Hailes. My
11 memory has become somewhat foggy back to the point at
12 which we originally scheduled the consultation; but, I
13 do recall -- just correct me if I am wrong -- that at
14 that point the Commissioners, at least some of us,
15 certainly I, submitted suggestions of possible
16 consultants.

17 Is that -- did we do that?

18 MR. HAILES: You did that last August. We
19 received several proposed consultants. They have been
20 contacted and I do not have a list before me to tell
21 you which ones expressed an interest and noted their
22 availability, but they certainly were contacted. We
23 did get a list from Commissioners last August.

24 COMMISSIONER GEORGE: And, will the decision
25 as to who the exact consultants are, the final decision

1 be made by the staff without the Commissioners passing
2 on it or will -- will the Commissioners be consulted as
3 to the final or get to sign off on the final decision
4 about who the consultants are? How will it work
5 mechanically?

6 CHAIRPERSON BERRY: We do not do that, Mr.
7 George.

8 COMMISSIONER GEORGE: Well, how will -- what
9 will happen?

10 CHAIRPERSON BERRY: We submit names and just
11 as we do for other things and then they give us a list
12 of the people who have been proposed for the panels;
13 and, then, if people have objections or concerns, they
14 can raise them.

15 MR. HAILES: And, we will certainly present a
16 list once we contact the perspective consultants about
17 a probable December consultation, if that is what the
18 Commissioners decide today.

19 CHAIRPERSON BERRY: Yes. So, you get a list
20 --

21 COMMISSIONER GEORGE: Right.

22 CHAIRPERSON BERRY: -- of people who are on
23 the panel and you will be able to see whether there are
24 any suggestions...or how the panels look; and, then, we
25 would have an opportunity at the meeting probably in

1 September to discuss any problems or anything.

2 COMMISSIONER GEORGE: So, we will see the
3 list in time for a discussion at the September meeting?

4 CHAIRPERSON BERRY: If a discussion is
5 wished.

6 COMMISSIONER GEORGE: Yes, okay.

7 CHAIRPERSON BERRY: Any other comments?

8 (No response.)

9 CHAIRPERSON BERRY: With that then, hearing
10 no other comments, then we will defer this until
11 December without objection.

12 The budget. We have to submit the budget
13 request 2000 to OMB. You were given material which
14 reflect decisions made about programs at our January
15 meeting and you also were given in our books we have a
16 list of those projects which are not all of the work of
17 the Commission but are important work of the Commission
18 that the Commissioners have already agreed to for the
19 year 2000, and the budget is being prepared in
20 conformity with the decisions made earlier with the
21 amounts put in, as I understand it from the Staff
22 Director, based on those decisions that were made to
23 try to account for what kind of standing needs that are
24 in support for the staff and the like.

25 So, what we need to do at this meeting is to

1 discuss it, if you wish, and to have a motion to
2 approve the budget request as presented by the staff
3 for the Year 2000, so that they can do the work to get
4 it in to OMB perhaps on time, we hope.

5 So, for purposes of discussion, could I have
6 a motion to approve the budget request?

7 VICE CHAIRPERSON REYNOSO: So moved.

8 CHAIRPERSON BERRY: Second?

9 COMMISSIONER LEE: Seconded.

10 CHAIRPERSON BERRY: All right. Discussion.

11 VICE CHAIRPERSON REYNOSO: Madam Chair.

12 CHAIRPERSON BERRY: Yes, Vice Chair.

13 VICE CHAIRPERSON REYNOSO: First of all, I
14 want to say that I think that the breakdown of the
15 costs for FY 2000 is one that I can understand better
16 than previous breakdowns, so I think that is a definite
17 improvement to show project support, expenses for the
18 SAC's and so on.

19 It might be of value to break it down even
20 further, particularly in the support area; but, I
21 think, for our purposes, it is important to show that
22 only 28 percent of the budget actually goes to the
23 projects.

24 I recall discussions in the past where there
25 was a misunderstanding as some Congress persons felt

1 that projects incorporated 100 percent of our -- our
2 expenses. So, I want to comment favorably on that.

3 Secondly, we have had many discussions in the
4 past about whether it is worth our approving a project
5 that -- that looks bigger than what Congress will
6 eventually give us; and, my experience has been that
7 this is just the beginning of a process and that we are
8 expected to indicate to...what we think is a proper
9 budget.

10 So, while I am not at all optimistic that we
11 will get 16 million plus, it seems to me appropriate to
12 go forward with the amount that staff has analyzed and
13 figures we actually do need to do our work.

14 I could not help but be reminded in those two
15 reports from two local SAC's where the SAC's got
16 discouraged because there it was taking so long to get
17 those reports out; and that, of course, has to do with
18 the number of employees that we have.

19 So, if we need the 16 million plus, I think
20 we should...so, I speak in favor of the staff report
21 and the figure suggested, namely 16 million plus.

22 CHAIRPERSON BERRY: Okay. Any other
23 Commissioner?

24 COMMISSIONER ANDERSON: Madam Chair.

25 CHAIRPERSON BERRY: Yes, Commissioner

1 Anderson.

2 COMMISSIONER ANDERSON: I am going to vote
3 against the budget and I want to take a minute and
4 explain why. It is primarily for two reasons.

5 But, I want to begin by saying, if my memory
6 serves, the first time I testified before the House
7 Judiciary Committee...I was asked about budget
8 increases for the Commission; and, my response to
9 Chairman Hyde was that I thought Congress should either
10 increase our budget so we can properly do our job or
11 put us out of existence; but, to keep us at a level
12 where we cannot adequately do what we are being asked
13 to do, is just not good government and it does not make
14 good sense to me.

15 Having said that, however, everything I know
16 about the legislative process, the budget process, the
17 appropriation process, and Congress that tells me this
18 is precisely the wrong way to go about getting a budget
19 increase at the final end, which is the appropriated
20 money from the Congress.

21 This budget presents an 86 percent increase
22 over our current funding; and, if the Senate and House
23 action recently is an indication of what we are going
24 to end up with for fiscal year '99, it is going to be
25 approximately 85 to 80 percent increase over what we

1 are going to get for FY '99.

2 So, I think we are -- we are going to vote
3 and pass a budget today that is dead on arrival and
4 unrealistic and not going to be taken seriously; but, I
5 think that the current environment of the budget there
6 are hundreds of projects in the federal government,
7 probably hundreds at NIH that could make...claims for
8 100 percent and 80 percent increases in their funding,
9 whether it is HIV or cardiovascular disease or
10 whatever. But, they do not come in with these huge
11 appropriation requests like we are doing.

12 So, I think that if we proceed this way, we
13 are just setting ourselves up for failure. As I
14 suggested in January, we ought to be doing the reverse.
15 Instead of making a wish list that is the maximum
16 amount, that we ought to get a modest, reasonable,
17 attainable goal because, otherwise, we are
18 wasting...(dog barking/inaudible/unintelligible) in
19 preparing a budget that is 86 percent over current.

20 COMMISSIONER REDENBAUGH: Is that a new
21 Commissioner?

22 (Laughter.)

23 CHAIRPERSON BERRY: That is a dog barking.

24 COMMISSIONER ANDERSON: In any event --

25 COMMISSIONER REDENBAUGH: My apology.

1 (Laughter.)

2 COMMISSIONER ANDERSON: I take that as a
3 concurrence, Russell.

4 (Laughter.)

5 COMMISSIONER ANDERSON: We are asking the
6 staff to invest a lot of work in preparing budgets
7 which we have no hope of attaining.

