Mr. Mitchell C. Laird, Chairperson
Mr. Thomas J. Koester
Mr. Mark S. Kimble

OTHERS PRESENT:
Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Sara Larsen, Financial Affairs Officer
Gina Roberts, Voter Education Manager
Mike Becker, Policy Director
James P. Driscoll-MacEachron, AAG
Lauren Coffman, R&R Partners
Rivko Knox, League of Women Voters
Patricia Koester, Citizen
Barbara Lubin, Arizona Democratic Party
Samantha Pstross, Arizona Advocacy Network
Mary O’Grady, Osborn Maledon

Mr. Collins: Thank you, Mr. Chairman, Commissioners. Welcome, Mr. Chairman, to the chairmanship.

Just real briefly, we have a full slate of -- of activities, both the recent past and in -- in upcoming.

In the -- in the next -- last week, Alec and I were at the -- were outside of Flagstaff at the Navajo Nation, with the Navajo County/Apache County and Navajo Nation itself, to partner with them to -- they're putting together an event on rural addressing. And, you know, one of the -- just to give you a footnote on why we were there and why we were -- helped them co-sponsor this event, a real issue on the -- on the Navajo Nation and elsewhere is the -- the lack of -- of street addresses, and how you can get -- you know, that's how we deliver the candidate statement pamphlet to every household in the state, and -- and -- and that's something that -- so we think that that's a direct connection to participation. Certainly, the Recorder's offices believe that, and then additionally the things like 9-1-1 and other things that they're working on, that this is all part of a larger project. So, it was really great to be there.

Gina will be next week out with the City Clerks talking to them about some of the activities we have going on and then meeting with the Intertribal Council.

I have a meeting next week, I'll be in Flagstaff talking to -- I'm not sure who. I think it's the League. I think it's the League, but I could be wrong. I have a forum I'm doing up there on Clean Elections.

Presidential preference election, just really quickly, we didn't do this as a separate agenda item, but just to -- we heard a lot from County Recorders about the need to do education on the PPE spec -- a couple different messaging points, including the fact that so long as we have a PPE, which many people would like to do away with, including the Secretary of State, which, you know, we don't -- that's not something we have a view on.

Independent voters cannot participate in the PPE. And, so, there's a lot of folks who show up at -- on, you know, March 22nd, who because they're Independents, they're used to voting, they think they can vote, they get provisional ballot, 'cause you -- you -- you are mandated to give anybody who shows up at the polls a ballot. It doesn't necessarily mean that it's going to be counted, but they got to -- but it creates -- then you have to go back and check and it says, oh, you're not eligible, and they -- that ballot doesn't get counted. But that's a lot of extra paperwork for the Recorder's office, so they wanted an educational effort around the PPE. We have -- you approved the -- that as part of our voter education
program and we've -- we're implementing that now.
So, we're pretty excited about it. We've had
meetings with -- Gina has a meeting coming up at the end
of next week with all the County Recorders. We've talked
to Helen Purcell and Karen Osborne at Maricopa County,
we've talked to Patty Hansen in Coconino County, we've
talked to F. Ann Rodriguez in -- in -- in Pima, and the
Cochise County Recorders -- Election Director. So -- so,
that's been well received. We're going to -- you know, we
have some -- we're going to continue to work on that.
That will be rolling out here literally next week and then
-- so, we're -- we're excited about that.
Again, it's the kind of thing -- just to -- not
to spend too long on this, but just to kind of put a
button on this, that, you know, the Counties don't have
the resources to do affirmative education to mitigate
participation issues, both, you know, people not
understanding the process and to help mitigate their own
workload when it comes to getting these election results
done. So, that's the reason-why over the course of the
last several years, we think it's a benefit to voters to
not have to be confused, right? And then at the same
time, it demonstrates that our -- I think our commitment
to work with the partnerships we're trying to build with
the Counties to say, look, you know, the fund is there, we
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 timely manner.
So, with that, I apologize for taking more time
than usual on this, but if you have any questions, I'll --
I'll -- I'm happy to take them, Mr. Chairman.

CHAIRPERSON LAIRD: Questions? Comments?

COMMISSIONER KOESTER: No.

CHAIRPERSON LAIRD: Thank you, Director Collins.

