

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ARIZONA INDEPENDENT REDISTRICTING COMMISSION
PUBLIC MEETING
Arizona State Office Building
400 West Congress, Room 222
Tucson, Arizona
March 9, 2011

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293

Reported by: Raynbo Silva, RPR, CR
Certified Reporter No. 50014

1 ARIZONA INDEPENDENT REDISTRICTING COMMISSION:
 2 COLLEEN COYLE MATHIS, Chair
 3 RICHARD STERTZ, Commissioner
 4 SCOTT D. FREEMAN, Commissioner
 5 JOSE M. HERRERA, Commissioner
 6 LINDA McNULTY, Commissioner

7

ALSO PRESENT: JAMES E. BARTON, II

8

Assistant Attorney General

9

10

* * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

The above Public Meeting of the Arizona
 Independent Redistricting Commission was held at the Arizona
 State Office Building, 400 West Congress, 2nd Floor,
 Room 222, in the City of Tucson, County of Pima, State of
 Arizona, before Raynbo Silva, RPR, CR, Certified Reporter
 No. 50014, in and for the County of Pima, State of Arizona,
 on the 9th day of March, 2011, commencing at the hour of
 1:00 P.M. on said day.

* * * *

1 CHAIR MATHIS: The meeting will come to order.

2 I'm sorry I don't have a gavel, but pretend you hear one.

3 If we could all rise for the Pledge of Allegiance
4 to start.

5 (Whereupon the Pledge of Allegiance was recited.)

6 CHAIR MATHIS: I'd like to inform everyone who
7 would like to speak during the public comment period to be
8 sure to fill out a request to speak form which is located on
9 this table.

10 And I'd also like to note that we have a court
11 reporter transcribing this meeting, and she requests that we
12 not speak over each other, speak one at a time if we could.
13 That will help her. And then also for the public to state
14 your name and the entity you're representing so that she can
15 have an accurate record.

16 If I could now begin with roll call.

17 Commissioner Freeman?

18 COMMISSIONER FREEMAN: Here.

19 CHAIR MATHIS: Commission Herrera?

20 COMMISSIONER HERRERA: Here.

21 CHAIR MATHIS: Commissioner McNulty?

22 COMMISSIONER McNULTY: Here.

23 CHAIR MATHIS: Commissioner Stertz?

24 COMMISSIONER STERTZ: Here.

25 CHAIR MATHIS: We have a quorum. And the chair

1 would also like to note the presence of our Assistant
2 Attorney General, James Barton, II, who has been providing
3 counsel services to us, and we thank the Attorney General's
4 Office for providing him to us.

5 So this brings to us Item II of the agenda. There
6 are additional copies of the agenda on the table if you need
7 one.

8 Minutes, the minutes of the previous two meetings
9 were distributed to all of you. Are there any -- we'll
10 start -- we'll handle them individually. Are there any
11 corrections to the February 24th minutes?

12 COMMISSIONER FREEMAN: I did have some
13 corrections.

14 CHAIR MATHIS: Okay.

15 COMMISSIONER FREEMAN: I don't know if everyone
16 has had a chance to review them, though, so if you want my
17 corrections now, I can give them.

18 CHAIR MATHIS: Has everyone had a chance to review
19 the minutes?

20 COMMISSIONER HERRERA: I have.

21 COMMISSIONER McNULTY: I reviewed them briefly,
22 yes.

23 COMMISSIONER FREEMAN: This will also give me a
24 moment to find them.

25 CHAIR MATHIS: Okay. Take your time.

1 COMMISSIONER FREEMAN: So would you like me to go
2 ahead?

3 CHAIR MATHIS: Go ahead and start with each of the
4 corrections.

5 COMMISSIONER FREEMAN: In the minutes from the
6 February 24th, 2011 meeting I printed out what you had sent
7 me, and so in terms of pagination it's on the second page.

8 CHAIR MATHIS: Okay.

9 COMMISSIONER FREEMAN: And this is the fourth
10 paragraph down that begins Mr. Freeman asked why Ms. Lanning
11 was an independent. That should be changed to say that was
12 Mr. Stertz who asked that question.

13 CHAIR MATHIS: Okay. Thank you.

14 COMMISSIONER FREEMAN: Then skipping down three
15 paragraphs, one at the end Mr. Freeman pointed out that this
16 was the second round for the IRC. I think the rest of that
17 sentence should be deleted, I don't believe that's what I
18 said, and the following added: And asked Ms. Lanning to
19 comment about the work of the first IRC.

20 Then skipping down two paragraphs, the paragraph
21 that begins Mr. Freeman asked who Ms. Lanning viewed as a
22 hero. I believe that was Mr. Stertz who asked that
23 question.

24 CHAIR MATHIS: Okay.

25 COMMISSIONER FREEMAN: Going to the third page,

1 third or fourth paragraph down that begins Mr. Freeman asked
2 about her thoughts, Mr. Lynn's name is misspelled. It
3 should be L-Y-N-N. Then going down second to the last
4 paragraph again Mr. Lynn's name should be L-Y-N-N.

5 Then turning to the fifth page, the first full
6 paragraph begins Mr. Stertz asked what irritates
7 Mr. Bladine. First of all, Mr. Bladine's name is
8 misspelled. It should be B-L-A-D-I-N-E.

9 CHAIR MATHIS: Right.

10 COMMISSIONER FREEMAN: But before that I believe a
11 question that I asked was missed, and I would propose the
12 following be added. Mr. Freeman asked about -- asked
13 Mr. Bladine about his role in the two City of Phoenix
14 redistricting processes that he observed, and Mr. Bladine
15 responded.

16 CHAIR MATHIS: Okay.

17 COMMISSIONER FREEMAN: The next page, third
18 paragraph down that begins Mr. Freeman pointed out that
19 there are four appointed members to this commission. I
20 believe the last three words of that paragraph led to that
21 should be deleted. I believe with respect to Mr. Bender I
22 asked him specifically -- well, I believe the following
23 should be added to make it more accurate. The following
24 words would be: Call that into question, period.

25 Then three paragraphs after that that begins

1 Mr. Freeman asked Mr. Bender to outline his personal mission
2 statement, that I believe was Mr. Stertz who asked that
3 question.

4 And there might be other quibbles, but I don't
5 think there's anything else worth -- that I have to correct
6 these minutes of this meeting.

7 CHAIR MATHIS: Thank you.

8 COMMISSIONER FREEMAN: And then as for the
9 March 1st --

10 CHAIR MATHIS: We'll handle --

11 COMMISSIONER FREEMAN: One at a time? Okay.

12 CHAIR MATHIS: -- the February 24th.

13 Any other comments on the February 24th minutes?
14 Corrections?

15 COMMISSIONER McNULTY: Madam Chairman?

16 CHAIR MATHIS: Yes.

17 COMMISSIONER McNULTY: I think I'm referred to as
18 Mr. McNulty a couple of times, and I request that we change
19 that. And I think Mr. Bladine's name is spelled incorrectly
20 in several places, so I would ask them to go through this
21 and look for that.

22 CHAIR MATHIS: Any other corrections?

23 COMMISSIONER STERTZ: Madam Chair, I suggest that
24 there be a consistent review of the entire set of minutes
25 for spelling, for syntax and for the integration of the

1 existing changes.

2 And if those are made, would you suggest that we
3 table the acceptance of these minutes until the next meeting
4 or should we make a motion today to approve as amended with
5 anticipated corrections being made by the court reporter?

6 COMMISSIONER McNULTY: I would move that we follow
7 Mr. Stertz's suggestions and that we receive an edited
8 version and approve them at our next meeting.

9 CHAIR MATHIS: Do I hear a second?

10 COMMISSIONER FREEMAN: Second.

11 CHAIR MATHIS: All in favor?

12 (Whereupon everyone voted aye.)

13 CHAIR MATHIS: Any opposed? Okay. We'll table
14 approving those minutes until our next meeting after we get
15 a revised set of them from the Secretary of State's Office.

16 COMMISSIONER STERTZ: Thank you.

17 CHAIR MATHIS: Okay. The next item is the March 1
18 minutes. Did everyone have a chance to review those? And
19 are there any corrections to those minutes?

20 MR. BARTON: Madam Chair?

21 CHAIR MATHIS: Yes.

22 MR. BARTON: On page 2, the paragraph beginning
23 Secretary Bennett called the meeting back to order, it says
24 in the third line of that paragraph unanimous acclimation.
25 It should be acclamation. The I should be an A.

1 CHAIR MATHIS: Spelling; right?

2 MR. BARTON: Yes.

3 CHAIR MATHIS: Thank you. Any other corrections?

4 Do I hear a motion to approve these minutes as
5 corrected?

6 COMMISSIONER STERTZ: So moved.

7 CHAIR MATHIS: Second?

8 COMMISSIONER FREEMAN: Second.

9 CHAIR MATHIS: All in favor?

10 (Whereupon everyone voted aye.)

11 CHAIR MATHIS: Any opposed? Okay. The March 1st
12 minutes passed unanimously.

13 And that takes us to our next item on the agenda,
14 which is the call to the public. So this is going to be a
15 very important part of all of our meetings. I think we'll
16 always have a call to the public, and it's going to be very
17 important to engage the public as much as possible
18 throughout this entire process, so we hope that they will
19 come forward and address our commission at every opportunity
20 at these meetings.

