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## ARIZONA STATE LEGISLATURE

### LEGISLATIVE GOVERNMENTAL MALL COMMISSION

**Minutes of the Meeting**  
**Friday, December 21, 2007**  
**1:30 P.M., Senate Hearing Room 1**

**Members Present:**

Honorable Tom Smith, Chair  
Lynn Smith representing Bill Bell  
LeRoy Brady  
Thomas Chapman  
Kevin DeMenna

Representative John Kavanagh  
Lynn Favour  
Donald Keuth Jr.  
Wellington Reiter

**Members Absent:**

Senator Jake Flake  
Jamie Hogue  
David Richert

**Staff:**

Bill Boyd, Senate Government Committee Analyst  
Justin Weaver, Senate Assistant Committee Analyst

Chairman Smith called the meeting to order at 1:30 p.m. and attendance was noted.

**Mr. Keuth moved that the Legislative Governmental Mall Commission approve the minutes from September 28, 2007. Mr. Chapman seconded the motion. The motion CARRIED by voice vote.**

**Report from the Arizona Historical Advisory Commission Regarding the Governor's 9/11 Memorial Commission's Proposed Changes to the Arizona 9/11 Memorial**

**Gladys Ann Wells, Arizona Historical Advisory Commission (AHAC)**, explained the discussions held at the last meeting of AHAC and clarified that the statements on the memorial are historically accurate.

**Shelly Cohen, Citizen Member, Governor's 9/11 Memorial Commission**, distributed the handout "Arizona 9-11 Memorial Commission Meeting" (Attachment A), discussed the meeting held on November 29, 2007 and the recommendations put forth from that meeting.

## **Final approval of Governor's 9/11 Commission's proposed changes to the Arizona 9/11 Memorial**

Mr. Smith briefly explained the controversy surrounding the Arizona 9/11 Memorial. He explained that the Governmental Mall Commission should choose one of two options:

- Approve the recommendations of the Governor's 9/11 Commission, which removes only two of the 54 statements on the memorial and add seven others, in addition to adding two panels near the entrance
- Reject the recommendations and help Representative Kavanagh work on a bill that will remove all the statements on the memorial

Representative Kavanagh made note that in paragraph four of the recommendations it should say "37 Port Authority Police Officers."

**Mr. Smith asked if anyone wanted to make a motion to approve the 9/11 Memorial Commission's proposed alterations to the Arizona 9/11 Memorial as revised by the Arizona Historical Commission.**

**Mr. Chapman stated "So moved."**

**Mr. DeMenna stated he would second the motion and request a roll call vote.**

Mr. Keuth asked that the record reflect the correction made to the Arizona Historical Commission's review of the document.

Representative Kavanagh stated "As a non-voting member I would like to make a brief statement. I implore the committee to reject acceptance. The controversy, some of the phrases on the upper panels has caused, over the last couple years, has been sad. Particularly to myself, being a retired Port Authority Police Officer who knew many of the officers who died there that day. The controversy disrespects the victims' deaths and also is an embarrassment to the State of Arizona. I think it should be an apolitical monument, memorial, one that everybody can gather and feel comfortable with and I think the removal of those statements is necessary to accomplish that. I think the upper panel should be replaced with a simple time line. I have no objection to the explanatory panels that are there. I think they are a good addition, since the original did not go into any real historical depth, but the controversy has to end. We have the opportunity to end it here today. As the Chairman mentioned, if the Memorial goes forward with most of those phrases on there, in a non-controversial and non-confrontational way it is my intention to have the Legislature vote to remove it. Ultimately, I think the people of Arizona have a right to decide what is on the Arizona Memorial and I think everybody wants this controversy ended. I urge a "no" vote so that we can proceed down a less controversial path. Thank you."

Mr. DeMenna stated "Well, I understand and applaud Representative Kavanagh for his remarks, I wanted to put a couple of observations before the group before we vote.

This was a privately financed Memorial. The research I have done, excluding pro-bono work, it cost about \$350,000 for this thing to be constructed and put in place. I did not donate to that, I do not know who in the room did or did not but that was a private effort and I applaud whoever led that effort and rather than, and I say this respectfully, be faced with threats from legislative action, what really needs to occur is that anyone that is equally motivated should take a look at the plaza, look at all the open space. Which having checked with DOA, Lynn hear me out on this, is available for more monuments. \$238,000 including pro-bono is the cost of enduring freedom. Battle of the Bulge, including pro-bono, \$14,500, so for those who do not like what this private group did and granted has now made arrangements to place on state land, for those who do not like that, I encourage them to exercise the same prerogative that the first group did and lets put something different out there. The notion of tearing this down, I think, is, takes the debate and this dialogue to a level that I frankly did not think it could yet go to. I thought that we had pretty much exhausted everything that there was. I think it is absolutely time for this Commission to put this issue to bed, for us to move on and again would encourage any private efforts to put other memorials, including other 9/11 memorials, out in the Wesley Bolin Plaza and with that Chairman, I would urge people to support this motion.

Representative Kavanagh stated "In response, first I am not advocating tearing down of the Memorial. All I am advocating are changes to the upper panels, so that is far from tearing down the Memorial. Secondly, while private donations were raised to construct the Memorial, I am not sure how many of the donors knew what the ultimate content would be and I am not sure if they all would have donated had they known what the end result would be. Be that as it may, they were donating to a public monument on public property. Even though private monies were what constructed it, it is still a State of Arizona public monument that the people of Arizona must be comfortable with. In terms of leaving that there and having people raise another monument to counter it, I think the last thing we need is dueling memorials. We should have one that everyone is happy with. Most of the states did not have a problem doing that. I do not know why we got bogged down. I want to end the controversy now. Hopefully, my bill will pass, but frankly if it does not pass this may be on the ballot. The time is now to end it. We can end it quietly, respectfully, no disrespect for the Commission, we are just doing some editing. I do not think they intended for this controversy to occur. I do not think they realized that some of those statements would cause the controversy. I want to improve it, not tear it down and do it in a very non-controversial way."

