

# Arizona Independent Redistricting Commission

Tuesday, May 10, 2011

9:00 A.M.

## Location

University of Arizona  
Student Union Memorial Center  
Tucson Room  
1303 East University Blvd.  
Tucson, Arizona 85721

## Attending

Colleen C. Mathis, Chair  
Jose M. Herrera, Vice Chair  
Scott Day Freeman, Vice Chair  
Linda C. McNulty, Commissioner  
Richard P. Stertz, Commissioner

Raymond F. Bladine, Executive Director  
Kristina C. Gomez, Deputy Executive Director  
James E. Barton II, Assistant Attorney General

## **Meeting Summary**

1. Call to Order
  - The meeting was called to order at 9:07 a.m. by Chairman Mathis followed by the Pledge of Allegiance.
  - There was a quorum present.
  - Any member of the public wishing to speak was requested to fill out a public comment form and submit it to the Chair.
  
2. Call for Public Comment
  - Mohur Sidhwa - Citizen
    - i. Noted that the essence of democracy is that words count
    - ii. It is vital that our districts be competitive
    - iii. Urged the Commission not to be influenced, but to stand strong and do the right thing
  - Steve Muratore, Publisher, Arizona Eagletarian
    - iv. Expressed a concern on open meeting laws were not being observed
    - v. Feared the Commission was making decisions behind closed doors
    - vi. Appears substantive negotiations are being done privately

- vii. He is certain the Commission's intentions are honorable but this is not the appearance it gives to the community

Lynne St. Angelo - Citizen

- viii. Wished to make the Commission aware of the numerous smaller communities of the Oro Valley
- ix. These communities are more rural, homes are on larger property tracts
- x. These communities do not travel to Tucson to shop but access Oracle Road facilities
- xi. They should be held together as communities of interest

David Braun - Citizen

- xii. Wished to speak to items on the agenda, specifically the presentation by Dave Cole, Solicitor General and the recommendation of the Arizona Department of Administration to include a law firm's response to the Commission's Request for Proposal for legal counsel
- xiii. Disclosed that he is one of the bidders for legal services
- xiv. Noted that the prior Commission had two attorneys, one a Republican and one a Democrat
- xv. Believes that retaining the Attorney General's Office as legal counsel is a conflict of interest since Mr. Horne is a partisan with the possible intention of running for Governor which could pose a conflict of interest

### 3. Executive Director Report

- Commission staff has moved into the Evans House with some furniture from Surplus Property.
- Telephones have been installed and a printer has been purchased. Currently the staff is hooked up to the internet but not the state system.
- The expectation is to be fully functional by the end of the week.
- A proposal will be ready by Thursday to fill additional positions (Public Information Officer and Administrative Position).
- Buck Forst reports that the equipment the Commission instructed to be ordered (to stream meetings) is expected on Friday, May 13, 2011.

### 4. Presentation by Dave Cole, Solicitor General on Attorney General's Office providing permanent legal counsel to the Commission. Discussion and possible action on an intergovernmental Services Agreement. The Commission may vote to go into executive session.

- Dave Cole presented two draft Interagency Service Agreements for consideration by the Commission.
- Mr. Cole spoke to the fact that services are provided by the Department of Law, not politicians, not Republicans or Democrats but by lawyers.
- He assured the Commission that there was no conflict of interest in being represented by the Department of Law, that serving state agencies is their function.
- Mr. Cole stated he was open to negotiation but he was generally unable to commit a specific attorney(s) to the work of the Commission but one or two from an experienced group.