21 So do we have anyone who wishes to address the
22 public? Anyone? And if so, I need your request to speak
23 slips.

24 Okay. Wow. Okay. Well, there is no call to the
25 public today or no public response today, I should say.

1 So we'll move on to Item IV, and that's discussion
2 and possible action on ground rules for the commission
3 meetings.

4 And I think the point of this agenda item is just
5 to note that we all know there are certain laws that we're
6 going to have to abide by and certain standards to which
7 we'll be held because we're a public body, and so that
8 withstanding it's kind of up to us how we want to conduct
9 our meetings.

10 And I just thought this would be a good
11 opportunity for the commissioners to provide some input on
12 any thoughts they have around that. And I guess I would
13 just note that this really in our tenure to the extent
14 possible I'd like to keep things as informal as possible,
15 but I'm open to suggestions on how we want to proceed as a
16 commission and conduct ourselves.

17 So if anybody has any thoughts?

18 COMMISSIONER FREEMAN: I'm sorry. Did you say
19 formal or informal?

20 CHAIR MATHIS: Informally as possible.

21 COMMISSIONER FREEMAN: I think it makes a
22 difference.

23 CHAIR MATHIS: It does. They are different. And
24 I explain myself just to say I just think it gives us more
25 freedom to operate. And as things come up, if it gets to

1 the point where it's clear that we're going to need to adopt
2 some formal procedures that we can do so at that time.

3 But I'm open to suggestions so.

4 COMMISSIONER HERRERA: I think I sent you an
5 e-mail of the possibility of maybe adopting one of the
6 rules, at the time I thought maybe we should go Robert's
7 Rules or I mean there's others. I don't mind if you guys
8 want to be informal. I have no problem with that. It would
9 be a little easier, wouldn't have to know any jargon, but
10 I'm okay with doing what we're doing now, which seems pretty
11 informal.

12 CHAIR MATHIS: Any thoughts?

13 COMMISSIONER FREEMAN: We're a small commission,
14 so I think a lot of things we can act informally. If we're
15 going to take any action, I think it has to be done -- we
16 have to abide by some formalities --

17 CHAIR MATHIS: Agreed.

18 COMMISSIONER FREEMAN: -- a motion, a second --

19 CHAIR MATHIS: Yes.

20 COMMISSIONER FREEMAN: -- a majority vote of a
21 quorum or three minimum in a quorum. So if the commission's
22 going to take any action, I think we should learn the formal
23 steps to the extent we don't already know them.

24 CHAIR MATHIS: Agreed. So maybe some training on
25 Robert's Rules of Order.

1 COMMISSIONER FREEMAN: If you guys think that's
2 appropriate, we could do that. But in terms of discussing
3 matters like this, I think we can talk to each other.

4 CHAIR MATHIS: All right. Any other thoughts?

5 COMMISSIONER McNULTY: I agree with that. I think
6 it would be helpful to have adopted a set of rules in
7 anticipation of when we might need them and that perhaps a
8 short training course on whatever it is we're most familiar
9 with, probably Robert's Rules may be helpful, and we could
10 then decide.

11 COMMISSIONER STERTZ: Madam Chair, Robert's Rules
12 of Order is the de facto for standard commissions, and it's
13 easy to administer. It's relatively universally recognized
14 for an organization, and I'll make a motion to you that we
15 utilize Robert's Rules of Order for standard operating rules
16 for formal procedures but that we, because we have such an
17 informal group, that we have the opportunity to work and
18 discuss casually at public meetings.

19 COMMISSIONER HERRERA: I second that.

20 CHAIR MATHIS: Any discussion?

21 COMMISSIONER McNULTY: That sounds like a good
22 approach then.

23 CHAIR MATHIS: All in favor?

24 (Whereupon everyone voted aye.)

25 CHAIR MATHIS: Any opposed?

1 Great. Motion carries unanimously.

2 And to that end does the Attorney General's Office
3 provide training on Robert's Rules of Order? Or --

4 MR. BARTON: Madam Chair, I looked into that and
5 the AG's Office does not have a course on Robert's Rules of
6 Order. If they did, I couldn't find one. I talked to the
7 person who does training for the AG's Office. I haven't
8 spent a lot of time looking at outside, sort of outside
9 resources.

10 I will say that they are rather straightforward,
11 and I did find some awfully helpful sort of web resources if
12 folks wanted to look at them just to be comfortable with
13 sort of the general framework of it.

14 So I guess the answer is that this time I wasn't
15 able to find any specific training courses, but I think that
16 my recommendation would be for the board to sort of look
17 into researching it on their own and then if they feel like
18 they need a course in the future, maybe me or maybe once you
19 have an executive director that's something that you could
20 have -- that person would be able to pull together.

21 CHAIR MATHIS: That sounds great. Any comments on
22 that? Okay. That's a plan to move forward then on that
23 one.

24 Any other discussion items on just ground rules in
25 general, thoughts?

1 COMMISSIONER HERRERA: Madam Chair, I do have a
2 comment.

3 CHAIR MATHIS: Yes.

4 COMMISSIONER HERRERA: When I saw on the agenda I
5 probably understood that you were talking about ways to
6 handle the meeting or adopting Robert's Rules or something
7 else, but I also thought that when we have meetings like
8 this that we should give as many people an opportunity to
9 participate in them or at least listen in to these meetings
10 whether we're having them in Tucson, have people outside of
11 Tucson be able to participate either by listening on phone
12 or be able to see it as a video. So I hope we can do that
13 going forward for all of our meetings. I think it's
14 important.

15 If somebody's in Flagstaff, they want to be able
16 to participate and not actually drive to Tucson or somewhere
17 else.

18 CHAIR MATHIS: Right.

19 COMMISSIONER HERRERA: That's pretty important.

20 CHAIR MATHIS: I agree.

21 COMMISSIONER HERRERA: But I don't know how to.
22 That's the thing.

23 CHAIR MATHIS: I know. We'll need advice from
24 ADOA and others on how to arrange things so that we have the
25 equipment to even make that possible, I think.

1 COMMISSIONER McNULTY: Madam Chair, I think this
2 room has --

3 CHAIR MATHIS: The ability.

4 COMMISSIONER McNULTY: -- the ability to video to
5 the ACC hearing room in Phoenix, and so that might be one
6 thing we want to look at.

7 CHAIR MATHIS: Good idea. Any other thoughts?

8 COMMISSIONER FREEMAN: It certainly sounds like an
9 agenda item for our executive director.

10 CHAIR MATHIS: Yes. For sure, which we'll be
11 talking about later on in this agenda in fact. So great.

12 Any other thoughts on ground rules before we move
13 on?

14 Hearing none let's go to Item V on the agenda.
15 It's the selection of the vice chair.

16 This position is called for in the Arizona
17 constitution, and the only duty I'm aware of for this
18 position is that this person will fill in for me if I'm on a
19 temporary absence. I don't intend to be, but you never know
20 what could happen. So it's always good to be prepared.

21 And what's your pleasure, commissioners? Any
22 thoughts on that?

23 COMMISSIONER HERRERA: I doubt that there will be
24 many opportunities where you won't be here and I hope that
25 doesn't happen. So I hope that the chair -- the vice chair

1 will have -- there will be no need for him or her other than
2 the fact that they have the title. But I do considering we
3 have the chair that is from Tucson, I really do strongly
4 believe that the vice chair should be from Phoenix. That's
5 just my opinion.

6 CHAIR MATHIS: That's a thought.

7 COMMISSIONER HERRERA: I think Tucson is really
8 well represented in this commission and should be, so I do
9 believe that the vice chair should be from Phoenix. I'd be
10 happy to serve as the vice chair. If nobody else wants to
11 serve, I'd be happy to because I have a feeling that I won't
12 be used so.

13 COMMISSIONER STERTZ: Madam Chair, looking back at
14 the previous -- I hope I wasn't speaking over you. So if I
15 was, in looking back at the previous, the vice chair was a
16 Democrat, was part of the Democrat, and I'm going to suggest
17 that I agree with you, Jose, but I would like it to be a
18 Maricopa Republican this time around. So I think that it's
19 a good idea to have a representative from Maricopa, and I
20 would like to, Scott, I would like to put your name in
21 nomination for this role.

22 Are you willing to have that role? Because as
23 sort of a counterbalance as to how it was with the previous
24 commission.

25 COMMISSIONER HERRERA: No. I wasn't basing it on

1 the previous commission. I was basing it on the fact that
2 we had a current --

3 COMMISSIONER STERTZ: Right. So that's why my
4 thought went to Maricopa and went to Scott.

5 COMMISSIONER HERRERA: The Maricopa part was
6 right.

7 COMMISSIONER McNULTY: Was that a formal motion?

8 COMMISSIONER STERTZ: So I'll make a motion for
9 Scott Freeman to act as vice chair.

10 CHAIR MATHIS: Do I hear a second?

11 Is there discussion?

12 COMMISSIONER HERRERA: I think, Scott, you can
13 nominate yourself, too. You can vote. I'm assuming you can
14 vote for your own nomination.

15 COMMISSIONER FREEMAN: I can second my own
16 nomination?

17 COMMISSIONER HERRERA: Of course.

18 COMMISSIONER FREEMAN: I second my nomination.

19 CHAIR MATHIS: Then we do have a motion on the
20 floor to nominate Commissioner Freeman as vice chair.

21 Any discussion?

22 COMMISSIONER McNULTY: I do. I'd like to suggest
23 that we -- I think balance is important. I think the
24 Tucson/Phoenix issue is an important one. I also think
25 balance is important but that it should be balanced within

1 our own commission rather than by comparison to what
2 happened last time.