8 CHAIRPERSON BERRY: Commissioner Anderson --

9 COMMISSIONER ANDERSON: That is my first
10 point. I have a second.

11 CHAIRPERSON BERRY: Oh, go right ahead.

12 COMMISSIONER ANDERSON: My second point is
13 that this budget is full of implicit decisions which we
14 have not previously discussed at length or determined.

15 To my recollection, we did not approve or
16 discuss at length public service announcements at,
17 roughly, \$400,000 a year, though that might be a good
18 thing; but, this Commissioner, for one, does not know
19 how we are going to spend \$400,000 on public service
20 announcements.

21 And, my idea, initially, suborning the
22 concept of public service announcements was that much
23 of the time was going to be provided free and much of
24 the talent in preparing it would be donated.

25 So now to see almost half a million dollars

1 in the budget for public service announcements comes to
2 me as a surprise. It may be a valid expenditure, but it
3 is not what I had in mind when I supported public
4 service announcements.

5 My second point, this budget has a 60 percent
6 increase in funding for the regions. We have not
7 discussed increasing the budget for regional operation
8 by 60 percent, what we are going to be doing there, why
9 that is necessary.

10 This budget has 28 new permanent full-time
11 positions. That is an increase of 52 percent in the
12 staff over current amounts.

13 We have not discussed why that needs to be
14 done; and, in fact, I cannot remember any discussion on
15 any of the projects we approved that we did so with the
16 understanding that we were going to have to increase
17 the staff by over 50 percent in order to accomplish
18 those projects on a timely basis.

19 So, those are the concerns that I have about
20 it. They total up to several million dollars in this
21 budget and I think that this kind of a process of
22 putting into the budget all of these implicit decisions
23 that we have not formally discussed and determined
24 ahead of time is not the right way to run this -- this
25 Commission; and, so, I am going to vote against this

1 budget on those two bases.

2 CHAIRPERSON BERRY: Let me ask for specific
3 answers to Commissioner Anderson's specific questions
4 about the PSA's, why there is a \$400,000 figure, about
5 the regions and why there is an increase -- on what
6 assumptions was that increase based; was it the
7 assumptions flowing from the decisions the
8 Commissioners made about other matters or what are
9 those assumptions; and, is that increase related to a
10 project that the Commissioners agreed to and this is
11 determined what is needed to perform these activities
12 in terms of support for them as well as the staff that
13 will actually be engaged in them.

14 So, who can answer those questions?

15 STAFF DIRECTOR MOY: Madam Chair, may I ask
16 George Harbison to come to the table.

17 CHAIRPERSON BERRY: Okay.

18 COMMISSIONER REYNOSO: May the record show
19 that George also smiled. Do we have a happy staff this
20 morning or what?

21 (Laughter.)

22 CHAIRPERSON BERRY: George, the first
23 question is, from where did the increased amount for
24 the regions come from? What assumption is that based
25 on?

1 MR. HARBISON: That is based on the
2 assumption that it takes a staff -- it is a staff
3 increase that is based on the assumption that regions
4 need to increase their level of performance.

5 So, it is not an item that was voted on and
6 discussed by the Commissioners; but, when we put these
7 budgets together, this is the point in time
8 when...being discussed.

9 CHAIRPERSON BERRY: So that the question for
10 us then, specifically, is, do we believe, based on the
11 volume and activity of the regions and the staff in the
12 regions and the pace at which their work gets done,
13 that more staff are needed or not and in what amount,
14 and this is the best judgment of the staff itself of
15 what is needed. Is that right?

16 MR. HARBISON: That is correct, in
17 coordination with the regions.

18 CHAIRPERSON BERRY: Okay. That is what I
19 mean, the staff and the regions and headquarters.

20 MR. HARBISON: Yes.

21 CHAIRPERSON BERRY: Now, what about the
22 PSA'a, what is the \$400,000, where did that figure come
23 from?

24 MR. HARBISON: That is an estimate provided
25 by the Office of Public Affairs and I am sure that they

1 would have justification for that level of effort on
2 PSA's.

3 Historically they have come in with similar
4 amounts for PSA's. Unfortunately, the budget did not -
5 - the final appropriation did not accommodate it. So,
6 we had to do the PSA's with whatever money we had
7 available.

8 But, the figure of \$400,000 is an estimate
9 for quality PSA's.

10 CHAIRPERSON BERRY: And, the staff increases,
11 generally, that Commissioner Anderson referred to?

12 MR. HARBISON: ...its staff increasing are
13 going to the program offices to support projects. They
14 are minimal increases in support staff that the
15 majority are going to program offices, office of civil
16 rights evaluation, office of general counsel
17 and...regional offices.

18 CHAIRPERSON BERRY: So that if we wanted to
19 pare back the increased staff figure, we would pare
20 back some of the project figures so that there would
21 not need to be that many staff increase. Is that how
22 that goes?

23 MR. HARBISON: Yes. It would be practical to
24 pare back new hires in those areas; but, you have to
25 consider that if you pare back staff, you probably want

1 to cut back on that project.

2 CHAIRPERSON BERRY: So that that would be a
3 decision for the Commission members to make about which
4 projects they would like to either eliminate or cut
5 back or defer; but, this was based on the decisions we
6 made in January about the projects that we want to keep
7 for 2000. Is that right.

8 MR. HARBISON: Correct.

9 CHAIRPERSON BERRY: Okay. Now, we need Staff
10 Director in order to get a clearer answer to this. We
11 need to know why the PSA's are determined to cost
12 \$400,000 rather than to be free, as Commissioner
13 Anderson thought; and, we also need to know why the
14 regions feel that they are justified in asking for this
15 amount which George is simply calculating, as I
16 understand him. He is the budget guy. He is
17 calculating numbers based on the input he got. That's
18 what appears to me. Inputs from offices about the
19 projects; inputs from the regions about what it would
20 take for them to do what they needed to do and from
21 Charlie's shop about the PSA's.

22 So, why did the regions think, based on their
23 workload requirements and the problems they had, they
24 needed to have this amount of an increase, Staff
25 Director?

1 STAFF DIRECTOR MOY: Well, I will find out
2 the answers...

3 CHAIRPERSON BERRY: Well, tell us the answer.

4 A VOICE: Charlie is here.

5 STAFF DIRECTOR MOY: Charlie is here and
6 Charlie can report on these PSA's.

7 CHAIRPERSON BERRY: What about the regions?

8 STAFF DIRECTOR MOY: And, the regions, I
9 believe -- George, correct me if I am wrong -- wasn't
10 this on a call-back request that we ask the staff? Can
11 you answer that question about the regions as well?

12 MR. HARBISON: With regards to the regions,
13 the increase in staffing is a twofold purpose here.

14 One, the regions are understaffed, especially
15 in the three...only have three people, one of those
16 being the Director, one being the Secretary, and one
17 being the Civil Rights Analyst. And, that staffing
18 pattern, obviously, has a direct impact on the amount
19 of support that they can give to the State Advisory
20 Committees, so, they, too, need additional staffing.

21 CHAIRPERSON BERRY: Okay. Now, what is the
22 answer to the PSA question?

23 STAFF DIRECTOR MOY: Okay, Charlie Rivera is
24 going to take the mike.

25 MR. RIVERA: As I understand it, the question

1 was why that sum of money, the increase to 400,000
2 plus; and, the quick answer is that we conceive it as a
3 campaign rather than what we had been doing heretofore,
4 which is a radio PSA, one -- you know, one radio PSA,
5 which is the least expensive thing we could do, but, of
6 course, continue doing that; but, what the \$400,000
7 represents is TV, print, radio, a campaign, which is
8 integrated and meant to be a...

9 And, it is from looking back at the original
10 discussions which led to the mandate as we recall, it
11 was Don Edwards and Senator Simon...we need to educate
12 the public through lots more education communication.