- Mr. Cole answered questions from the Commission regarding the timing and format of the submittal of the proposal from the Department of Law. He explained why the Department did not submit in the manner and within the same timeline of the other bidders.
5. Presentation and recommendation by the Arizona Department of Administration to include a law firm's response to the Commission's Request for Proposal for legal counsel. The law firm's proposal was not included in the packet previously submitted to the Commission. Discussion and possible action on the Department of Administration's recommendation. The Commission may vote to go into executive session.
- Susan Bayer, State Procurement Office, Department of Administration explained the sequence of events
    - i. Bids were due on April 28, 2011
    - ii. Bid was submitted timely in Word format
    - iii. Bidder questioned the Procurement Office as to whether or not they needed an electronic signature on their bid
    - iv. While details of the conversation are not clear, based on the conversation the bidder withdrew the bid and resubmitted in PDF with electronic signature
    - v. The second bid was not timely
    - vi. There is essentially no difference in the two bids
    - vii. It was the clear intention of the bidder to bid
    - viii. The procurement rules permit acceptance of the bid
    - ix. The Department of Administration recommends acceptance of the bid
  - Commissioner McNulty noted that under Commission authority, the Commission may or may not accept the bid.
  - **Commissioner McNulty made a motion to accept the recommendation by the Department of Administration and accept for consideration the bid in question. The motion was seconded by Commissioner Freeman. All being in favor the motion carried.**
6. Agenda items and dates of future meetings.
- Scheduled meeting dates are:
    - i. Thursday, May 12, 2011 at 9:30 a.m. in Phoenix at the Industrial Commission
    - ii. Thursday, May 26, 2011 at 9:30 a.m. in Phoenix (location to be determined)
  - Agenda items:
    - i. Ongoing items
    - ii. Legal Services
  - All meeting information is available at [www.azredistricting.org](http://www.azredistricting.org)
7. Discussion and possible action authorizing the State Procurement Office to issue the finalized Request for Proposal for mapping consultants on behalf of the Commission. The Commission may vote to go into executive session.

- **There was a motion by Commissioner Freeman, seconded by Commissioner Stertz that the Commission go into Executive Session to finalize the Request for Proposal for mapping consultants. All being in favor the motion carried. The meeting adjourned at 10:09 a.m. The meeting was brought back to order at 11:22 a.m.**
  - **Commissioner Stertz made a motion to issue the Request for Proposal for Mapping Services the morning of Wednesday, May 11, 2011. The motion was seconded by Commissioner Herrera. All being in favor the motion carried.**
8. Approval of Minutes
- **Approval of the second revision of the April 8, 2011 Public Session Minutes and the Executive Session Minutes, as provided by Commissioner Freeman, was approved on a motion by Commissioner Stertz, seconded by Commissioner McNulty.**
  - **Commissioner Freeman made a motion to approve the April 14, 2011 Minutes in the form of a transcript, seconded by Commissioner Herrera. All being in favor the motion passed.**
9. Discussion and possible action on the responses to the Request for Proposal for legal services. The Commission may vote to go into executive session.
- **There was a motion by Commissioner Stertz, seconded by Commissioner Herrera that the Commission go into Executive Session for the purpose of discussing contract matters relating to hiring legal consultants. All being in favor, the motion carried. Jim Barton announced that he would not be joining the Executive Session. His presence could be considered a conflict of interest since the Department of Law was one of the bidders. The meeting adjourned at 11:34 a.m.**
  - **The meeting was brought back to order at 1:12 p.m.**
  - **Commissioner McNulty made a motion to interview legal counsel candidates, in alphabetical order at the meeting on July 12, 2011. The candidates are: A. David Braun, Ballard Spahr, Gammage and Burnham, Osborn Maledon, Mandell Law Firm and Rose Law Group. The motion was seconded by Commissioner Stertz. All being in favor the motion passed.**
  - Mr. Bladine was directed to contact each firm and invite them to the meeting. Structure is as follows:
    - i. Each firm may give a short presentation
    - ii. The Commission would like information on their approach
    - iii. There will be a question and answer period of approximately 45 minutes
    - iv. Starting time will be at the top of each hour starting at 10:00 a.m.
10. There being no further business the meeting adjourned at 1:18 p.m.

/paw