3 So I would suggest that we appoint Commissioners
4 Freeman and Herrera as co-vice chairs with the understanding
5 that they decide on some ironclad way of deciding who chairs
6 the first meeting in your absence and who chairs the second
7 or whether they appoint us or whatever.

8 CHAIR MATHIS: We have a motion on the floor to
9 have both commissioners from Maricopa County serve as
10 co-chairs -- I mean vice chairs.

11 COMMISSIONER HERRERA: Legal counsel, do you see
12 that that this is -- legally if we can do that?

13 CHAIR MATHIS: I don't know. That's a great
14 question.

15 COMMISSIONER HERRERA: I don't see any reason --

16 COMMISSIONER McNULTY: I don't see a reason that
17 we could not.

18 COMMISSIONER HERRERA: It's not like they're going
19 to be paying us for it to be done.

20 COMMISSIONER STERTZ: You get twice as much.

21 COMMISSIONER HERRERA: I definitely want that.

22 CHAIR MATHIS: On the stationery you'd both have
23 vice chairs after your names.

24 COMMISSIONER McNULTY: I would do that by
25 unanimous consent, that you would be co-vice chairs, we have

1 one in each place and that we have balance.

2 COMMISSIONER HERRERA: And I would say that I
3 would yield to Scott. If you do miss a meeting, the first
4 meeting Scott would chair, and then I would go after him.

5 COMMISSIONER FREEMAN: Great.

6 CHAIR MATHIS: You're okay with that?

7 COMMISSIONER HERRERA: Hopefully you won't miss.
8 I second that.

9 COMMISSIONER STERTZ: Well, there's a motion
10 already on the floor.

11 CHAIR MATHIS: That's right.

12 COMMISSIONER HERRERA: Correct. But this is by
13 unanimous consent so --

14 CHAIR MATHIS: Does that trump?

15 COMMISSIONER HERRERA: Are you doing a second --

16 COMMISSIONER McNULTY: I'll move to substitute the
17 earlier motion with the motion that we select two co-vice
18 chairs.

19 COMMISSIONER STERTZ: I'd like comment before I
20 withdraw or amend my motion to Commissioner Freeman and
21 Commissioner Herrera, how does that flavor taste in your --
22 for you on this?

23 COMMISSIONER HERRERA: I have no problem with it.
24 I would even, if you were to miss a meeting, I would want
25 Scott to chair the first meeting.

1 COMMISSIONER STERTZ: Again, I think there's
2 wisdom. So I think that I'll continue that motion and just
3 say that I will amend my motion but that move by unanimous
4 consent to have co-Maricopa County chairs in alternating
5 positions starting with in first absence with Commissioner
6 Freeman alternating thereafter in absence of the chair.

7 CHAIR MATHIS: Okay.

8 MR. BARTON: Madam Chair?

9 CHAIR MATHIS: I'm sorry. Go ahead.

10 MR. BARTON: This is, this is from Article 4,
11 Part 2, Section 1 of the constitution in paragraph nine is
12 where we have the guidance about selecting a vice chair.
13 And it says: The five commissioners shall then select by
14 majority vote one of their members to serve as vice chair.

15 And you know, certainly the plain reading of that
16 is that you select one member to serve as vice chair. I
17 think that it would be my advice that if the commission
18 can't decide on one person to have this function, you know,
19 can you read the statute like this to maybe it would also
20 allow you to select more than one? I don't know. I think
21 that would be tricky, particularly given the fact that this
22 is mostly an administrative position.

23 My advice would be to do your best to find one
24 person to select as the vice chair.

25 CHAIR MATHIS: Okay.

1 COMMISSIONER HERRERA: There's really nothing
2 stopping us from doing it, though. I mean I could interpret
3 it differently. But you know what, this is an
4 administrative position that will serve only in the absence
5 of the chair in case that chair is not present. And as I
6 said before, I don't see that happening either at all or
7 maybe once if you will be at all the meetings. So I don't
8 see that big of an issue with going with co-chairs.

9 COMMISSIONER McNULTY: I have to agree with that.

10 COMMISSIONER HERRERA: If it was the chair
11 position, of course I would not agree, but as a vice chair
12 that will -- I just -- I don't see it that significant, and
13 I don't think anybody even in this room is going to care,
14 but that's just my opinion.

15 MR. BARTON: Madam Chair, Commissioner Herrera, I
16 think what you're suggesting is there might not be those who
17 would object to doing it and maybe there would be a reading
18 that would make sense to have co-chairs, and my position is
19 not that it would be impossible to defend this choice.

20 My advice to you is just that if you can select
21 one, then you're plainly within the meaning, plainly within
22 the language of the constitution and it would just be a
23 little bit trickier if you select two.

24 But as you suggest, my job is to give you counsel,
25 and so that's my counsel.

1 COMMISSIONER HERRERA: Sure. I think in the
2 spirit of cooperation I would prefer that it be left this
3 way.

4 CHAIR MATHIS: As co-vice chairs?

5 COMMISSIONER HERRERA: Correct. I don't -- yeah,
6 that would be --

7 CHAIR MATHIS: Okay. Any other thoughts, comments
8 from the other commissioners?

9 COMMISSIONER HERRERA: Thank you, Mr. Barton.

10 CHAIR MATHIS: Yes. Okay. So I think we have a
11 motion on the floor by unanimous consent to --

12 COMMISSIONER McNULTY: Was that your motion, Rick?

13 COMMISSIONER STERTZ: It is.

14 CHAIR MATHIS: -- to have co-vice chairs from
15 Maricopa County, meaning Commissioners Herrera and Freeman,
16 and our counsel has advised that we choose one, but I think
17 we're moving forward and going with the two co-vice chairs
18 from Maricopa County.

19 So congratulations, gentlemen.

20 COMMISSIONER HERRERA: Thank you.

21 COMMISSIONER McNULTY: Thank you.

22 MR. BARTON: Madam Chair, just for the record if
23 you would say --

24 CHAIR MATHIS: Oh. All in favor?

25 MR. BARTON: -- you can call for a vote or you can

1 say if there is no objection and just give a pause, one or
2 the other.

3 CHAIR MATHIS: Sorry about that. Thank you.

4 COMMISSIONER STERTZ: Robert's Rules of Order.

5 CHAIR MATHIS: Yes. That's why we need that
6 training.

7 Without objection we'll go ahead and have co-vice
8 chairs from Maricopa County, Commissioners Herrera and
9 Freeman.

10 Does that suffice? Okay.

11 COMMISSIONER STERTZ: Sequentially I want to make
12 sure that we just have the order in place so that it makes
13 it easy to administer going forward that the first absence
14 of a chair, Commissioner Freeman, second Herrera, third
15 Freeman, back and forth, so it's alternating.

16 COMMISSIONER HERRERA: That's pretty clear.

17 COMMISSIONER STERTZ: That way it's not personal.

18 CHAIR MATHIS: Thank you.

19 COMMISSIONER STERTZ: You have to say without
20 objection.

21 CHAIR MATHIS: Without objection do we -- how does
22 that work?

23 COMMISSIONER HERRERA: I need a refresher.

24 CHAIR MATHIS: This is rough.

25 COMMISSIONER HERRERA: I think Rick was just on

1 the Internet not too long ago.

2 COMMISSIONER STERTZ: Run too many meetings.

3 CHAIR MATHIS: So without objection the motion
4 would stand as amended by Commissioner Stertz to indicate
5 the order of how these vice chairs will serve should that
6 eventuality occur. And that would be that Commissioner
7 Freeman would fill in the first vacancy followed by
8 Commissioner Herrera and it would go back and forth.

9 Is that -- so without objection that is so
10 ordered.

11 Thank you.

12 COMMISSIONER HERRERA: Good job.

13 CHAIR MATHIS: Wow. Sorry, guys.

14 Okay. Moving on, Item VI on the agenda, determine
15 a date for all commissioners to attend open meeting law
16 training. We know as a public body this is something that
17 we're all subject to and we need to understand fully. And
18 it would be great if we could all five have that training at
19 the same time so we're hearing the same message together.

20 So I think that's also arranged by the Attorney
21 General's Office; is that correct?

22 MR. BARTON: Madam Chair, the Attorney General
23 Office has training as a PowerPoint training that I would be
24 able to give to you. And my recommendation is that we can
25 do that training just at a regularly scheduled meeting. I

1 can bring in the materials and then go over it. If we're
2 someplace where we can run a PowerPoint, that would be
3 helpful. It looks like we have it here. I'm sure other
4 places.

5 I would also like to add a couple of other things.
6 I understand that we have training that some of the
7 commissioners are going to be attending tomorrow.

8 CHAIR MATHIS: Correct.

9 MR. BARTON: I think that will be helpful. And
10 then there's another online course that the governor's
11 office provides for public service orientation. I contacted
12 the governor's office and because this board isn't appointed
13 by the governor they don't necessarily track that you
14 complete this training. But I would strongly recommend it.
15 It's an online sort of you sort of step through the various
16 slides.

17 CHAIR MATHIS: Okay.

18 MR. BARTON: And it's my recommendation that the
19 members of the commission complete that. And then there's a
20 certificate, and you can print it out and then sign it. And
21 we can just have like -- we can just hold it, the commission
22 can hold it just for our own records to verify that everyone
23 attended.

24 If you want to go to that, the online resource is,
25 the address is azgovernor.gov. So the governor's website.

1 Then you follow the board's and commissions hyperlink. And
2 then you follow the public service orientation online
3 hyperlink, and then that will bring you to this
4 presentation.