13 So, anyway, that answers the \$400,000.

14 CHAIRPERSON BERRY: Okay. Well, let me go
15 back to Commissioner Anderson and the other
16 Commissioners and say, with those explanations, do we
17 want to cut back the amount that were proposed for the
18 regions to the level where they are this year, with the
19 understanding that the regions have requested the money
20 for the reasons that were given by George, because one
21 of them have one staff person and an office head and a
22 secretary, and they do not feel that they can
23 adequately service the SAC...but, do we think it is
24 more prudent, despite that, to simply cut that figure
25 back to where it is today or some other figure? So

1 let's try to dissect this.

2 COMMISSIONER REDENBAUGH: Madam Chair.

3 CHAIRPERSON BERRY: Yes. Who was that?

4 COMMISSIONER REDENBAUGH: Commissioner
5 Redenbaugh.

6 CHAIRPERSON BERRY: Commissioner Redenbaugh.

7 COMMISSIONER REDENBAUGH: ...I plan to vote
8 against this budget document because I -- for some of
9 the reasons Commissioner Anderson mentioned; but, also,
10 I do not think we have -- we are doing a good -- a good
11 job with the resources that we have had. We have not
12 demonstrated our capacity to manage inside of what we
13 have been given. And, I will certainly support an
14 increase in the budget when we accomplish that.

15 With that on the table, I would say that, you
16 know, there are organizations where I served in this
17 capacity. I think rather than in a Commission meeting
18 redesigning the budget it may make more sense for a
19 staff who is certainly more intimate with these
20 programs and responsibilities that we have to come
21 forth with a proposed budget that it is inside of what
22 we actually might accomplish in the Congress. So, in
23 other words, take a look at that.

24 CHAIRPERSON BERRY: I think... In other
25 words, if...construct -- we are going to work on this

1 motion; but, if the idea is that George should
2 construct... have George construct a budget that comes
3 up with another lower figure, then staff will...as to
4 whether we think, for example, that, despite the
5 problems with the region, is more prudent, given
6 realities, not to propose that they staff up at this
7 time; and, if we think that the PSA's is a good idea
8 but just not a great idea to expand it at this point,
9 it is that kind of guidance that we tell them so they
10 will know how to construct it.

11 COMMISSIONER REDENBAUGH: I see. I got it.
12 Yes.

13 CHAIRPERSON BERRY: That is all I am trying
14 to do.

15 COMMISSIONER REDENBAUGH: Okay, I understand
16 what you mean.

17 CHAIRPERSON BERRY: And, if they want to
18 propose to us that we cut back some of the projects to
19 come within a certain figure, they would need to know
20 what we think is a reasonable figure in order to try to
21 size that, if you see what I mean. That is all I am
22 trying to do here.

23 COMMISSIONER REDENBAUGH: Okay.

24 CHAIRPERSON BERRY: So --

25 COMMISSIONER REDENBAUGH: You know, I don't

1 know if I have got enough information to say I would
2 rather have the \$400,000 spent on PSA's or spent in the
3 regions. I mean, I think I would prefer it into
4 regions, but I, you know, have not had an argument,
5 heard an argument, either way.

6 CHAIRPERSON BERRY: Okay. Any other
7 comments?

8 VICE CHAIRPERSON REYNOSO: Madam Chair.

9 CHAIRPERSON BERRY: Yes.

10 VICE CHAIRPERSON REYNOSO: Perhaps I do not
11 understand the process, but I had thought, based on
12 experience, that we are expected as an agency to tell
13 OMB what we think is the right figure to run the
14 agency, the negotiations take place with OMB and
15 generally we end up with some lesser figure; then
16 further negotiations take place with Congress and we
17 end up with yet a lesser figure then. But that that is
18 sort of the normal process, but it begins with our own
19 assessment of what we believe we need minimally to do a
20 decent job.

21 And, I think it is proper for us to request
22 as much information as we need from the staff to make
23 those decisions and that maybe we did not get as much
24 information as we should have, though I must say that
25 I, personally, hit on the notion from the problems that

1 I have seen of understanding the figures that were
2 given to us.

3 For example, with respect to the regional
4 offices, I guess I have heard from the Regional
5 Directors and others their frustration in not being
6 able to service the SAC's, the SAC's meet only twice a
7 year to deal with civil rights issues in their states.
8 I should hope that they would be able to meet at least
9 four times a year but I know they cannot do it because
10 they do not have the money.

11 So, I mean, I see the problems. So, when
12 staff comes back with substantial increase, to me it
13 seems natural...the ongoing concerns that I have been
14 seeing for the last five years; and, when I see the PSA
15 figure I had assumed, without as much information as
16 perhaps we should have had but Charlie just explained
17 to us, because I know the new...PSA normally get noted
18 public figures to volunteer their time and all that and
19 does not cost very much; but, if we are going to do
20 that, normally we have to pay for the production of it
21 ourself. And I know that that takes time and money.

22 I was just impressed by a program I saw last
23 night about the new federal initiative on an anti-drug
24 campaign where \$2 billion is going to be spent and
25 several of the commentators mentioned the

1 ineffectiveness of public service announcements
2 because, one, that they are not put on often enough to
3 make an impression; and, two, they come on generally
4 between 2 and 3 in the morning because that is the time
5 that TV and particularly radio can sell their time.

6 So, to do an effective job, particularly...I
7 know from past experience that it takes -- that it
8 takes resources. So, I get -- in looking at the
9 budget, I have just, based on my own experience with
10 the Commission, filled in the gaps that Commissioner
11 Anderson did not, and I think he is perfectly right in,
12 one, asking those questions. Two, I think it is
13 perfectly right that we are not likely to get 16
14 million; but, I had seen this as sort of a natural
15 process, that this is sort of the first step, and then
16 we take it step by step.

17 That is why I indicated that I was prepared
18 to go along with the budget, knowing that there are all
19 of those...yet in the future.

20 CHAIRPERSON BERRY: Well, any other
21 Commissioners seeking recognition?

22 COMMISSIONER REDENBAUGH: I share the Vice
23 Chair's comments.

24 CHAIRPERSON BERRY: Yes, Commissioner.

25 Any other Commissioners seeking recognition?

1 (No response.)

2 CHAIRPERSON BERRY: My own view is that it --
3 how one approaches the budget process is, in fact, a
4 part, of course, of political judgment; and, certainly,
5 OMB, if we recommend \$16 million is not going to
6 recommend \$16 million in their budget, too, the
7 President's budget to the Congress. I can guarantee
8 you that.

9 They have not recommended the increases we
10 have proposed in the past and the Congress has not
11 given us much succor, they have not increased our
12 budget even for inflation or to make it possible, in my
13 view, for the staff to do the work as a staff has been
14 asked to do.

15 So, therefore, I see no disadvantage in
16 asking for what we, in fact, think they need, which had
17 been...by the Staff Director's office.

18 And we have gotten answers to three of the
19 questions. I like the idea of expanding PSA if we can.
20 I do not think we will get the money. I hope we do.
21 But, OMB certainly is not going to give us \$16 million.
22 If we ask for 13 million, they would not propose it.
23 But, it does lay out what the staff believes the agency
24 needs in order to accomplish the mission.

25 I don't think the Commissioners are prepared

1 to cut back the projects. We had an exercise on that
2 in January and this is what we came up with.

3 So, therefore, I understand the politics of
4 it, but I do not see any advantage or disadvantage in
5 voting on this budget this way.

6 So, I am going to call for the question if
7 there is no other discussion.

8 (No response.)

9 CHAIRPERSON BERRY: All in favor of
10 recommending to OMB the budget as proposed by the staff
11 indicate by saying aye.