We'll move on to the next item on the
agenda, Item No. IV is a discussion and possible action on
the Five-Year Review Report submitted to the Governor's
Regulatory Review Council in 2015. Director Collins, do
you want to lead that discussion?

MR. COLLINS: Mr. Chairman, Commissioners, yes,
please. Just a real brief introduction and overview. We
met -- we had this five-year review -- we never broke out
the five-year review as a separate agenda item, because
this is a fairly -- this is something -- putting aside for
a second, which is something we'll discuss more at length
later, whether or not this five-year review process is
something we are obligated to participate in or comply
with, the Commission has in fact done that.
So, what that means is that under Title 41, the
Governor's Regulatory Review Council is a body housed in
the Arizona Department of Administration, and under that,
their -- their statutes, every agency has to review all of
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its rules every five years, write up a report where the
public comment that's been received on those rules is
included, how the -- how the Commission dealt with the
report -- or, dealt with those issues, and then submit it
for approval.

This Commission has done that at least in 2005
and 2010, without any issues. We did it again in 2015.
And I think -- and, so, we provided them a comprehensive
re- -- as I mentioned in I think previous Executive
Director's reports on our rules -- every rule, the
changes, any changes that have been made since 2010.
There are -- since it's been a matter of routine
and -- and -- and so that went on. Then at the -- toward
the -- at the -- we had a study session with them. They
do their business such that they usually have a study
session on -- on a Tuesday and then the following Tuesday
have a -- have that, have whatever was studied as an
action item.

We had a study session -- just to refresh
everybody, we had a study session, they had no substantive
comments on -- at the study session at all. It was there
was some procedural things, which I think I briefed you
about in the last Executive Director's report trying to --
we wanted to make sure the record was clear, because there
have been some legislative changes to GRRC, that we don't
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believe are of effect. And when I say "we," I mean me and
I -- and -- and our -- well, and so -- and our legal
counsel I guess for lack of a better way of putting it.
So, that study session, no substantive comments
whatsoever, and no appearance by the Secretary of State.
The main meeting comes up, the Secretary of State about
five minutes before that meeting begins, delivers to them
a 16-page, single-spaced letter, which you all have, which
is basically a -- you know, an argument for having GRRC
order the repeal or amendment of every rule this
Commission has passed that relates to non-participating
candidates or independent expenditures since 2013.
The Council discussed that, they discussed the
total agenda item, you have a transcript of that. They
ultimately tabled it and then we will be back in front of
them for a study session I believe on Tuesday. The --
that's sort of where things are.
I will say that the comments in the transcript we
-- we had done on the meeting, demonstrate that this is a
process that is not the same process this Commission has
gone through with GRRC in 2005 and 2010. The -- there
were some questions that are troublesome if you're trying
to persuade folks. I think specifically, we have a --
there's a question you'll see in there, that the -- for an
explanation of the statute, but this desire that we omit

CHAIRPERSON LAIRD: Okay. Thank you, Director
Collins, for that very good summary of the issues raised
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CHAIRPERSON LAIRD: Hello.
The Commission was made to be independent so that it can be fair and impartial and so that it doesn’t change every election cycle. The Act and Arizona Revised Statutes even state that the Commissioners themselves, and I quote again: "Shall be persons who are committed to enforcing this Article -- "the Clean Elections Article -- "in an honest, independent, and impartial fashion, and shall seek to uphold public confidence in the integrity of the electoral system."

The Clean Elections Commission -- the Citizens Clean Election Commission was not created by a Governor or by the Secretary of State, but by the voters. The citizens themselves; it's in your name. This is not the Governor's Clean Elections Commission, but the citizens' so that the Commission remains fair, impartial, and independent.

It is for these reasons that the Arizona Advocacy Network urges the Commissioners to ignore any ruling issued by the Governor's Regulatory Review Council over the independent Citizens Clean Elections Commission.

Thank you, Mr. Chairman, members of the Commission.

CHAIRPERSON LAIRD: Okay. We're back in open session, and we have met with our legal counsel with respect to the letter submitted on January 5th by the Secretary of State to the Governor's Regulatory Review Council. And do I hear any motions with respect to that matter?