5 I think that if between the training given by the
6 ADOA and then the training you can get from this online
7 resource then at the next regularly scheduled meeting I'll
8 give, I'll provide the sort of preapproved open meeting law
9 training. I think that should cover all the bases. And
10 then at the next meeting I can answer questions if you have
11 those as well.

12 CHAIR MATHIS: Sounds like a good plan.

13 Any discussion or comments on that?

14 So at our next meeting, which we'll be determining
15 the date of at the end of this meeting, we will have that
16 open meeting law training provided by Mr. Barton.

17 And if we all would just go to that online course
18 and resource to get the public service orientation training,
19 it sounds like a good idea. Thank you for the suggestion.

20 So this next -- any other thoughts, comments
21 before I move to the next agenda item? Okay.

22 Agenda Item VII is discussion of public and
23 possible action on Department of Administration 101
24 training. Mr. Barton noted that those of us in Tucson are
25 having that training tomorrow. Three of the commissioners

1 will be receiving this training. A few ADOA employees will
2 be coming down and providing it. And the commissioners in
3 Maricopa County are to work with the ADOA to have that
4 training up in Maricopa County at your convenience is how it
5 works.

6 There's a lot of important things that the ADOA
7 covers as you probably know, the purview over everything
8 from getting office supplies to space to helping us hire
9 staff. So it's important that we understand all that they
10 can do for us, and it will be good to get that training out
11 of the way as soon as possible.

12 COMMISSIONER STERTZ: Madam Chairman?

13 CHAIR MATHIS: Yes.

14 COMMISSIONER STERTZ: I am aware that a notice of
15 possible quorum has been issued?

16 CHAIR MATHIS: Correct.

17 COMMISSIONER STERTZ: And that is considered part
18 of the record because of its issuance and posting?

19 CHAIR MATHIS: Yes.

20 COMMISSIONER STERTZ: Is that correct?

21 CHAIR MATHIS: Yes. It's a courtesy notice; is
22 that how they refer to it?

23 MR. BARTON: Madam Chair, commissioners, yes. And
24 various things, the notice of possible quorum or courtesy
25 notice, the point being just that you alert the public to

1 the fact that a quorum is going to be present and you also
2 alert the public that no commission business will go on.

3 And thank you, Mr. Stertz, for the option. This
4 is a good time to put on the record. Of course you all
5 recognize that at the training you won't discuss any
6 commission business. It will just be an opportunity to
7 receive training from the ADOA.

8 COMMISSIONER STERTZ: It's an open meeting law
9 issue so.

10 CHAIR MATHIS: Thank you. It's important.

11 COMMISSIONER McNULTY: Madam Chair?

12 CHAIR MATHIS: Yes.

13 COMMISSIONER McNULTY: Can I ask Mr. Barton what
14 rights the public would have vis-a-vis the open meeting
15 training? Is that now open to the public as a result of the
16 notice of quorum?

17 MR. BARTON: Madam Chair and Commissioner McNulty,
18 no. It doesn't mean that it's open to the public. It just
19 notifies the public, it sort of anticipates any questions.

20 For example, if you have a Christmas party, that's
21 another time when an agency will post a notice of quorum
22 that all the board members are going to be at a Christmas
23 party. That doesn't make the Christmas party open to the
24 public. It just anticipates any question about whether or
25 not this is an open meeting problem so.

1 COMMISSIONER McNULTY: Thank you.

2 CHAIR MATHIS: Mr. Barton, is this notice
3 requirement the same? Is it 48 hours notice on a courtesy
4 notice or notice of quorum as it is for a public meeting?

5 MR. BARTON: Madam Commissioner, I have to look
6 into that. I think it doesn't hurt to use the same notice,
7 but I would have to investigate that to make sure.

8 CHAIR MATHIS: Thank you.

9 Any other comments or questions? Great.

10 Moving on to Item VIII, discussion and possible
11 action on executive director position and other
12 administrative support.

13 So something I did receive from the ADOA was
14 copies that I sent out to each of you, an org. chart from
15 the last commission's structure and how they organized
16 themselves as well as position descriptions for five
17 positions that they hired.

18 And there's a lot of information there. And I
19 don't know if you've had a chance to go through all the
20 different pieces, the different roles, for instance, and
21 then also what the duties are as they were described for
22 these positions.

23 But we'll learn more from the ADOA tomorrow, the
24 Tucson commissioners will in terms of the hiring process and
25 how we go about doing this. But they did let me know that

1 these positions are in the system so to speak.

2 And I think that has some advantages in terms of
3 expediency of actually hiring people were we to use these
4 same types of roles for ourselves.

5 So I open it up for discussion. Any thoughts on
6 the way the last redistricting commission organized
7 themselves in terms of the staff that they hired or other
8 thoughts?

9 COMMISSIONER STERTZ: Madam Chair, my question is
10 actually to Mr. Barton. Are we -- what are the -- are we
11 held within any time constraints or typical application or
12 typical advertisement for applicants from the -- are we held
13 within any governance as far as time constraints?

14 MR. BARTON: Madam Chair, Commissioner Stertz,
15 you're asking if do you need to have the positions posted
16 for a certain amount of time?

17 COMMISSIONER STERTZ: That's correct.

18 MR. BARTON: I don't have that answer right now.
19 I can look that up, and I can e-mail it to all of you, but
20 at this time I am not sure what the time requirements would
21 be.

22 COMMISSIONER STERTZ: In my cursory review I
23 believe that we can operate within the rules of our own body
24 for doing so, but I would want to make sure that we're not
25 stepping on any toes as we're moving forward if we are

1 following some DOA authority in-place procedures.

2 The one discussion I would like to have with the
3 commission fairly openly right now is that of our time
4 frame. We have, if we start looking at the placement or the
5 interviewing process, we're going to have to have an ED in
6 place probably around mid April if we're going to hit our
7 schedule.

8 I don't think that the materials from the previous
9 commission are strong enough in my opinion to say use those
10 to move forward with. At the same time we need to move
11 forward aggressively.

12 So there's two questions I have. One I think from
13 Mr. Barton will be answered shortly and, secondly, are we
14 all in agreement that we have a limited time frame to pull
15 this position into order?

16 COMMISSIONER HERRERA: I agree. I think our top
17 priority should be to hire an ED I think to lessen the load
18 of you as the chair so you don't have to be doing some of
19 the work that the ED should be doing.

20 So it's important that we hire someone as quickly
21 as possible.

22 COMMISSIONER McNULTY: Madam Chair, I also agree
23 with Mr. Stertz's point and I think these job descriptions
24 can probably be expanded on and improved and maybe
25 consolidated a little bit.

1 COMMISSIONER STERTZ: And Madam Chair, as a
2 follow-up to that, the second piece of your agenda item
3 talks about support staff. The support staff is going to
4 generate itself out of the -- I'm going to suggest that the
5 support staff is going to come out of recommendations after
6 the hiring of the ED --

7 CHAIR MATHIS: I agree.

8 COMMISSIONER STERTZ: -- and that we should focus
9 solely on the ED job description and how they're going to
10 work with this commission under the DOA guidelines and under
11 the constitutional guidelines.

12 CHAIR MATHIS: Sounds like a good idea.

13 Any other comments or thoughts on this?

14 COMMISSIONER STERTZ: The thought would be is
15 there a suggestion from the other commissioners about when
16 we would be able to get our comments back to the chair?
17 We'll be receiving something from the Attorney General's
18 Office regarding timing, but when could we get back our
19 comments back to the chair for crafting the requirements for
20 the ED?

21 COMMISSIONER McNULTY: I would like to suggest
22 that we do that within the week -- within a week if
23 Mr. Freeman and Mr. Herrera not having had the benefit of
24 the ADOA training that we'll have tomorrow will be able to
25 do that. It may not be that that's -- you might be able to

1 provide the comments without that training, and we could
2 give you the benefit of what we learn at the meeting
3 tomorrow if it has any relevance.

4 COMMISSIONER HERRERA: If it helps expedite, I
5 don't mind if you guys mind sharing some of the highlights
6 of the meeting if that helps. Not that I don't want to
7 attend, but if that helps expedite things, I don't mind
8 doing it that way. And then we can --

9 COMMISSIONER STERTZ: I think specifically as it
10 pertains to the crafting of a job description and what
11 the --

12 COMMISSIONER HERRERA: Sure.

13 COMMISSIONER STERTZ: -- advertising requirements
14 are going to be, I think that makes perfect sense.

15 CHAIR MATHIS: Any other thoughts?

16 COMMISSIONER STERTZ: So that being said, am I
17 correct that by this time next week we should have a
18 document that is ready to distribute among the rest of the
19 commissioners for review and final notes?

20 CHAIR MATHIS: Yes.

21 COMMISSIONER STERTZ: Is it your desire that you
22 get comments? And I'm going to suggest that we not only use
23 the current DOA format, but there have been other job
24 descriptions that have been written for EDs for operations
25 such as this that we may be able to draw from, and I would

1 suggest that we take all of our professional resources to be
2 able to assist in that as well.

3 CHAIR MATHIS: And just a question for Mr. Barton.
4 As I receive all of this input from the commissioners in
5 terms of the job description for the executive director
6 position, I'm trying to think how to phrase this, do I -- is
7 it my role to synthesize all that into one document and try
8 to then put it back out to everyone, or is that considered
9 business that needs to be addressed in open meeting?