12 (Chorus of ayes.)

13 CHAIRPERSON BERRY: Opposed.

14 (Chorus of nos.)

15 CHAIRPERSON BERRY: Let's count, if I can
16 from here. Commissioner -- let's see, somebody has a
17 list, right? I think in alphabetical order..

18 VICE CHAIRPERSON REYNOSO: I will read the
19 names and you can repeat them.

20 Anderson.

21 COMMISSIONER ANDERSON: No.

22 VICE CHAIRPERSON REYNOSO: Berry.

23 CHAIRPERSON BERRY: Yes.

24 VICE CHAIRPERSON REYNOSO: George.

25 COMMISSIONER GEORGE: No.

1 VICE CHAIRPERSON REYNOSO: Higginbotham.
2 COMMISSIONER HIGGINBOTHAM: Yes.
3 VICE CHAIRPERSON REYNOSO: Horner.
4 CHAIRPERSON BERRY: Absent.
5 VICE CHAIRPERSON REYNOSO: Lee.
6 COMMISSIONER LEE: Yes.
7 VICE CHAIRPERSON REYNOSO: Redenbaugh.
8 COMMISSIONER REDENBAUGH: No.
9 VICE CHAIRPERSON REYNOSO: Reynoso. Yes.
10 CHAIRPERSON BERRY: Okay, could someone
11 count.
12 VICE CHAIRPERSON REYNOSO: I think there was
13 a woof, woof in there.
14 (Laughter.)
15 COMMISSIONER REDENBAUGH: I'm not sure how to
16 count.
17 (Laughter.)
18 CHAIRPERSON BERRY: Was it four to three?
19 VICE CHAIRPERSON REYNOSO: Four to three.
20 CHAIRPERSON BERRY: Okay. Well, the budget
21 recommendation is approved by a vote of four to three.
22 COMMISSIONER REDENBAUGH: Madam Chair.
23 CHAIRPERSON BERRY: Yes, Commissioner
24 Redenbaugh.
25 COMMISSIONER REDENBAUGH: My time is limited.

1 May we go next to the --

2 CHAIRPERSON BERRY: ADA report.

3 COMMISSIONER REDENBAUGH: -- the ADA.

4 CHAIRPERSON BERRY: Let me try this, if you
5 don't mind, Russell, let's see if I can get a fast
6 motion to do Number 5 and then we will be there.

7 COMMISSIONER REDENBAUGH: All right.

8 CHAIRPERSON BERRY: Number 5 is the State
9 Advisory Committee appointments for Delaware, Missouri,
10 Rhode Island, and Vermont.

11 Could I get a motion to approve those.

12 COMMISSIONER LEE: So moved.

13 CHAIRPERSON BERRY: Could I get a second?

14 VICE CHAIRPERSON REYNOSO: Second, but I have
15 a one-second discussion.

16 CHAIRPERSON BERRY: Okay, go right ahead.

17 VICE CHAIRPERSON REYNOSO: Madam Chair, some
18 time in the future, maybe next time, I am going to
19 present a motion...of all of the new appointments or
20 advisory committees the young people, young people to
21 be defined by us...

22 CHAIRPERSON BERRY: Okay. Any other
23 comments?

24 (No response.)

25 CHAIRPERSON BERRY: All in favor, indicate by

1 saying aye.

2 (Chorus of ayes.)

3 CHAIRPERSON BERRY: Opposed.

4 COMMISSIONER ANDERSON: No.

5 CHAIRPERSON BERRY: Okay. How many nos were
6 there? Who said no?

7 VICE CHAIRPERSON REYNOSO: One, Commissioner
8 Anderson.

9 CHAIRPERSON BERRY: Okay. Motion is
10 approved.

11 We go on to the ADA Report. By way of
12 introduction, this report -- it is Fred's report, so he
13 can come to the table in case anybody has any
14 questions, Staff Director, is that all right?

15 STAFF DIRECTOR MOY: Yes.

16 CHAIRPERSON BERRY: And the ADA Report we are
17 having at this meeting so we can hope we get it done.

18 The affected agency reviews are not all in
19 yet. Is that right, Staff Director?

20 (No response.)

21 CHAIRPERSON BERRY: Staff Director?

22 STAFF DIRECTOR MOY: I'm sorry, I didn't hear
23 that.

24 CHAIRPERSON BERRY: The affected agency
25 reviews are not all in yet. Is that correct?

1 STAFF DIRECTOR MOY: That is correct.

2 CHAIRPERSON BERRY: So that if we approve
3 this report, it will be with the understanding that
4 there will be as usual editorial changes and there may
5 be minor changes in response to some of the affected
6 agency comments. So long as they are not substantive
7 that would change the result, we would all understand
8 that.

9 But, Fred is there and is available -- you
10 are there, right?

11 MR. ISLER: Yes.

12 STAFF DIRECTOR MOY: Yes, he is.

13 CHAIRPERSON BERRY: To answer any questions
14 that any Commissioner might have about this report.

15 Could I, just for purposes of discussion, get
16 a motion to approve the ADA Report?

17 VICE CHAIRPERSON REYNOSO: So moved.

18 CHAIRPERSON BERRY: Could I get a second?

19 COMMISSIONER LEE: Seconded.

20 CHAIRPERSON BERRY: Okay. Discussion?

21 (No response.)

22 CHAIRPERSON BERRY: Any Commissioner seeking
23 recognition?

24 COMMISSIONER REDENBAUGH: Madam Chair.

25 CHAIRPERSON BERRY: Yes, Commissioner

1 Redenbaugh.

2 CHAIRPERSON REDENBAUGH: You know, this is a
3 typical report for me, both professionally and
4 personally, because the subject matter is -- is -- the
5 one I am more familiar with than most, is one in which
6 there are very good arguments on -- on -- on both sides
7 of -- of the case. That is, you know, whether the
8 government should do either more or less.

9 And, I think, because of that, this is a
10 particularly difficult...for me, but I -- but I believe
11 that the public interest and public debate on the
12 topic, which is still very much alive and ongoing, as
13 we all know, would best be served not by negotiating a
14 compromise report that perhaps would be -- need the
15 approve of -- of -- of a number of us; but, I think
16 that the debate would best be served by -- by the
17 report going forward rather than being negotiated to a
18 compromise and with me voting against the report and
19 writing a descent and explaining my position and the
20 position that I would like to see included in the
21 debate.

22 So, that is what I would like to see.

23 VICE CHAIRPERSON REYNOSO: Madam Chair.

24 CHAIRPERSON BERRY: Yes, Vice Chair Reynoso.

25 VICE CHAIRPERSON REYNOSO: It seems to me

1 that we have to keep...that the sense and the
2 assessment of the enforcement of statutes that have
3 already been passed by Congress so the basic policy
4 decisions, insofar as this report is concerned, have
5 already been made, and we are simply assessing whether
6 there is proper implementation.

7 And, the report properly points out that in
8 some areas the answer is, yes, doing a good job, and in
9 some areas it is, no, not doing such a good job.

10 Commissioner Redenbaugh, I think, is
11 absolutely correct that these issues and...issues
12 continue to be a matter of great public debate and I
13 think import in terms of civil rights; and, it is
14 perfectly appropriate for us, as a Commission, I think,
15 to look beyond the statute.

16 But, I did not understand this report to have
17 been commissioned by us for the staff to do this report
18 on that basis.

19 So, my own reaction was that this report was
20 a report well done and well analyzed for its purpose;
21 and, then, maybe in the future, Commissioner Redenbaugh
22 can perhaps lead us in a discussion and maybe we can
23 have the staff do a report with some guidelines from us
24 about what is good and what is bad about the
25 legislation itself, what other things we might suggest,

1 even in the area of -- of disabled.

