

Arizona Independent Redistricting Commission

Wednesday, June 29, 2011

12:05 p.m.

Location

State Library Conference Room
Historic Capitol, 1938 Addition
1700 W. Washington Street, Suite 200
Phoenix, AZ 85007

Attending

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

Joe Kanefield, Counsel

Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Ana Garcia, Assistant

Minutes¹

Call to Order

- The meeting was called to order at 12:05 p.m. by Chairperson Mathis, and the Pledge of Allegiance was said.
- Any member of the public desiring to speak was requested to fill out a public comment form and submit it to the Executive Director.
- Roll call was taken, and a quorum was present.
- Acknowledgement of legal counsel Joe Kanefield was expressed.

¹ A copy of the searchable meeting transcript can be found on the Arizona Independent Redistricting Commission's website: www.azredistricting.org.

Call for Public Comment

- Chairperson Mathis called for public comment.
- The following speakers, and their affiliation, presented on the following topics to the Commission. Each speaker's full and complete verbatim presentation is available in the public meeting transcript:
 - Steve Lynn, former IRC Chair, spoke about the mapping consultant selection and on former Commissioner Andi Minkoff's statements made at the previous meeting.
 - Marilyn Rego, representing Sun City Club, spoke on selection of the mapping consultant and AZredistricting.com.
 - Geri Ottoboni, representing PETOT, spoke on mapping consultants.
 - Gary Gomez, spoke on mapping consultants.
 - John Gallagher, spoke on the importance of competitive districts.
 - Rene Guillen, Legislative Assistant representing League of Arizona Cities and Towns, spoke on outreach.
 - Michael Liburdi, an attorney with Fair Trust, spoke on the mapping consultant.
 - David Braun, attorney, spoke on the 2001 redistricting experience.
 - Vicki Davis, representing Citizens For Common Sense Redistricting, spoke on choice of mapping consultant and scheduling of Commission meetings.

Discussion on Evaluation of Responses to the Mapping Consultant RFP

- A motion was made by Vice-Chair Herrera to go into executive session to talk with State Procurement about the confidential documents.
 - Commissioner McNulty seconded the motion.
 - The motion carried unanimously.

The Commission entered into Executive Session at 12:43 p.m.

Public Session resumed at 3:44 p.m.

- Counsel Joseph Kanefield reported that Jean Clark from the State Procurement Office had informed him that as the State Procurement Officer, she will be delegating her authority over the procurement of the mapping consultant to the Commission in accordance with ARD 41-2112. This results in the Commission being able to proceed with the procurement selection on its own, and make its selection without having to go through the State Procurement Office.
- Chairperson Mathis thanked the ADOA and the SPO for all they've done.

- Commissioner McNulty asked for confirmation that this meant that the Commission would complete the procurement process, and would also be retaining its separate constitutional authority to make this hiring decision as a legislative body, based on a majority vote of the five Commissioners.
- Counsel Joseph Kanefield confirmed that that was correct.
- Commissioner McNulty commented that they had learned a lot from the four mapping consulting firms, that all the mapping consultants' presentations were very detailed, and that her analysis was based solely on their responses to the Request for Proposals.
- Vice-Chair Herrera agreed with Commissioner McNulty's comments, that they were all four good applicants, but that he ended up deciding based on the criteria that was set forth by SPO on the evaluation and methodology on the capacity of offer. He said it was a tough decision.
- Commissioner McNulty made a motion to direct Executive Director, Ray Bladine, to negotiate a contract for mapping services with Strategic Telemetry.
 - Vice-Chair Herrera seconded the motion.
- Vice-Chair Freeman commented that Strategic Telemetry submitted a comprehensive proposal in response to the RFP, and had a good interview, and that he understood and appreciated the reasons that certain Commissioners have favored that firm. He expressed concerns about the retention of that firm that he called fairly patent, and infuse every aspect of their response to the RFP. He put forth the salient reasons why he favored the retention of National Demographics Corporation ("NDC") as the Commission's first mapping consultant, and stated that because he favors retaining NDC he cannot support the retention of Strategic Telemetry. Vice-Chair Freeman gave detailed history of NDC's experience with redistricting and Voting Rights Act compliance issues. He reminded the Commission that NDC is recognized as the redistricting experts in the country, and has a 32-year history that demonstrates political balance and fairness. Vice-Chair Freeman stated that he hoped that this vote today does not serve as a further distraction for the Commission going forward.
- Commissioner Stertz stated that he also will not be supporting this motion. He further detailed the history of National Demographics for over 32 years and its significant experience in developing public outreach data, focus group management. He pointed out that NDC was the only applicant that actually performed and prevailed successfully in multiple statewide redistricting applications with the Department of Justice pre-clearance process. Commissioner Stertz commented that after careful review of documentation researching Mr. Johnson's association with the Rose Institute of Claremont College, that it was his opinion that this relationship is neither a conflict of interest nor a detriment to Mr. Johnson's ability to perform under the Request for Proposal. Commissioner Stertz continued that Strategic was thorough and complete and was a well considered team at the interview, and that he was impressed by the applicant's willingness to defer the decision-making process to the Commission, and that it was incumbent upon Strategic to live up to that. Commissioner Stertz said that it is incumbent upon the five Commissioners to direct the mapping consultants for their work, not the mapping

consultants to direct the Commission and that he was looking forward to moving on with the process and get into the business at hand.