10 MR. BARTON: Well, Madam Chair, I think this is
11 the problem that we have without having an executive
12 director. I do think that combining that, taking those
13 inputs and combining them that does sound like business for
14 the commission. I wonder, I think, and I guess the idea is
15 that you'd like to have a synthesis that goes back out to
16 the commission members so they can bring comments to the
17 next meeting; is that right?

18 COMMISSIONER STERTZ: That's correct. And at the
19 next meeting, at an open meeting, we have a public final
20 discussion on that so that we feel comfortable in a public
21 forum about what those ED requirements are and how we can
22 draft them.

23 COMMISSIONER HERRERA: And we'd like to approve
24 them at that meeting?

25 CHAIR MATHIS: If we could. If we could have

1 action, that would be great.

2 MR. BARTON: I think the problem is that we would
3 be proposing legal action to a quorum. And so what I think
4 maybe the workable solution here would be, and I hate to get
5 myself involved but the problem is that we don't have
6 someone who's not a commissioner that you can send things
7 to. So it's probably not exactly counsel work, but I think
8 what we can do is if you e-mail it to me, then I can
9 synthesize it and e-mail it back to you as an item, as an
10 agenda item. Don't comment on it again in the e-mail path.

11 So the flow of information will be you'll e-mail
12 your comments to me, I will synthesis them and e-mail them
13 out to the commission. No more comments. No more reply
14 alls. Then when you come to the next scheduled meeting you
15 can discuss it.

16 CHAIR MATHIS: Great.

17 MR. BARTON: So we can do that.

18 CHAIR MATHIS: Good path forward.

19 Is everyone okay with that approach?

20 COMMISSIONER HERRERA: Yes.

21 CHAIR MATHIS: Good.

22 Any other thoughts on the executive director
23 position or other administrative support?

24 COMMISSIONER STERTZ: Again, I have a question for
25 Mr. Barton. When you were checking the legal requirements

1 of advertisement, as applicants -- after advertisement is
2 made, discussion with or in previous boards that I have sat
3 on and executive directors are selected there has been a
4 series of phone calls that are made to members of the
5 commission in regards to potential applicants, applicants
6 that may want to -- that may not be aware of the
7 advertisement or that may contact looking for clarification
8 from one of the commissioners of the action.

9 I would like to get some counsel on what sort of
10 dialogue may or may not take place on a one on one basis.

11 MR. BARTON: So Commissioner Stertz, I understand
12 your question is what sort of communications outside of a
13 formal meeting can the commissioners engage in? In other
14 words, if someone contacts a commissioner with questions,
15 how free are the commissioners to answer those questions?
16 Is that what you're asking me?

17 COMMISSIONER STERTZ: For example, if I know that
18 Bob Smith may be coming available, and Bob Smith is a
19 totally fictitious name, may become available for this
20 position or I might say this might be someone that you would
21 want to respond to but not be aware that the position is
22 available, one, am I, am I -- is it within my purview to
23 make that phone call?

24 And second, is it within my purview if Bob Smith
25 finds out about the information and contacts me because of a

1 personal relationship that I might have with Bob Smith for
2 me to have that dialogue with him?

3 MR. BARTON: I will look into those.

4 COMMISSIONER STERTZ: Thank you.

5 CHAIR MATHIS: Any other questions or comments for
6 counsel or the body?

7 Okay. Great. Well, that was a good discussion,
8 and I totally appreciate the expression of expediting this
9 as soon as possible. It's really important that we get
10 somebody in very soon, and that will help all of us, and
11 we'll be able to move forward with the work of our -- that
12 we're charged with.

13 COMMISSIONER HERRERA: Just for clarification, are
14 these full-time positions? I couldn't tell whether --

15 CHAIR MATHIS: That's a good question. I don't
16 know. It looks like 80 hours per pay period. It says that
17 on the page like on the executive position.

18 COMMISSIONER STERTZ: And there are 26 pay periods
19 in the state of Arizona, so that would be a guess.

20 CHAIR MATHIS: But then it might be good to note
21 that it's my understanding that the previous commission
22 didn't hire all, have all of these people employed during
23 the entire tenure of the 10 years.

24 COMMISSIONER HERRERA: Okay.

25 CHAIR MATHIS: And so for instance, there's one

1 for press --

2 COMMISSIONER HERRERA: Public information officer?

3 CHAIR MATHIS: -- public information officer
4 position to handle media requests, et cetera, it's my
5 understanding that person was employed for a year and a half
6 or so. So they didn't have them the entire time but mainly
7 during the mapping process was my understanding to help
8 educate and inform the press and the public and handle media
9 inquiries during a busy time.

10 COMMISSIONER STERTZ: Madam Chair, do you prefer
11 to have action on this item?

12 CHAIR MATHIS: Well, I don't have a preference. I
13 would guess we have informal plans to review -- we're going
14 to focus on the executive director position. We're going to
15 review the current job description as the previous
16 commission had it and suggest our, make our suggestions for
17 edits to the Attorney General's Office, who will synthesize
18 it into one document and send that back out to us for review
19 to bring to the next meeting to discuss at that time.

20 And I would assume then that at that meeting we
21 would want to maybe even discuss specific personnel, not
22 specific people to fill that position. I don't know. I
23 guess it depends. I'm curious to know what we're going to
24 learn tomorrow from our ADOA folks in terms of more about
25 the process, so I don't have a strong preference for any

1 action right now. I feel like we're still in the
2 information gathering mode of how this works.

3 COMMISSIONER STERTZ: You said put out that
4 discussion and possible action. That's why I was asking
5 whether or not you wanted action.

6 CHAIR MATHIS: That's kind of just in case if
7 there is something it at least allows us to do so since it's
8 on the agenda.

9 But any other thoughts on these positions or
10 staff?

11 COMMISSIONER McNULTY: One question --

12 CHAIR MATHIS: Yes.

13 COMMISSIONER McNULTY: -- Madam Chairman, of
14 Mr. Barton. Will you let us know when you determine what
15 the requirements are for advertising the position in advance
16 of the next meeting if possible so that we can be thinking
17 about that?

18 CHAIR MATHIS: Will the ADOA have that information
19 in their training tomorrow maybe?

20 MR. BARTON: Madam Chair and Commissioner McNulty,
21 I would hope that the ADOA would be probably in a better
22 position to answer those questions than I am off the top of
23 my head.

24 And yes, Commissioner McNulty, as soon as I have
25 the answers to these I'll send it out to you.

1 CHAIR MATHIS: Okay.

2 CHAIR MATHIS: Thank you. Great.

3 Move on to the next agenda item, and that is
4 discussion and possible action -- oh, sorry. Yeah.
5 Discussion and possible action on request for proposal
6 process for securing legal and consultative support.

7 Again, this RFP process is something that we
8 haven't had training on that, but I understand that ADOA
9 will be providing that tomorrow for the Tucson based
10 commissioners and soon to the Phoenix based commissioners or
11 Maricopa County based.

12 But essentially we can receive legal support in a
13 variety of ways, and one of those options is to continue to
14 utilize the Attorney General's Office for counsel. Another
15 would be to retain private counsel, which I think is what
16 the prior commission did. They had both Republican and
17 Democrat. I know that.

18 And then there are other paths for us to pursue or
19 consider and that you could have nonpartisan counsel or
20 independent counsel, so to speak, I guess. So there's a
21 variety of ways to achieve this, and we'll just need to have
22 a discussion on what we'll want to do going forward. And I
23 guess the supplies to just -- well, let's stay on legal for
24 a minute.

25 Any thoughts on legal counsel for the commission?

1 COMMISSIONER HERRERA: Madam Chair, I am
2 comfortable with having the AG's Office provide legal
3 counsel I think only -- I would only feel comfortable if
4 it's Attorney Barton. I feel comfortable with him. If they
5 are going to be rotating back and forth giving us different
6 people, then I would suggest that we consider getting
7 private counsel. But if they're not going to be rotating
8 and they can assure us that we can keep the same counsel
9 throughout the whole process, then yes, I would be
10 comfortable with what we have now.

11 CHAIR MATHIS: Commissioner Freeman?

12 COMMISSIONER FREEMAN: I think the last commission
13 hashed this about pretty thoroughly. I think the problem is
14 with all due respect you're with an office that's a partisan
15 office, and we want to try to maintain our independence, and
16 that probably lends itself to outside independent counsel.

17 I think the prior commission also struggled with,
18 well, is it feasible for us to agree on a single outside
19 counsel. We don't even have a single vice chair. So
20 perhaps we fall maybe -- excuse me -- I think they probably
21 hit upon the solution which was the best one for them, and I
22 think it's probably one I propose for us, which is we
23 solicit proposals from outside counsel. And if it looks
24 like, you know, one side's going to be comfortable with one
25 lawyer, some lawyers and the other with a different set of

1 lawyers, that's fine. All of the co-counsel represent the
2 entire commission, all of us, and owe their duty to the
3 commission, and at least we have some assurance that all
4 bases are being covered so.

5 CHAIR MATHIS: Thank you.

6 COMMISSIONER McNULTY: Madam Chair, I think in
7 priorities of what we have to do going forward, although I
8 know we have to make this decision, I think the ED position
9 is something that probably has a higher priority in terms of
10 time, that the Attorney General's Office is doing a fine job
11 with helping us with open meeting kinds of things and that
12 the more specialized kinds of legal advice that we may need
13 as we get into our job will come a little bit later, that we
14 really need the executive director first.