2 But, this report, to me, is what we asked the
3 staff to do; and, I think it is a good report; and, on
4 that basis, I am going to vote yes on it.

5 CHAIRPERSON BERRY: Okay. Any other
6 Commissioners?

7 (No response.)

8 CHAIRPERSON BERRY: Any other discussion?

9 (No response.)

10 CHAIRPERSON BERRY: Okay. Well, hearing
11 none, then I will call for the question.

12 All those in favor of the approval of the ADA
13 Report, indicate by saying aye.

14 (Chorus of ayes.)

15 CHAIRPERSON BERRY: Opposed?

16 (Chorus of nos.)

17 CHAIRPERSON BERRY: Okay, Vice Chair, will
18 you call the names out again?

19 VICE CHAIRPERSON REYNOSO: Yes. With the
20 same vigor?

21 CHAIRPERSON BERRY: Right.

22 VICE CHAIRPERSON REYNOSO: Berry.

23 CHAIRPERSON BERRY: No, you have to start
24 with Anderson.

25 (Laughter.)

1 VICE CHAIRPERSON REYNOSO: Oh! My first
2 effort at this and I failed!

3 (Laughter.)

4 VICE CHAIRPERSON REYNOSO: I have got the
5 wrong -- oh, I see, they have got Chair and Vice Chair
6 first. We have got to do this alphabetically. I have
7 got an alphabetical listing some place. Well, I will
8 have to figure out the alphabet myself.

9 (Laughter.)

10 VICE CHAIRPERSON REYNOSO: Anderson, A.

11 COMMISSIONER ANDERSON: No.

12 VICE CHAIRPERSON REYNOSO: Then I go
13 alphabetically, then it would be Berry.

14 CHAIRPERSON BERRY: Right. Yes.

15 VICE CHAIRPERSON REYNOSO: Okay. And then
16 Higginbotham. Ah, ah -- George.

17 COMMISSIONER GEORGE: No.

18 VICE CHAIRPERSON REYNOSO: Higginbotham.

19 COMMISSIONER HIGGINBOTHAM: Yes.

20 CHAIRPERSON BERRY: He said yes.

21 VICE CHAIRPERSON REYNOSO: Horner.

22 CHAIRPERSON BERRY: She is absent.

23 VICE CHAIRPERSON REYNOSO: Lee.

24 COMMISSIONER LEE: Yes.

25 VICE CHAIRPERSON REYNOSO: Redenbaugh.

1 COMMISSIONER REDENBAUGH: No.

2 VICE CHAIRPERSON REYNOSO: Reynoso. Yes.

3 CHAIRPERSON BERRY: So, the vote is four to
4 three in favor.

5 Let me -- let me ask if anyone has an
6 additional statement, dissenting statement or other
7 statement that he would like to make, that you should
8 get them in as soon as possible and no later than about
9 the 20th of August.

10 Is that right, Staff Director?

11 STAFF DIRECTOR MOY: Yes.

12 CHAIRPERSON BERRY: In order for the staff to
13 be able to produce its report.

14 And, also, let me reiterate...agency reviews,
15 as they come in, will have to be responded to and it
16 will have to be reviewed by OGC again, and there will
17 be editorial changes as usual; but, if any substantive
18 changes are made, the changes will result or the
19 recommendations of the findings, it would be returned
20 to us, but I don't expect that to happen.

21 I want to thank you for that.

22 COMMISSIONER HIGGINBOTHAM: Madam Chair.

23 CHAIRPERSON BERRY: Yes, Commissioner
24 Higginbotham.

25 COMMISSIONER HIGGINBOTHAM: Just from an

1 abundance of experience, I welcome dissent, and that
2 should be part of our Commission process; but, I also
3 believe in the opportunity of those who disagree with
4 what is expressed in the dissent to make an answer so
5 that the record is complete.

6 So, I assume that when you set the date for
7 the dissent to be filed that anyone who wants to make a
8 reply to the dissent will have a reasonable amount of
9 time, and I want you to confirm that; and, if so, to
10 state on the record, if you can now, what the time
11 frame is so that all of us will be alerted to what our
12 obligations would be if we decide to file any response
13 to any of the dissents.

14 CHAIRPERSON BERRY: Commissioner Redenbaugh,
15 are you still there?

16 COMMISSIONER REDENBAUGH: Yes.

17 CHAIRPERSON BERRY: Do you have any objection
18 to any Commissioner who wishes to write something in
19 response...?

20 COMMISSIONER REDENBAUGH: No, I have no
21 objection to that at all.

22 CHAIRPERSON BERRY: Okay. Well, then, why
23 don't we say that -- will a week be enough, Leon?

24 COMMISSIONER HIGGINBOTHAM: Well, you know, a
25 full five business -- I would say a full six business

1 days. I mean, I do not want to get caught on holidays
2 and problems of that type; but, it seems to me that you
3 have got to at least six business days from the time
4 one receives it to forward a reply.

5 So, what I would envision would be within
6 seven business days the response will be sent in if one
7 is going to be made.

8 CHAIRPERSON BERRY: Right. So, seven
9 business days after any dissent is filed.

10 COMMISSIONER HIGGINBOTHAM: No, after any
11 dissent is received.

12 CHAIRPERSON BERRY: Is received. Or an
13 additional statement. There might be some statement.

14 COMMISSIONER HIGGINBOTHAM: Yes.

15 CHAIRPERSON BERRY: Seven business days after
16 that which Staff Director's office will have to time,
17 people will have an opportunity to file it if they wish
18 to file. That would still get us before the end of the
19 month of August, which is where we are trying to go.
20 Okay. And, I don't even know if August 20th is a
21 Sunday. I didn't look at the calendar. But, anyway --

22 STAFF DIRECTOR MOY: August 20th, Madam
23 Chair, is a Thursday.

24 CHAIRPERSON BERRY: Okay.

25 STAFF DIRECTOR MOY: So, that is the...date

1 for staff.

2 COMMISSIONER ANDERSON: Madam Chair.

3 CHAIRPERSON BERRY: Yes, Commissioner
4 Anderson.

5 COMMISSIONER ANDERSON: I think in principal
6 I do not have an objection to what Commissioner
7 Higginbotham proposes, although, as I understand, it is
8 a change in our procedure.

9 CHAIRPERSON BERRY: Right, that is why I
10 asked Commissioner Redenbaugh if he objected.

11 COMMISSIONER ANDERSON: Yes. I wonder where
12 the circulation of the opinion stops? That is, the
13 dissent is circulated so that there can be a response
14 and then are the dissenters permitted to --

15 CHAIRPERSON BERRY: Respond?

16 COMMISSIONER ANDERSON: -- see the response?

17 COMMISSIONER HIGGINBOTHAM: Well, if you want
18 to know my reaction, I am looking at it basically the
19 way courts do it; and, someone who files a dissent can
20 be answered and that answer goes on the record with the
21 dissent and that is it. It does mean that dissenters
22 have a counter response and a sur rebuttal and that the
23 -- those who want to make a comment of another sur
24 rebuttal. If you have a position which is sound and
25 you write it up in a dissent, I do not see why one has

1 to fear some rational response by a colleague.

2 And, if someone is dissatisfied, the nature
3 of the dialogue, the market place is still open. So,
4 there is no reason why someone can write or express
5 comments generally, if that process does not work.

6 COMMISSIONER ANDERSON: Well, let me say to
7 the Commissioner, without putting too fine a point on
8 it, having passed the report why should one fear the
9 rational comments in the dissent of one of the
10 Commissioners?