COMMISSIONER KIMBLE: Mr. Chairman, I would move that we authorize submission of the letter from Mr. Collins in response to the letter from the Secretary of State, the January 5th letter from the Secretary of State, and also to communicate our position to the public.

CHAIRPERSON LAIRD: I second that.

COMMISSIONER KOESTER: We have a motion and a second. All in favor say "aye."

(Chorus of ayes.)

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1 understands where we're at currently, and I think we'll --
2 I don't know what the folks who are here to -- to talk
3 about this may think, but, you know, we are trying to
4 internally to -- to mitigate any lurching as a result of
5 this.
6
7 Ultimately, nobody disagrees that you ought to
8 have more electronic filing rather than, less, less
9 paperwork rather than more. That's not the issue. The
10 issue is the mechanism, the process by which you do that,
11 whether it's done in a timely manner, whether it's
12 announced in a timely manner. As far as I can tell, the
13 only way this was promulgated was in a letter to me, not
14 in any other kind of public way, which is troubling on its
15 own.

16 So -- and then, ultimately, the reservation of
17 the right to reject for policies that have no, you know, I
18 mean, you know, that seem extra legal, you know, is -- is
19 problematic. So, that's the issue.
20
21 But, you know, our role, I think that the staff's
22 conclusion, all of us so far is, we need to be in a
23 mitigation mode to the extent, for example, that folks
24 need, you know, a place to scan slips. That's something
25 we're looking at, how we can make sure that our scanner,
26 you know, can bear that load; you know, what it would take
27 to -- to -- to make that happen, those kinds of things.

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20

1 our education materials that are -- Sara by the -- I think
2 we got this on the 11th, that's like a Monday, by the
3 Friday Sara had a training that this was already included
4 in. We had sent a blast e-mail out to all of the
5 participating candidates telling them that about these
6 policies.
7
8 So, you know, we haven't -- we have not waited at
9 all to try to -- to try to, you know, to do anything other
10 than to get this information out there. Assume it's a
11 fait accompli, but it's not a great fait accompli, it's
12 something you ought to be aware of. And there's some
13 folks who -- who want to speak on it, but that's sort of
14 where we are. But we're not -- we don't have a
15 recommendation beyond -- beyond: This is not a great
16 thing.

17 CHAIRPERSON LAIRD: But you're doing your best
18 to --
19 MR. COLLINS: We're doing -- that's right.
20 CHAIRPERSON LAIRD: -- implement it as best as
21 you can.
22 MR. COLLINS: That's right. And, honestly, if
23 somebody ends up, I think that the -- well, I'll leave it
24 there, I guess. And...
25
26 CHAIRPERSON LAIRD: Okay. Is there anyone who
27 would like to comment on this particular issue as opposed

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21

1 to waiting until the end, I would like to hear your
2 comments now.
3
4 MS. KNOX: Good morning, Chairman Laird and
5 members of the Commission and Mr. Collins. My name is
6 Rivko Knox and I represent the League of Women Voters of
7 Arizona.
8
9 Just real quick statement before I make my
10 statement, which is that -- those of you I think are all
11 aware, that the League of Women Voters was instrumental in
12 the creation of the initiative that created the Clean
13 Elections Commission; and then worked very, very hard to
14 ensure that it was passed and has worked closely with the
15 Clean Elections Commission for years. So, we have an
16 extremely long-term commitment to the -- to the Clean
17 Elections Commission.
18
19 I typed up a statement this morning that was
20 approved and then, of course, left it in the printer. So,
21 I've been trying to recreate it while I was listening to
22 what was going on.
23
24 The League of Women Voters is concerned about the
25 very recent new rules issued by the Secretary of State
26 regarding electronic filing for Clean Election candidates.
27 The League believes that all candidates, those running
28 clean as well as traditional, should be treated as equally
29 as possible.

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Further, the League is concerned about the process. We believe in providing citizen participation as much as possible, with citizens having every opportunity to comment on how rules are imposed and to ensure transparency as well as due process. So, that's our primary concern.

And if we had known -- I must admit, I was not aware and I'm not -- I don't think anyone else in the League was aware of the GRCC [sic] situation. If we had been, I think we -- I would have been authorized to make a statement, but I didn't know about it. So, thank you very much.

CHAIRPERSON LAIRD: Thank you so much for those comments.

Yes.