15 If we do prepare an RFP, I'm attracted to the idea
16 of letting the AG's Office if they're interested because
17 that might save us some money, independent counsel if we
18 could find -- if there is somebody out there who thinks they
19 could be independent and Republican and Democrat counsel
20 apply and tell us how they would meet our needs and then
21 draw from those applications.

22 And we may decide to do what Scott has suggested.
23 We may decide we find -- who knows.

24 COMMISSIONER HERRERA: It couldn't hurt to do
25 that, though. We're not obligated if we did an RFP to

1 actually hire an attorney, an independent. We can still
2 stay with the AG's Office if that's what we want. At least
3 if we do an RFP, then we have our bases covered. I don't
4 mind doing that.

5 COMMISSIONER FREEMAN: I agree we should have the
6 ED as top priority, but we can get the ball rolling on the
7 counsel. Let's get the menu of options before us and not
8 tie our hands.

9 CHAIR MATHIS: I agree with that.

10 COMMISSIONER McNULTY: Because we may learn from
11 various applications about things that we might want that we
12 hadn't thought of and we may learn about folks that are out
13 there that we didn't know about.

14 COMMISSIONER FREEMAN: I think once we issue the
15 RFP it would be a very short turnaround. I think there are
16 lawyers out there, firms who could very quickly respond to
17 that and give us their input.

18 COMMISSIONER HERRERA: Sure.

19 CHAIR MATHIS: Any other thoughts, comments?

20 COMMISSIONER STERTZ: So to just sort of recap
21 what I'm hearing, that we're going to defer this discussion
22 item at this time, we've discussed the item where it needs
23 to be and that there's no action being taken today?

24 CHAIR MATHIS: I think the way I understood what
25 everyone's been saying is we will learn more from the ADOA

1 office about the RFP process and once the five of us, I
2 guess, have totally had that training then we could,
3 depending on how the process works, work with ADOA to create
4 the RFP for legal counsel.

5 And I think that can be going on concurrently with
6 the executive director search knowing that the executive
7 director search is priority, but the RFP for counsel is
8 something that can be pursued along with it. Is that
9 correct?

10 COMMISSIONER HERRERA: That's what I understood.

11 CHAIR MATHIS: A question, just going back to
12 Mr. Herrera's comments for Mr. Barton, does the Attorney
13 General's Office can they assign one attorney or would it be
14 a rotating situation?

15 MR. BARTON: Madam Chair, a couple of things on
16 that. First is if the commission is going to continue to
17 use the Attorney General's Office going forward, we would
18 need to enter into an intergovernmental service agreement,
19 so we would sort of formalize it. We'd have to work out
20 funding and that sort of thing.

21 So to address Commissioner Herrera's concern,
22 thank you for the kind words.

23 COMMISSIONER HERRERA: Sure.

24 MR. BARTON: I think it's certainly possible, I
25 suppose, that the Attorney General could agree to always

1 send the same lawyer or to appoint someone to be sort of the
2 primary person. I don't know that necessarily that would be
3 me. I don't know and, frankly, I'm not sure if that's the
4 type of thing that the Attorney General would be inclined to
5 sort of enter into.

6 I mean the Attorney General's Office is the
7 largest law firm in the state, and they have many qualified
8 lawyers and I think that -- I just don't know. I just don't
9 know if that's the way -- if that's what they would be
10 inclined to do.

11 But in any case this is stuff that would get
12 worked out in the intergovernmental service agreement that
13 we would have to enter into if we were going to continue on
14 with the AG's Office for the whole process.

15 COMMISSIONER McNULTY: Madam Chair, do we have
16 access to the RFP that was issued last time for either the
17 legal counsel or consultant?

18 CHAIR MATHIS: Good question. I do not know if
19 ADOA can provide that to us. That will be a question we ask
20 them tomorrow. Good question.

21 COMMISSIONER HERRERA: Madam Chair, one quick
22 question, and maybe it will be addressed tomorrow at the
23 training. Is the commission, are we the ones putting
24 together the RFP, or is the majority of the work being done
25 by the ADOA and we're just approving it?

1 CHAIR MATHIS: I don't know how that process
2 works. I would think that we would drive that process, and
3 they would just help us craft, get it together and
4 distribute it and post it, but I don't know to answer your
5 question.

6 COMMISSIONER STERTZ: These are parts of the
7 mechanics of what we're responsible for.

8 COMMISSIONER McNULTY: Excuse me, Madam Chair?

9 CHAIR MATHIS: Yes.

10 COMMISSIONER McNULTY: Our executive director can
11 probably help us with that, also --

12 CHAIR MATHIS: Yes.

13 COMMISSIONER McNULTY: -- when we get that person
14 on board fairly soon.

15 CHAIR MATHIS: Right. Under this agenda item it
16 also says and consultative services. And I guess there's
17 direct consultative services and indirect in that we'll need
18 some help with the mapping side of things once that process
19 gets going. There could be other consultants that we want
20 to retain for specific reasons.

21 And indirect consultative support, things like
22 volunteers, people who -- I don't know if you're getting
23 expressions of interest from various folks, but I am. I'm
24 receiving things in my e-mail that just appear with
25 expressions of interest, which is wonderful. I'm glad that

1 people are interested and engaged and want to support and
2 serve us. So I'm just -- I don't know how we will vet all
3 those people.

4 If we just kind of all agree to if you receive
5 those expressions of interest, we figure out a process for
6 contacting them, saying we received your interest, and if
7 you want to apply for XYZ position, it's posted at whatever
8 or what would be the best way to handle that. And then also
9 just people that want to volunteer and aren't going to cost
10 us any money, they just want to help.

11 So I'll entertain some discussion on some of those
12 topics if you don't mind.

13 COMMISSIONER STERTZ: Madam Chair, I think in
14 regards to consultative services and volunteer services and
15 other outside support I'm a big believer that there's a
16 grand and vast amount of experience throughout this country
17 that has got a great knowledge base and there are a vast
18 amount of people locally that like to volunteer and to get
19 involved.

20 This is the reason why we engage an executive
21 director and executive director staff to vet and to organize
22 volunteer services. When we are looking at both legal and
23 mapping consulting services, there are both legal experts in
24 this field that are throughout the country and I want to be
25 able to take advantage of and also in the mapping and the

1 consulting business as well. So I think that we should look
2 for the best and the brightest and those that are willing to
3 work in the volunteer they should be -- we should be
4 utilizing our executive director and staff to get that
5 organized and mobilized.

6 COMMISSIONER HERRERA: Madam Chair?

7 CHAIR MATHIS: Yes.

8 COMMISSIONER HERRERA: I agree with Commissioner
9 Stertz that the people we hire should be the best and the
10 brightest, but one thing that I do stress, you know, we're
11 going to be spending taxpayer money, and I want the
12 majority, if not all the money to stay in Arizona.

13 As a taxpayer I don't want when we have competent
14 people in the state of Arizona for us to be hiring attorneys
15 or consultants or anyone else that is out of state. It
16 doesn't make sense to me. If we can hire the best and the
17 brightest in Arizona, we should. I'm a firm believer of
18 shopping locally. That's what I do in my own personal life.
19 I try to shop locally with restaurants and businesses and
20 avoid the large retailers. There's nothing wrong with the
21 large retailers, but I think the money, taxpayer money
22 should stay in Arizona, and I think we should make that a
23 priority. Pretty close to choosing the best and the
24 brightest it should be that close because it is that
25 important so.

1 CHAIR MATHIS: Any other comments?

2 COMMISSIONER McNULTY: Madam Chair, should I
3 suggest that we each devote some time to putting down our
4 thoughts about what would go into an RFP for legal counsel
5 and consultative counsel and the mapping consultants and see
6 if we can obtain the RFPs that were issued last time and if
7 possible distribute those among us --

8 COMMISSIONER HERRERA: Sure.

9 COMMISSIONER McNULTY: -- and then perhaps at our
10 next meeting have some more detailed discussion about each
11 of those things, focusing for our first week on getting the
12 ED up and running, getting that ready to go out the door and
13 then maybe the next meeting putting more emphasis on the
14 other? Does that make sense as a process?

15 COMMISSIONER FREEMAN: I agree with that.

16 COMMISSIONER HERRERA: I agree.

17 CHAIR MATHIS: We all agree?

18 COMMISSIONER STERTZ: Yes.

19 CHAIR MATHIS: Good thoughts, so we all have
20 homework.

21 COMMISSIONER McNULTY: Good.

22 CHAIR MATHIS: We'll all be thinking about that
23 for both legal and consultative services.

24 COMMISSIONER HERRERA: Sure.

25 CHAIR MATHIS: Mr. Freeman, do you have any

1 comments?

2 COMMISSIONER FREEMAN: No.

3 CHAIR MATHIS: I know in the last hearing in this
4 indirect consultative services and volunteers and people
5 offering advice, an example at the last hearing, I can't
6 remember if it was the February 24th meeting or March
7 meeting, but O'Connor House I remember stood up and said
8 something about offering an educational type seminar or
9 public forum for the public and the commission to attend on
10 state and federal legal matters, I think, and that it
11 wouldn't cost the state or the commission any funding. And
12 other -- I guess I'm kind of just wondering about that and
13 other sorts of offers how we, as a commission, entertain
14 those and decide, hey, yes, this makes sense to do, and if
15 they want to put this on and invite us and the public to
16 attend, great, and if we want to do that or how do we handle
17 those sorts of offers.