11 COMMISSIONER HIGGINBOTHAM: Because I do not
12 know what they are going to say. I do not know what
13 they are going to say. I am not...enough to know what
14 they are going to say. And, all I know is that they
15 oppose it.

16 CHAIRPERSON BERRY: Russ, if I may, may I
17 just say -- and then I will recognize you again and
18 Commissioner Anderson to continue with it -- the reason
19 why I asked Commissioner Redenbaugh the question, it
20 was because he is the one who is filing the dissent;
21 and, if I understood him, his dissent is not about the
22 actual enforcement, minutia of enforcement, of law. It
23 is his position on the scope of these kinds of law,
24 what they should do, and he has particular views that
25 he would like to express.

1 So, I wanted to know whether he thought it
2 was okay in this case. Because, you are correct,
3 Commissioner Anderson. Normally what we do is we have
4 the report, everybody who wants a statement filed of
5 any kind files it by a certain date and that is usually
6 the end of it.

7 But, that is why I asked Commissioner
8 Redenbaugh. So, the answer, I guess, to why one would
9 want to answer a dissent in this case, if one did, is
10 because it is not on the matter of enforcement so much
11 as on the issue of how these laws -- you know, whether
12 there should be such laws, what the scope should be,
13 what position one takes on it. And, that is why I
14 specifically asked that question of Commissioner
15 Redenbaugh is to get his agreement before we do this.

16 COMMISSIONER REDENBAUGH: Well, I am going to
17 have to think about that.

18 COMMISSIONER GEORGE: Madam Chairman.

19 CHAIRPERSON BERRY: You changed your mind.

20 COMMISSIONER REDENBAUGH: I am considering
21 that.

22 CHAIRPERSON BERRY: Okay.

23 COMMISSIONER REDENBAUGH: But, without
24 counsel, I don't know how to answer.

25 (Laughter.)

1 CHAIRPERSON BERRY: You want to let
2 Commissioner George speak while you think about it?

3 COMMISSIONER REDENBAUGH: I do.

4 CHAIRPERSON BERRY: Okay..

5 COMMISSIONER GEORGE: Thank you, Madam
6 Chairman.

7 CHAIRPERSON BERRY: You understand, since he
8 is thinking, the implication is he is not going to
9 listen to you.

10 (Laughter.)

11 COMMISSIONER GEORGE: Maybe I should wait
12 until he thinks.

13 CHAIRPERSON BERRY: Commissioner George.

14 COMMISSIONER GEORGE: I think there is
15 obviously an infinite regress problem here and what it
16 generates is the problem of who gets the final word. I
17 mean, I think that is obviously what -- it seems to me
18 that there are two ways of dealing with this, neither
19 of which is ultimately a solution to the problem but
20 either of which constitutes a collegial way of doing
21 it.

22 Either way -- you just give everybody a
23 comment opportunity so that people who write the report
24 write concurring statements as to why they like the
25 report. The dissenting people write dissenting

1 statements as to why they do not like the report and
2 that is it.

3 Or, you have a rule that people who write
4 concurrences or dissents circulate them to the other
5 Commissioners who then have an opportunity to comment
6 in a statement on the concurrence or dissent with an
7 opportunity for the author of the concurrence or the
8 dissent to review the responding statement and answer
9 any points that that person wishes to answer in
10 footnotes to the original statements not a concurring
11 statement.

12 That sometimes is done in court opinions. It
13 is often done in formal academic exchanges in journals.
14 Neither is absolutely satisfactory, obviously, but they
15 avoid the worse faults of just having somebody have a
16 definitive final word.

17 CHAIRPERSON BERRY: Yes. What I was going to
18 suggest in this case in order not to get bogged down is
19 that Commissioner Redenbaugh would agree that he would
20 agree that he would share his dissenting statement as
21 soon as it is written with folks so that they can read
22 it and, if they have anything they want to write, they
23 would do it by the deadline. And he could share it in
24 draft before he turns it in. And, then, the comments
25 on it, they can give it to him so that if he wants to

1 revise it somehow he can to respond to whatever they
2 say before he puts it in.

3 How would that work?

4 COMMISSIONER REDENBAUGH: That basically
5 approximates the second condition that Commissioner
6 George outlined.

7 CHAIRPERSON BERRY: Right, and it would be
8 before you actually filed it, though.

9 COMMISSIONER REDENBAUGH: Right. I would
10 accept that.

11 CHAIRPERSON BERRY: You share it with
12 everybody, you know; and, then, if anybody wants to
13 write something, they can tell you, or have comments on
14 your dissent, they can; and, then, you will have a
15 chance to revise it before you turn it in if you think
16 better of some issue or think differently about
17 something.

18 COMMISSIONER REDENBAUGH: Yes, I would like
19 that. I accept that.

20 CHAIRPERSON BERRY: Will that work,
21 Commissioner Higginbotham, and then you can go ahead
22 and write yourself?

23 COMMISSIONER HIGGINBOTHAM: You know, this is
24 -- the world is not going to fall off its axes on this
25 grave policy issue; but, I do not think there is

1 anything unreasonable in giving someone the opportunity
2 to respond to what is viewed by the dissenter as a flaw
3 in the majority's report.

4 And, as long as you have that... Now, if
5 someone makes a revision which is significantly
6 different to what the other person wrote about, you
7 have got to give an opportunity for someone to respond
8 so that the record is clear where it notes the
9 differences.

10 So that if you have a five-page dissent and
11 someone then add four pages more to it, I think the
12 public is entitled to know that the majority had an
13 opportunity to answer precisely what the dissent said.

14 And, I am not going to worry about how you
15 characterize it, as a separate statement or what, but
16 that is not asking too much.

17 CHAIRPERSON BERRY: All right. Well, how do
18 you answer the rebuttals of rebuttals?

19 COMMISSIONER HIGGINBOTHAM: That is my
20 answer. If you want to dissent -- I mean, this cuts
21 across to everyone. I mean, if you want to write a
22 dissent, fine; but, don't write a dissent and leave
23 others hanging out there where there is an inference
24 that they either agree or disagree with your dissent.

25 The public is entitled to know what is your

1 position in response to the comments made on the
2 dissent. And you have to have that opportunity.

3 Now, in the Supreme Court, what happens is
4 that the majority or a concurring opinion answers a
5 dissent.

6 It seems to me that we are not asking for
7 anything radical; but, if your ideas are that good, you
8 should be willing to have them answered.

9 CHAIRPERSON BERRY: How do they answer if
10 they do not have it before they write their opinion?

11 COMMISSIONER HIGGINBOTHAM: Well, they don't
12 have the dissent before they write their opinion but
13 they have their dissent before their opinion is filed
14 and their opinion answers or has the opportunity to
15 answer the dissenter.

16 CHAIRPERSON BERRY: Okay. And, so, does the
17 dissenter then have an opportunity to read what they
18 finally filed and then rewrite --

19 COMMISSIONER HIGGINBOTHAM: In the court, if
20 the dissenter revises his or her dissent, then, the
21 majority has a right to answer that.

22 CHAIRPERSON BERRY: Okay.

23 VICE CHAIRPERSON REYNOSO: Madam Chair.

24 CHAIRPERSON BERRY: Yes.

25 VICE CHAIRPERSON REYNOSO: Nothing is

1 considered final until they are filed. So, the
2 suggestion that Robbie had, basically that...tentative
3 until they get filed, I think in some ways answers the
4 question.

5 That is, you have got a dissent or separate
6 statement, then you have got a response to it. Nothing
7 is yet filed. If there is something in the response in
8 the dissent or separate statement maker did not like or
9 thought he was misunderstood, there can be a revision
10 of that and a revision of the -- of the answer. So
11 that, finally, when it gets filed the reader is clear
12 on what folk agree or disagree on.