Mr. Smith stated "I would like to make one final statement on this, that the reason we are in this position is that the 54 statements that are imprinted on that Memorial were never submitted through the Legislative Governmental Mall Commission for approval. They were printed on there and we were not aware of what the statements said until the dedication. "

**Mr. Smith asked for a roll call vote on the motion currently on the table. The motion passed with a roll call vote of 7-1-2 (Attachment 1).**

In explanation of his vote, Mr. DeMenna stated for the record, "I just want to thank you personally. I do not think this vote is going to come out the way that you would like to see it come out or Mr. Kavanagh, but your history, your dedication, your participation in this process, from me deserves special recognition and I would like that as I said to be on the record. With that I do vote "aye."

### **Navajo Code Talkers Monument: Approval of Design Updates**

**Nola Barnes, General Manager, Arizona Department of Administration (ADOA) Building and Planning Services**, distributed a letter from ADOA about the Navajo Code Talkers Monument (Attachment B), a handout "Code Talkers Original Concept Design" (Attachment C) and explained DOAs recommendations for the Navajo Code Talker Monument. She said DOA has reviewed and recommends approval of the Concept Design, the dimensions and the location of the monument. The Historical Advisory Commission has provided verification that the historical information on the monument is accurate. DOA withholds final approval requesting a redesign of the proposed lighting and a complete statement of the monuments total construction costs and status of fund raising. DOA recommends at a future meeting the minimum amount for deposit into the State Monument and Memorial Repair Fund.

**Sylvia Laughter, Code Talkers Memorial Foundation**, explained the status of the project. She explained that this project was started before legislation was passed that required a deposit in the State Monument and Memorial Repair Fund and due to that should not be required to make that deposit. She said that the Foundation does not have the funds for a deposit and asked the Governmental Mall Commission to wave that requirement.

**Mr. Keuth moved that the Legislative Governmental Mall Commission provide preliminary approval to the Navajo Code Talkers Monument, subject to the resolution of the three items identified in the Department of Administration's letter of December 20, 2007 and that the Department of Administration's recommendation be followed that at a future meeting consideration be given to the minimum requirement for maintenance and repairs.**

**Mr. Chapman seconded the motion.**

Mr. Smith stated that this would be a preliminary approval and final approval would be given when the Code Talkers Memorial Foundation meets the requirements and suggestions by the Department of Administration.

Ms. Laughter voiced her concern that the next Governmental Mall Commission meeting would not be in time to make the projected installation date of January 21, 2008.

The Members discussed rearranging the date of the next meeting.

Ms. Laughter stated that the installation date has been changed to February 28, 2008.

**Mr. Keuth withdrew his motion. Mr. Chapman withdrew his second to the motion.**

Mr. Smith stated that the next meeting of this Commission will meet the third Friday of January 2008. He said that at that time the requirements should have been met and final approval can be voted on.

### **Enduring Freedom Memorial: Final Approval**

**Nola Barnes, General Manager, Arizona Department of Administration (ADOA) Building and Planning Services**, distributed a letter from ADOA regarding the Enduring Freedom Memorial (Attachment D) and explained that ADOA recommends final approval of the Memorial, but needs the dedication date be extended by the Legislature and a 10% deposit in the Memorial Maintenance Fund.

Mr. Smith explained that a bill with an emergency clause is being introduced to the Legislature which will extend the completion deadline of the Memorial until December 31, 2010.

**Ms. Smith moved final approval of the Enduring Freedom Memorial with a \$23,800 amount as the maintenance fund amount. Mr. Keuth seconded the motion. The motion CARRIED by voice vote.**

**Joan Sisko, Project Manager, Enduring Freedom Memorial**, explained that her organization does not mind putting 10% into a maintenance fund as long as the money is specifically for the Enduring Freedom Memorial. The maintenance fund is a general fund for all memorials and the fear is that money will run out and the Enduring Freedom Memorial will go into disrepair.

Mr. Smith recommended getting a legislator to sponsor legislation that would amend the recent legislation regarding the 10% deposit into the Memorial Maintenance Fund that would change the setup of the fund.

Mr. Reiter said that the current system does not work. He suggested that the park that houses the memorials be looked at as one picture instead of many different pieces.

Mr. DeMenna asked that the Legislature review and reconstruct the Mall Commission and how it operates.

Mr. Kavanagh agreed that legislation is needed to clarify the whole situation. He requested the Commission plan a discussion for a recommendation to the Legislature.

**Alan Ecker, Legislative Liaison, Arizona Department of Administration**, further explained how the Memorial Maintenance Fund was brought forward and why.

## **Battle of the Bulge Memorial: Final Approval**

**Nola Barnes, General Manager, Arizona Department of Administration (ADOA) Building and Planning Services**, distributed a letter from ADOA about the Battle of the Bulge Monument (Attachment E) and explained that ADOA recommends final approval of the Memorial with the maintenance deposit of \$1,450 and a dedication date of March 28, 2008.

**Zeke Prust, Chairman, Battle of Bulge Monument Committee**, distributed “Ardennes Campaign” (Attachment F) and spoke of the battle; losses and importance.

**Mr. Brady moved that the Battle of the Bulge Memorial be approved. Mr. Chapman seconded the motion. The motion CARRIED by voice vote.**

Mr. Smith requested public testimony.

There being no further business, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Shelley Ponce  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)