MS. LUBIN: Good morning, Commissioners and staff. My name is Barbara Lubin. I am the Political Director of the Arizona Democratic Party, but I was also one of the very first candidates running under the Clean Elections law in 2000, when I was running for the Corporation Commission. And while I ultimately lost, I went on to a position of non-profit that promoted, protected, and defended the Clean Elections law. In that capacity, I also conducted a lot of training sessions for candidates that were running under -- under the law.

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their own software to form a committee and file it properly.

I -- when I was running, it was a paper process.

And in my capacity the last few years, I have had some candidates come and sit in my office and say can you help me, and then I realize some of the quirks in this system and it really is tricky. And -- and so if then something has -- hundreds of documents have to be scanned and then produced in one single file or -- or disk, it's probably harder than the people that are coming up with these ideas have ever done in their own capacity as -- and perhaps in their jobs they've done it, but I have a feeling they've delegated it to someone else to take care of.

So, I'd also like to speak, in some of the exchanges back and forth between the Secretary of State's office, it was suggested that the Commission somehow made the rule that candidates had to file -- came up with the submitting the W-9 form before a check could be cut to them. And I was one of the first, like I say, statewide candidates to get a check cut to me and I think that needs to be researched and I have a feeling it was the Department of Administration who made that requirement, it was not that -- something that the Clean Elections Commission came up with on their own.

So, once again, I'm very concerned and the -- and

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the Party is concerned that the rules are changing midstream. And also that in the technical ability is that -- that there's some process to assist candidates when they are having to comply with these requirements that require both electronic equipment and expertise, I find to be a burden on candidates, and I hope that it is mitigated.

And, of course, the problems comes down when people are running the deadline. If people are filing early and they have several days to go and find scanners, but as we all know, as oftentimes, people are busy collecting those $5 forms to the last minute, and then it's really crunch time when possibly they could not meet the filing deadline. Thank you.

CHAIRPERSON LAIRD: Thank you for those very good comments. They're well taken.

Anybody else that wants to comment on this issue? Please.

MS. PSTROSS: Good morning again, Chairman, Commissioners, and staff. I'm Samantha Pstross, still representing the Arizona Advocacy Network.

And I just want to echo what Barb -- Barbara Lubin said. We are concerned that these changes are being made halfway through the -- the qualifying period. I know at least one candidate has already turned in all of their

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talking about, we're talking about an -- it will be an
you know, just -- just so everyone understands what we're
Whether or not it has the votes is a question.  But it is,
currently drafted.  Whether or not it moves is a question.
the things, other than it's an up-or-down vote as it's
a -- it is not a re-appropriation or re-titling or any of
what you want to call a straight-up repealer.  It is not
should say, though, is -- is not a -- is a straight -- is
what you want to call a straight-up repealer.  It is not
a -- it is not a re-appropriation or re-titling or any of
the things, other than it's an up-or-down vote as it's
currently drafted.  Whether or not it moves is a question.
Whether or not it has the votes is a question.  But it is,
you know, just -- just so everyone understands what we're
talking about, we're talking about an -- it will be an
up-or-down vote on whether or not the Act ought to be
continued to be in place.
So, that's all I have.

CHAIRPERSON LAIRD: Thank you for those very good
comments.  Appreciate them.

Okay.  Those are very good comments, we
appreciate the input.  Very helpful.

Okay.  At this point, we will move on to the next
issue on the agenda, which is the discussion and possible
action on 2016 legislative updates.  Director Collins?

MR. COLLINS: Yeah.  Mr. Chairman, Commissioners,
just real briefly, and, you know, Mike Becker is here and
he's put together this report that you have with you.
We are -- I don't really have much to add beyond
what's there.  There was a new House Concurrent Resolution
dropped yesterday by Representative Petersen that would
ask the voters to amend the Clean Elections Act to bar you
from hiring a lobbyist who is not an employee of the
Commission, and bar -- and change the exemptions in the
rulemaking process that are currently there, Rule (C).  As
-- as Joe Kanefield said, he wasn't sure whether to be --
be flattered or to be offended.