13 CHAIRPERSON BERRY: All right. So,
14 procedurally, then, what will the staff do if we follow
15 this procedure on this case? If we do it on this case.
16 We will see how it works, the one case.

17 VICE CHAIRPERSON REYNOSO: The report has
18 already been voted on and this is a little bit
19 different than courts because you cannot go back and
20 revise the report.

21 CHAIRPERSON BERRY: Right.

22 VICE CHAIRPERSON REYNOSO: But, the procedure
23 would have to do with the -- let's just call it dissent
24 and answer to the dissent. A draft of the dissent
25 would be sent to everybody. A response, if there is

1 one, would be filed. The staff would inquire as to
2 whether or not there is going to be a response. If
3 there is no response, that is it. If there is a
4 response, that would be drafted and sent and a copy
5 would be sent to the dissenter, who, if he or she is
6 misunderstood or somehow is -- believes that the
7 position has been misstated, you revise the dissent
8 itself to make sure that it jives with a response to
9 the dissent, and then presumably...and look at both
10 drafts and when they are ready, presumably by the
11 scheduled date that you have indicated, Madam Chair,
12 they say, fine, let's file it and it gets filed.

13 CHAIRPERSON BERRY: So that the staff will,
14 because staff has to know what it is going to do --
15 this is a new process we are just going to practice one
16 time if we do this, staff will get Commissioner
17 Redenbaugh's dissent which it will circulate to all of
18 the -- because we have to have this kept track of --
19 all of the Commissioners.

20 If any Commissioner wants to write a response
21 to it, they will draft something and send it back to
22 the staff who will circulate it to the same people, the
23 Commissioners.

24 VICE CHAIRPERSON REYNOSO: And, Madam Chair,
25 if a person wants to write a dissent, I think they

1 should let the Staff Director know right away that they
2 will be writing a answer so that she could then proceed
3 from there.

4 CHAIRPERSON BERRY: Okay, okay. And, then,
5 when -- so, the first deadline will be -- now we are
6 going to change the deadline. We have to change the
7 deadline. Let's do --

8 COMMISSIONER GEORGE: Mary, before you do
9 that, can I just intervene to suggest one alteration to
10 Cruz's proposal and then you could, depending on
11 whether we adopt it, work the timetable around it.

12 CHAIRPERSON BERRY: Okay.

13 COMMISSIONER GEORGE: The only thing I would
14 be concerned about, and I like the basic...out here, is
15 I think you might get in a real hang-up right at the
16 end on the question as between the dissenter and the
17 respondent as to whether, in fact, the dissenter's view
18 is being accurately represented or not by the
19 respondent.

20 So, my suggestion for the sake of finality
21 would be not to invest in the hope that they will work
22 it out between them what exactly the dissent has been
23 arguing; but, rather, simply say that the dissent can -
24 - whatever response the dissenter wants to make to the
25 respondent in footnote to the original response, so

1 that it will look just like -- some of you may recall -
2 - the Smith decision in the Peyote (phonetic) in 1990
3 in the Supreme Court...

4 (Simultaneous voices.)

5 A VOICE: (Unintelligible.)

6 COMMISSIONER GEORGE: -- argued out their
7 differences, obviously having traded drafts back and
8 forth in a footnote.

9 It seems to me that is just a textbook case
10 of how you handle it.

11 CHAIRPERSON BERRY: So, what the staff will
12 do is to -- we will make the deadline the 19th,
13 Russell.

14 COMMISSIONER REDENBAUGH: Okay, got it.

15 CHAIRPERSON BERRY: You give the staff your
16 draft of your dissent.

17 Anyone else writing a dissent?

18 (No response.)

19 CHAIRPERSON BERRY: Okay.

20 STAFF DIRECTOR MOY: Madam Chair, may I
21 interrupt, please.

22 CHAIRPERSON BERRY: Okay.

23 STAFF DIRECTOR MOY: Are you saying the 19th
24 of July?

25 CHAIRPERSON BERRY: No, no, no, no, no, no,

1 no.

2 STAFF DIRECTOR MOY: Because I would just
3 like to point out that in order to make the...deadline,
4 we have September 30 and we really need to get it to
5 GPO by the end of August.

6 CHAIRPERSON BERRY: All right. Well,
7 Commissioner Redenbaugh, how soon do you think you can
8 get yours, rather than me saying?

9 COMMISSIONER REDENBAUGH: Well, let's back it
10 up. If it has to be to the GPO by the end of August,
11 then working backwards, when does that apply?

12 CHAIRPERSON BERRY: Well, if you tell me how
13 -- how soon you can get it, then I could add on the day
14 that people will be replying back and forth, if they
15 decide to reply. They may not...

16 COMMISSIONER REDENBAUGH: ...two weeks back
17 would be the 15th.

18 CHAIRPERSON BERRY: You want to say the 15th?

19 COMMISSIONER REDENBAUGH: No, I will make it
20 -- yes, the 15th.

21 CHAIRPERSON BERRY: All right. Is that a
22 week day?

23 COMMISSIONER REDENBAUGH: I do not know that.

24 A VOICE: The 15th is a Saturday.

25 CHAIRPERSON BERRY: It is a Saturday? Why

1 don't we say the 14th.

2 COMMISSIONER REDENBAUGH: Got it.

3 CHAIRPERSON BERRY: Okay. The 14th Russell
4 will give his dissent to the staff. The staff will
5 circulate it immediately to all of the Commissioners by
6 FAX or some other means, mechanical, technical, e-mail,
7 FAX, whatever.

8 And the Commissioners who want to respond or
9 write a reply to it will do so by the next week --

10 VICE CHAIRPERSON REYNOSO: Madam Chair, are
11 we talking about July?

12 A VOICE: No, August.

13 VICE CHAIRPERSON REYNOSO: Oh, we are talking
14 about August. Oh, okay.

15 COMMISSIONER HIGGINBOTHAM: Why so long?

16 CHAIRPERSON BERRY: Well, I just asked
17 Russell when he could get it.

18 VICE CHAIRPERSON REYNOSO: I thought it had
19 to be in by August 1...

20 STAFF DIRECTOR MOY: Well, we want it,
21 really, to have your comments back by the end of July
22 so that we could get it to GPO by the end of August.

23 CHAIRPERSON BERRY: But, the Commissioners'
24 statements are not part of the commenting on the
25 report, which can still be prepared with the editorial

1 review and everything else. These are just statements
2 that are added at the end by Commissioners. They do
3 not effect the internal consistency of how the report
4 is... So, that does not have to be delayed waiting for
5 this.

6 I just want to make sure that Russell feels
7 that he has enough time to do it.

8 VICE CHAIRPERSON REYNOSO: So, we are talking
9 about August 14th for Russell?

10 CHAIRPERSON BERRY: Is that the earliest you
11 can do it, Russell? We are talking about this is the
12 10th of July.

13 COMMISSIONER REDENBAUGH: Well, this is a
14 question of what priority I give it, obviously; but, we
15 have gone from the 15th to the early part of September
16 when we spoke a week ago to August 20th to now the 14th
17 and...

18 (Simultaneous voices/unintelligible.)

19 CHAIRPERSON BERRY: ...to the Commissioners,
20 Staff Director. Any Commissioner who wants to respond
21 to it will be given a week to do so.

22 That response will be sent to the Staff
23 Director. And the staff -- a week means seven days
24 from the 14th. Then the Staff Director will
25 immediately FAX all those out.

1 And, if you, Russell, want to say something
2 about what the person said or revise yours in some way,
3 you can do that and your revisions would immediately
4 come in, we give you a day to do that, because it
5 should not...