18 I was looking for advice and guidance on that.

19 COMMISSIONER HERRERA: Madam Chair, I was there
20 when that was brought up. I'm not familiar with that
21 organization, and I would be uncomfortable harboring or
22 getting some type of education from an organization I'm
23 unfamiliar with. They may be leaning a certain way or they
24 may have an interest in the way the maps are drawn. I would
25 be very careful about hooking up or partnering with an

1 organization for training or education even if it's free.

2 I'm all for saving money, but I'd be cautious of that.

3 COMMISSIONER McNULTY: Madam Chair, I think
4 Mr. Stertz's comment about the executive director helping
5 with volunteers may apply here also. Once we have our
6 executive director that person can help us vet these sorts
7 of folks and help us decide whether it makes sense to
8 partner, to have them appear at a hearing, to get comments
9 from them or what would be most appropriate.

10 CHAIR MATHIS: Okay.

11 COMMISSIONER STERTZ: Madam Chair, I think our
12 efforts as a commission right now need to be truly
13 concentrated on that. If we get lost in the noise in the
14 short term right now, we are not going to get to the finish
15 line or finish our goals on time and comprehensively.

16 CHAIR MATHIS: Great. Good suggestion.

17 Any other thoughts, comments on this item? Okay.

18 So that takes us to the next agenda item, which is
19 discussion and possible action on process for managing press
20 inquiries.

21 I don't know about you all, but since being named
22 chair I've received a number of opportunities to comment to
23 the press, and I've appreciated the attention, but I've been
24 politely declining to be interviewed.

25 And I don't know how you all have handled those

1 because I felt like I think press relations is a really
2 important topic for this commission to discuss as a group
3 and determine how we might want to proceed. And as we
4 discussed earlier, the last commission actually even had
5 somebody that handled this for a year and a half.

6 And the press plays a super important role in this
7 for us. They're going to help us educate the public and
8 inform them. And so we definitely we don't want to ignore
9 them, but we also want to have a good process for managing
10 them, so I would love to obtain some thoughts on that.

11 COMMISSIONER STERTZ: Well, I'm going to defer
12 back to the --

13 CHAIR MATHIS: The executive director?

14 COMMISSIONER STERTZ: This is one where press
15 inquiries and in budget and budget matters that we'll talk
16 about that, these are -- we need to get our staff, we need
17 to get the DOA organizational stuff taken care of, and once
18 we have an ED on board then we're going to be able to
19 structure it.

20 My recommendation from my perspective is that the
21 actions that this commission is taking right now are all
22 mechanical and don't really involve and that won't be
23 involving any actionable items in regards to the district
24 because there's two things. One, we don't have the data to
25 discuss anyway. We haven't brought on staff. We haven't

1 brought on counsel. We haven't brought on consultants.
2 Until that happens the press should, frankly, be relatively
3 uninterested in what we're doing. This is watching paint
4 dry right now.

5 So in that item I'd like to again defer that to
6 our efforts to concentrate on really tuning a really strong
7 job description, an RFP, and really looking for somebody
8 that's highly qualified in the ED role and getting our
9 thoughts on the commission of what we want these roles to be
10 and how we want to operate that staff.

11 CHAIR MATHIS: Yes?

12 COMMISSIONER HERRERA: I agree with everything
13 that Mr. Stertz said. I would just like to add that if
14 approached by the press, for example, if you were to leave,
15 we adjourn this meeting, and you were to be approached by a
16 member of the press, if you'd like, you should be able to
17 talk to them. You don't need any of our permission. Same
18 thing with Commissioner Stertz. If he would like to talk to
19 the press, I don't see a problem with that.

20 I think we're all on equal footing here. We're
21 all individuals. And if you have something to say to the
22 press, this is like watching paint dry, but if for some
23 reason the press finds this interesting and they want to ask
24 you questions, if you feel comfortable, talk to them. I
25 have no problem with that.

1 I think the previous commission not only they had
2 a public relations officer but they had all their
3 information -- excuse me -- the contact person was the
4 chair, and I think that was a mistake. I wouldn't have done
5 it that way. And as I said, I think all of them I think had
6 standing and I think every commissioner has a right to speak
7 whenever he wants.

8 CHAIR MATHIS: Thank you.

9 COMMISSIONER McNULTY: I agree.

10 COMMISSIONER FREEMAN: I agree. All five of us
11 can handle that in our own way as we have been.

12 CHAIR MATHIS: Okay.

13 COMMISSIONER McNULTY: I agree with everything
14 that's been said, and I do think that an ability to help us
15 with that, whether by funneling inquiries, passing on
16 inquiries, responding to generic inquiries is part of a
17 description I would like to see for the ED.

18 COMMISSIONER HERRERA: That's why I can't stress
19 how important it is to hire the executive director as soon
20 as possible.

21 CHAIR MATHIS: Agreed. Yes. Right. I think
22 we're all highly motivated.

23 COMMISSIONER McNULTY: Especially Colleen.

24 CHAIR MATHIS: Thank you. Yes. Great. I
25 appreciate that discussion. That was helpful. And again,

1 all arrows point to the executive director, so I'm looking
2 forward to getting that person onboard to help us.

3 So any other discussion before we move to the next
4 agenda item?

5 Okay. Great. We are now at Item XI, discussion
6 and possible action on budget and appropriations.

7 And you all received in advance a copy that I was
8 given by Mr. Lynn, the former chair of the last commission.
9 And this is a document entitled Arizona Independent
10 Redistricting Commission expenditures through November,
11 2005.

12 And so this isn't the whole tenure of the
13 commission but it, actually, the program to date expenses,
14 if you look at that column, which is the third from the
15 right-hand side, through November, 2005, they had spent
16 \$8 million -- \$8,267,436. And my understanding is they
17 spent approximately 10 million in total. So by November of
18 '05 they had spent the bulk of those funds.

19 And this is just an idea to give you what some of
20 their expenditure items were to help us kind of figure out
21 our own budget and what might be in store. Of course that
22 commission was very different from ours, and we have a whole
23 new set of people and things that happened in the last
24 10 years that maybe won't be happening this time or new
25 things that arise. So it's hard to predict exactly how our

1 expenditures will unfold over the next 10 years.

2 But this I think gives us a good start and a sense
3 of what happened last time so that we can maybe be thinking
4 about what might happen this time. And the reason I bring
5 all this up is because it has been mentioned in previous
6 hearings about the current appropriation for this commission
7 being 500,000 currently allotted, and I've heard that
8 500,000 in a future year has been allotted, but beyond that
9 I am not aware of other funding. And it doesn't make sense
10 to approach the legislature to talk about additional
11 funding.

12 So this is our opportunity to kind of discuss then
13 how you all feel.

14 COMMISSIONER STERTZ: Madam Chair?

15 CHAIR MATHIS: Yes, Commission Stertz?

16 COMMISSIONER STERTZ: I have confirmed two things,
17 one, that there is a \$500,000 budget that currently is not
18 being charged against at this time for our expenditures from
19 now through the end of calendar or fiscal year '11.

20 In the burn rate for the first commission they had
21 spent approximately half of that through the end of their
22 first chunk of time. In Proposition 106, which was a change
23 of constitution, there was an original allotment of
24 \$6 million.

25 Now because that was only designated as part of

1 their original proposition that has exhausted itself and is
2 no longer constitutionally relevant. It is going to be all
3 subsequent legislatures that are going to be giving us
4 appropriations. So this is going to come up for
5 appropriations year after year.

6 I've confirmed with the governor's budget for this
7 upcoming '11-'12 is 2.5 million --

8 CHAIR MATHIS: Oh, great.

9 COMMISSIONER STERTZ: -- that is currently in the
10 governor's budget. So I checked and I've asked around, and
11 so far it seems like -- it appears as though, of course
12 legislatures move with the ebbs and flows of times and
13 budgets, but that was the number that I confirmed yesterday.

14 CHAIR MATHIS: Okay.

15 COMMISSIONER STERTZ: That's the best knowledge,
16 that's the only piece of knowledge that we have because
17 budgets and appropriations come through annually now. We
18 are -- our budgets will and our funding will be at the
19 pleasure of the legislature.

20 So my recommendation is that as a budgeting
21 component and as an outline of where the expenditures lie,
22 this is very, very helpful. It will be incumbent upon staff
23 to craft our budget based on knowledge that we have X amount
24 of dollars that we have knowledge of and how that money
25 would be best -- how to deal with the burn rate of that

1 capital is going to be over the next 17 months -- 16 months.
2 Wow. 15 months. Oh, my goodness. We're running.

3 So even though I understand this is a discussion
4 item, I don't know if there's much to discuss other than the
5 fact that we have a confirmation that there's a half million
6 bucks that we currently have that we can be spending. And
7 any money that is unspent my understanding as well, I'm not
8 sure and maybe, sir, you could let me know, Mr. Barton,
9 whether or not that any unspent money in this -- in fiscal
10 '11, '10-'11, can get transferred to fiscal '11-'12 and be
11 added to it or whether or not it sunsets.

12 MR. BARTON: Madam Chair, Commissioner Stertz,
13 I'll look into that.

14 COMMISSIONER STERTZ: Okay.

15 CHAIR MATHIS: Thanks for that. Thanks for the
16 legwork.

17 COMMISSIONER STERTZ: Well, you had it as an
18 agenda item, so I needed to check.

19 CHAIR MATHIS: I appreciate that.

20 COMMISSIONER STERTZ: And like I said, it was in
21 the governor's budget, so it was a relatively easy
22 confirmation.