- Vice-Chair Herrera wanted to state for the record that Research Advisory Services was his number one choice, and that he thought their proposal was impeccable. He found Mr. Sissons impressive and the proposed time line very realistic. However, in the spirit of cooperation and negotiation, he was willing to support Strategic Telemetry.
- Commissioner McNulty agreed with what Mr. Herrera said about Research Advisory Services, and thought they did an extremely thoughtful and detailed proposal, that their experience in Arizona was unmatched, and that Mr. Sissons understands the nuances of Arizona in a way that she didn't think anyone else did. She stated that TerraSystems' proposal was extremely well done, very detailed, and that if we didn't have the huge redistricting overlay and needed a GIS firm, they would be the go-to firm, but that the Commission needs the experience that an experienced redistricting consultant can bring. She further commented that with regard to National Demographics Corporation, she had to make her decision based on the proposal that they submitted, and that NDC talked more about generalities than specifics. Commissioner McNulty said that NDC's proposal relied very heavily on general statements about general self-praise, rather than telling the Commission exactly how they were going to go about doing the work. She further stated that she thought Strategic Telemetry's proposal was very responsive, that it was to the point, that it was meticulously thorough, and gave a step-by-step description of the methodology for each question. She said they had a very precise and detailed methodology for documenting the development of the map, including pros and cons for each decision, and how the six constitutional factors would be addressed with each decision. They would take hourly automatic snapshots of the maps as the maps were developed, and also had methodology for analyzing and using social media input.
- Vice-Chair Freeman stated that one of the very most important concerns is involvement of the public, and building public confidence in the process and the result, and that with respect to Strategic Telemetry, he has concerns and thinks that there are going to be concerns raised by the public. He stated that he hopes that the Commission has a transparent process, and that none of the Commissioners are led to believe that any of the maps have a specific result in mind.
- Vice-Chair Herrera stated that he agrees with Vice-Chair Freeman and said that the Commission will be doing its job, regardless of who is the mapping consultant, of making sure that the public has input. He thought that the public should be assured that the Commission is doing its job and that the public does have input.
- A vote was taken on the pending motion.
 - Vice-Chair Herrera, Commissioner McNulty, and Chairperson Mathis voted in favor of the motion.
 - Vice-Chair Freeman and Commissioner Stertz voted no.
 - The motion to direct Executive Director, Ray Bladine, to negotiate a contract for mapping services with Strategic Telemetry carried.

- Chairperson Mathis spoke that her goals are to comply with the Arizona Constitution, the U.S. Constitution, and the Voting Rights Act, and to achieve pre-clearance ideally on the first try from the Justice Department. She said that Independents are the fastest growing block in the state, so it makes sense to have an independent voice on the Commission, which puts her in the middle of all partisan disputes, and that is how Proposition 106 was designed. She stated that none of the seven responding firms are free from partisan connections. She thought it was very important to know that the Commission carefully considered many aspects of the firms' experience, capacity, and technical skill, and it's on these painstakingly developed criteria that our selection is based. Chairperson Mathis said that in her view, one firm made a markedly stronger case than anyone else, and instilled full confidence and gave the best written proposal as well as interview, and that that firm was Strategic Telemetry. She said that its president, Ken Strasma, played a key technical role in what has been widely viewed as the single-most technically advanced presidential campaign in American history. She understood that reasonable people can differ on the selection, as Mr. Freeman and Mr. Stertz have, but wanted to encourage members of the public to watch the presentations from the Friday, June 24th meeting on the website at AZredistricting.org, and judge for themselves. She stated that the Commission needs to comply with the constitutional requirements and the Voting Rights Act, and that the Commission has chosen the firm that it thinks has the best ability to help us achieve that outcome. She further stated that she has great respect for Vice-Chair Freeman, Vice-Chair Herrera, Commissioner McNulty and Commissioner Stertz, and has enjoyed getting to know them and working with each of them. She will continue to strive for agreement and consensus, and even though they come from varied backgrounds and perspectives, all of the Commissioners want to do the best possible job, and serve the public in an open manner, and leave a positive legacy for our great state.

Presentation by Arizona Competitive District Coalition

- Ken Clark made a presentation on the Arizona Competitive District Coalition, its history, mission and goal. He shared that the coalition has an online contest for the public to draw maps. His full comments are contained in the official meeting transcript.

Public Comment

- The following speakers, and their affiliation, presented on the following topics to the Commission. His full and complete verbatim presentation is available in the public meeting transcript:
 - Marshall Armstrong Hamingha, representing the Hopi Tribal Council, spoke and said that he was gathering information to report to the Tribal Council, and that they were actively seeking input from the Hopi Tribe and hoped to present information to the Commission soon.
- Vice-Chair Freeman made a motion to table for future agenda items five, six, seven, and eight.
 - Commissioner Stertz seconded the motion.
 - The motion carried unanimously.

The meeting was declared adjourned at 4:35 p.m.