6 COMMISSIONER REDENBAUGH: Yes, that is
7 sufficient.

8 CHAIRPERSON BERRY: And then send it back to
9 the Staff Director who will send it to the writers of
10 responses and the other Commissioners for anything they
11 want to do. And, then, the final filing of that will
12 take place.

13 By then I am up to the 24th, 25th, 26th. It
14 would be on the 28th. What day of the week is that?
15 Is that a week day.

16 A VOICE: I think that is a Friday.

17 CHAIRPERSON BERRY: Okay. So that all
18 statements will be filed, that is given to the office
19 of the Staff Director in the form that they will
20 appear, on that date. Okay?

21 COMMISSIONER REDENBAUGH: Understood.

22 CHAIRPERSON BERRY: Now, we are going to try
23 this. This is not -- Carl, we are not changing our
24 general procedures. We are going to try this with the
25 agreement of all parties to see how it works and then

1 we can discuss what happens.

2 You understand that, Commissioner Anderson?

3 COMMISSIONER ANDERSON: Yes, I do. Thank you
4 for that. I think that we are going to find this is
5 not a workable procedure. It is workable in a court
6 where the justices are sitting down the hall from each
7 other and the clerks can go back and forth between
8 offices of different brass through the day and into the
9 evening.

10 But, I do not think we are going to find this
11 is going to work on a very timely basis.

12 CHAIRPERSON BERRY: Yes.

13 COMMISSIONER ANDERSON: With the
14 Commissioners located where they are.

15 CHAIRPERSON BERRY: My suspicion is that it
16 will not either, because everybody has something else
17 to do, everybody is busy, and people are not located
18 near each other.

19 It is going to be really crucial that the
20 Staff Director's office controls this tracking or the
21 flow; and, it is going to be crucial that Commissioners
22 are responsive and do what they should do since we are
23 not there.

24 COMMISSIONER HIGGINBOTHAM: Madam Chair, I
25 really do not understand why it is necessary for

1 Russell or for me or anyone to merely send it to the
2 Staff Director and then the Staff Director has to crank
3 it into his or her system.

4 What is wrong with simultaneous circulation
5 to the Staff Director and to each member of the
6 Commission?

7 CHAIRPERSON BERRY: Well --

8 COMMISSIONER HIGGINBOTHAM: I mean, because
9 you may very, very well get caught, from my experience
10 with the Commission, that a day or two goes by before
11 something gets out.

12 CHAIRPERSON BERRY: Well, let me say this,
13 Commissioner Higginbotham, there is nothing wrong with
14 and I would encourage simultaneous transmission.

15 COMMISSIONER HIGGINBOTHAM: All right.

16 CHAIRPERSON BERRY: But, the only reason to
17 have it sent to the Staff Director is that very often
18 the Commission people will say that -- and, quite
19 rightly -- that they have been sent something or nobody
20 has kept track of it and somebody was supposed to send
21 them something, but we have to hold somebody
22 responsible.

23 COMMISSIONER HIGGINBOTHAM: I understand
24 that.

25 CHAIRPERSON BERRY: Right. But, I wish you

1 would simultaneously send the material to each other so
2 that that way we can expedite the process.

3 COMMISSIONER HIGGINBOTHAM: Fine.

4 CHAIRPERSON BERRY: That is a great way to do
5 it.

6 All right. Well, let's try it and let's hope
7 it works, but I am perfectly willing to try it. All
8 right.

9 Any other items that we need to discuss...

10 COMMISSIONER ANDERSON: Madam Chair.

11 CHAIRPERSON BERRY: Yes, Commissioner
12 Anderson.

13 COMMISSIONER ANDERSON: Are we moving into
14 future agenda items?

15 CHAIRPERSON BERRY: Yes.

16 COMMISSIONER ANDERSON: I am not sure that
17 this is a future agenda item, but it is pending and I
18 suppose for future action, but I have two questions and
19 maybe a proposal regarding two different issues.

20 COMMISSIONER REDENBAUGH: Carl?

21 COMMISSIONER ANDERSON: Yes.

22 COMMISSIONER REDENBAUGH: Do you need me for
23 this?

24 COMMISSIONER ANDERSON: If I could -- if I
25 could hold you for minute --

1 COMMISSIONER REDENBAUGH: Okay.

2 COMMISSIONER ANDERSON: -- and then you could
3 decide.

4 COMMISSIONER REDENBAUGH: Fine.

5 COMMISSIONER ANDERSON: The first is I think
6 really it is time for us to move forward on the Staff
7 Director evaluation and I would like to propose that we
8 appoint a committee of Commissioners and move forward
9 and actually prepare an evaluation, working with the
10 appropriate staff.

11 And, then, second, I would like an update on
12 this project advising us on Commissioners'
13 responsibility regarding staff ethics and compliance
14 with a GAO inquiry...

15 CHAIRPERSON BERRY: Well, let me ask the
16 Staff Director, do you have any comments on this?

17 I would assume that both of these matters
18 would have to be discussed in executive session.

19 STAFF DIRECTOR MOY: That is correct.

20 CHAIRPERSON BERRY: Because they concern
21 personnel matters.

22 STAFF DIRECTOR MOY: Yes, this is...

23 CHAIRPERSON BERRY: So, does the Commission
24 want to have an executive session now?

25 COMMISSIONER REDENBAUGH: I'm not sure who to

1 talk to. Mary.

2 CHAIRPERSON BERRY: Yes.

3 COMMISSIONER REDENBAUGH: My understanding of
4 what Carl was asking for was not that we have these
5 discussions now. I cannot do that. So, my request
6 would be that if we agree to have these discussions and
7 I think we should have them, that we agree to a date in
8 the future.

9 CHAIRPERSON BERRY: Oh, okay.

10 VICE CHAIRPERSON REYNOSO: Maybe we can just
11 schedule as part of the schedule for next meeting an
12 executive session.

13 CHAIRPERSON BERRY: Okay. Does that satisfy
14 your raising the questions, Commissioner Anderson?

15 COMMISSIONER ANDERSON: Yes, Madam Chair;
16 because then I think all the Commissioners will be at
17 the meeting and that is the most appropriate time.

18 CHAIRPERSON BERRY: Okay. So, we will have
19 an executive session next time devoted to the last two
20 questions.

21 And, in the meanwhile, any materials that are
22 related to it will be circulated to you that will
23 inform us and help us to have the discussion.

24 Any other comments?

25 (No response.)

1 CHAIRPERSON BERRY: Any other future agenda
2 items?

3 COMMISSIONER GEORGE: Madam Chair.

4 CHAIRPERSON BERRY: With that, could I get a
5 motion to adjourn?

6 COMMISSIONER GEORGE: Madam Chair.

7 CHAIRPERSON BERRY: Yes.

8 COMMISSIONER GEORGE: Madam Chairman, just,
9 before we adjourn, just for the record I want to
10 indicate that it is my understanding that Commissioner
11 Horner is absent because she has jury duty.

12 CHAIRPERSON BERRY: Right.

13 And I want to commend the staff for the hard
14 work they did on the budget and for the way it is put
15 together. How ever we may disagree on the numbers, I
16 thought it was a much better way to do the budget.

17 Could I get a motion to adjourn?

18 VICE CHAIRPERSON REYNOSO: So moved.

19 CHAIRPERSON BERRY: Second?

20 A VOICE: Seconded.

21 CHAIRPERSON BERRY: All in favor, say aye?

22 (Chorus of ayes.)

23 CHAIRPERSON BERRY: Thank you very much.

24 (Whereupon, at 11 o'clock a.m., the meeting
25 was adjourned.)

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