We are working with that same sponsor on another
bill, HB 2121, which we actually like quite a bit, which
takes the -- the ideas that we've been talking about for
the last several years on -- on judicial retention,
especially which is what he's interested in, and something
we've already started, we've done outreach to the State
Supreme Court and their government relations team.  So,
we're hopeful that -- that Representative Petersen will
move forward HB 2121 and not move forward his HCR, which
-- but, we'll see about that.
That's really it.  We don't have an action I
think to ask for at this point, other than we'll be in
House elections next week testifying, either me or Joe or

CHAIRPERSON LAIRD: Thank you, Director Collins.
And following the pattern we've been using, if anybody
wants to comment on this particular agenda item, I would
be happy to hear that.

MS. KNOX: I remain Rivko Knox.  And, again,
thank you, Mr. Chairman and members of the Commission and
Mr. Collins.

Brief statement, the League of -- well, part of
it I've already kind of said before.  We were instrumental
-- the League of Women Voters of Arizona, instrumental in
the passage of Clean Elections initiative and strongly
support the recent actions of the Citizens Clean Elections
Commission in attempting to ensure more financial
disclosure in Arizona campaigns.

The League of Women Voters of the United States
as well as the League here in Arizona are strong
proponents of campaign finance disclosure; therefore, we
encourage both the Citizens Clean Election Commission and
the Secretary of State to work together to strengthen
Arizona's campaign finance disclosure regulations, rather
than continue the rivalry between the two agencies over
which one has authority to do so.

Arizona voters are eager to have light shed on
the dark money in our elections.

And I will just say personally, not -- I did
attend the meeting a week ago Friday by the Secretary of
State with the proposed -- the early version of changes to
Title 16; and, although, clearly, I don't think the League
would have any position on reorganizing the Title, it
seems very appropriate.  But there seemed to be very
significant changes in the, quote, "attempt to
streamline," and that is I think what I'm speaking to.

So, thank you very much.

CHAIRPERSON LAIRD:  Thank you so much for those
comments.

Anyone else care to comment on the legislative
issues?

Okay.  Then we will move on to the next agenda
item, which is for me a glad and a sad item.  Recognition
of former Chairman Thomas Koester.

Commissioner Koester was -- was a Commissioner
when I came on.  So, you've -- you've been here every time
I've been here, Tom, so I'm really going to miss you when
you go off.  And so often, Commissioner Koester, I was
thinking about discussions that were going on and was
going to comment, and you would make the exact comment
that I wanted to make and it was -- and you made it much
more eloquently than I could have; and, therefore, I would
just cheer you on.  And so you made it easy to be a fellow
Commissioner with you because you were a very fair, very
analytical and -- and you've been an outstanding
Commissioner and we thank you for your service.

And I think they had this plaque that they have
prepared for you that's quite nice.  It says:

"In appreciation of your outstanding service and
dedication to the Citizens Clean Elections
Commission and the State of Arizona,
February 2011 to January 2016; presented to
Thomas J. Koester on behalf of the Citizens Clean
Elections Commission; Mitchel Laird, Steven M.
Titla, Damien Meyer, and Mark S. Kimble."

Congratulations.  Thank you for your
service.

COMMISSIONER KOESTER:  Thank you very much.

(Applause.)

CHAIRPERSON LAIRD:  Care to make any comments?

COMMISSIONER KOESTER:  Other than "good luck"?

(Laughter.)

CHAIRPERSON LAIRD:  I tried to get him to Chair
one more meeting just to -- you know, to honor the memory
of his time as Chair and I couldn't talk him into it.

Anyway, I tried.

Thank you so much.

COMMISSIONER KOESTER:  Thank you.

CHAIRPERSON LAIRD:  We appreciate you.

COMMISSIONER KOESTER:  Thank you.

CHAIRPERSON LAIRD:  Okay.  Moving along.  If
there's general public comment on issues that we haven't
already had public comment on or if there was additional
public comment on the issues we have had public comment
on, this would be the time for other public comment.

Anybody have anything to say?

Okay.  Well, we appreciate the public comments
today, I thought they were very helpful.

Any other items, fellow Commissioners?  Director
Collins?

MR. COLLINS:  No.  No, Chairman.  We're -- we're
good.

CHAIRPERSON LAIRD:  All right.  Well, then I
hereby declare the meeting adjourned.

(Whereupon the proceeding concludes at 10:38
a.m.)