23 COMMISSIONER HERRERA: That's good legwork. I
24 don't think that there's anything we can do now.

25 CHAIR MATHIS: Any other --

1 COMMISSIONER FREEMAN: This is another one I drew
2 a line back to the executive director.

3 COMMISSIONER STERTZ: Right. Circling back
4 around.

5 CHAIR MATHIS: I agree.

6 Does it make sense as a commission to approach the
7 legislature and since there is this two and a half million
8 there to just express support for it so that they retain it
9 and keep it? Does it make sense for this group to --

10 COMMISSIONER FREEMAN: I think it might be
11 premature at this stage. We only have a budget within
12 ourselves. We need to have some concrete numbers. It would
13 be nice to get summaries for each of the years of the last
14 IRC so we have some facts and we can really look at the burn
15 rate because if 500,000 is more than enough that we're going
16 to need, then we've been well provided for. And if 2.5 is
17 written into the next budget, if that's more than enough
18 than the last IRC needed, then we're going to be
19 hard-pressed to claim that we're not getting enough.

20 So again, I think this is another one where the
21 arrow goes back to the ED to put together some budgets for
22 us so we have some facts to work with.

23 COMMISSIONER HERRERA: Madam Chair, I do believe
24 in the importance about thanking the legislature currently
25 as well for their support and knowing now but also in the

1 future, especially from our Republican friends since
2 obviously people in power are Republican and also being
3 independent it would be important to do that. If you run
4 into one, if you e-mail one, thank them for their support.

5 CHAIR MATHIS: Agreed. Good way to operate.

6 Any other questions, comments on the budget and
7 the commission requests? Okay.

8 Great. Well, we're at Item XII, agenda items and
9 dates of future meetings. So it would be ideal if we could
10 set the date and time and place maybe even of the next
11 meeting. I know some of you are away next week, and so I
12 don't know if just to keep things kind of going if we could
13 maybe meet the week of the 23rd.

14 Anybody have availability at that time?

15 COMMISSIONER STERTZ: The week of or the 21st?

16 CHAIR MATHIS: I'm sorry. Is the 21st a Monday?

17 COMMISSIONER STERTZ: It's a Monday, yes.

18 CHAIR MATHIS: The week of the 21st.

19 MR. BARTON: Madam Chair, I'm sure the AG's Office
20 will be able to send someone. I will be in DC until
21 Tuesday, the 29th, so but we can cover the meeting.

22 CHAIR MATHIS: Okay.

23 COMMISSIONER STERTZ: Madam Chair and Mr. Barton,
24 are you able to -- are the couple of things that are on your
25 list that we've just asked you to do are you able to

1 accommodate those prior to departure?

2 MR. BARTON: Yes. I'll make sure I get those to
3 you as soon as I can, and I will do that before.

4 COMMISSIONER STERTZ: Because you took on the role
5 of crafting and distilling some data down into --

6 MR. BARTON: Yes, that's correct. And in fact, we
7 might learn from ADOA that there's someone else that can do
8 that, and if that's possible, we can work with that person.
9 But in any case, yes. I mean I'll still have access to
10 e-mail and that sort of thing when I'm in DC. But as far as
11 meeting I wouldn't be able to meet that week.

12 CHAIR MATHIS: Any thoughts on specific days for
13 the meetings that work better for you or that don't work at
14 all? We should maybe start there.

15 COMMISSIONER FREEMAN: Monday, the 21st, would be
16 the most difficult day for me. Otherwise I could do it any
17 other days.

18 CHAIR MATHIS: Okay.

19 COMMISSIONER HERRERA: The 23rd for me would be
20 difficult in the afternoon.

21 CHAIR MATHIS: That's the Wednesday. So sounding
22 like Tuesday, Thursday, Friday are still good days?

23 COMMISSIONER McNULTY: Those are good for me,
24 Madam Chair.

25 COMMISSIONER HERRERA: How are you guys with

1 Fridays generally?

2 CHAIR MATHIS: Are there any days that really are
3 bad, too, just out of curiosity? Certain weekdays that
4 just --

5 COMMISSIONER McNULTY: Wednesday is not, Wednesday
6 afternoon typically would not be good for me, Madam Chair.

7 CHAIR MATHIS: Any others?

8 COMMISSIONER McNULTY: That's my only constraint.

9 CHAIR MATHIS: Great. Everyone is pretty
10 flexible. Should we say that Thursday? Would that be good?
11 Or do you prefer Tuesday?

12 COMMISSIONER STERTZ: Thursday, the 24th?

13 CHAIR MATHIS: Uh-huh.

14 COMMISSIONER HERRERA: Thursday, the 24th, works.
15 What time? 1:00?

16 CHAIR MATHIS: Maybe, yeah, since we don't know
17 where we're going to be meeting, if it will be Phoenix or
18 Phoenix area or that Dairy Queen rest area.

19 COMMISSIONER STERTZ: It's around the lot by the
20 way.

21 CHAIR MATHIS: So I don't know. Do you like is
22 the afternoon time good, the 1:00 P.M.? Then it allows so
23 wherever we are it gives the other half, so to speak, to
24 drive to wherever that meeting is. So we can say 1:00 P.M.?

25 COMMISSIONER FREEMAN: That's fine.

1 CHAIR MATHIS: Okay. So 1:00 P.M. 24th of March
2 will be our next meeting.

3 COMMISSIONER STERTZ: Location to be determined.

4 CHAIR MATHIS: Location to be determined.

5 Any preferences or thoughts on that one? Ideas
6 for future meetings that you think we ought to be --

7 COMMISSIONER HERRERA: I may be a little biased,
8 but I'd like to have the meeting in Phoenix.

9 COMMISSIONER FREEMAN: I agree.

10 COMMISSIONER STERTZ: Boy, I love having a
11 majority.

12 CHAIR MATHIS: Overruled.

13 Now we'll definitely try to respect each other and
14 try and trade off on that because yeah.

15 COMMISSIONER STERTZ: Madam Chair, in regards to
16 meeting location we have to be cognizant that Maricopa
17 County is closest to two of the larger part of the mass of
18 the state. It also holds three-quarters of its population.
19 So we have to be cognizant of that. Just because three
20 members of this body happen to reside here we can't ignore
21 that.

22 So I'm going to be -- as convenient as it is for
23 three of us to -- we could have ridden our bikes here today,
24 we have to recognize that this is a statewide commission and
25 we realize that.

1 CHAIR MATHIS: Good point.

2 COMMISSIONER HERRERA: I agree.

3 COMMISSIONER McNULTY: Madam Chair, I think we all
4 feel that way.

5 COMMISSIONER FREEMAN: Yes.

6 CHAIR MATHIS: And I think it will be important to
7 have a meeting in a room if we can do it this way always
8 just to have it in a federal building where or state
9 building where there's access for the public and a place for
10 public comment to occur and, as we talked about earlier,
11 some of the technology having that capability would be
12 really nice.

13 COMMISSIONER HERRERA: Madam Chair, I want to see
14 if we were, maybe I'm mistaken, but I thought we were going
15 to have a base --

16 CHAIR MATHIS: Office?

17 COMMISSIONER HERRERA: -- office. So I would
18 assume that we would have a good chunk of our meetings at
19 whatever we decide would be our headquarters.

20 CHAIR MATHIS: Right. Assuming there's a
21 conference room I agree.

22 COMMISSIONER HERRERA: Correct. And then we would
23 travel within the state when we need to.

24 CHAIR MATHIS: Yes. I don't know what the
25 state -- we'll know more tomorrow because they're going to

1 give us options, the ADOA will give us options on space.
2 I'm told there's a lot of options so in both Phoenix and
3 Tucson.

4 COMMISSIONER STERTZ: Madam Chair and
5 commissioners, I'd like to throw in your heads that we've
6 got -- we're in a different place than we were
7 technologically than we were 10 years ago, and between
8 social network and Skyping and videoconferencing,
9 videoconferencing is resourceful, so it's really incumbent
10 upon us to use all of the technology that we have available
11 and all of the social media that we have available to have
12 as much outreach to the general public about where we are,
13 where we're going to be and to capture as much general
14 public information as we could possibly capture wherever and
15 whenever we're going to meet.

16 CHAIR MATHIS: I agree.

17 COMMISSIONER HERRERA: That's why we go back to
18 the ED. I can't stress again how important it is that we
19 hire someone quickly that can help us with that, maybe
20 disseminate the information to the media saying okay, this
21 is where we're going to be and this is where people can
22 participate if they're not able to come in person.

23 CHAIR MATHIS: Right.

24 COMMISSIONER STERTZ: I mean there are already
25 multiple websites and Facebook pages that have been

1 established about -- they're all positional -- that are very
2 interesting as you scroll through to see. That's important.
3 It's important to recognize that. It's important that we
4 are leading the way and not ignoring that we want to be
5 connected and be a part of that.

6 CHAIR MATHIS: Agreed. Any other comments or
7 thoughts?

8 I agree. There's five of us and six million, we
9 don't have the official data yet, but six million Arizonans
10 out there, and we need to do our best. We're representing
11 all of them. So we have to -- it's incumbent upon us to
12 ensure that they're part of this process. And the more we
13 can engage with them the better, the more input we receive
14 so.

15 COMMISSIONER STERTZ: You don't have any
16 opportunity for other discussion on the agenda.

17 CHAIR MATHIS: No, I don't, but we can --

18 COMMISSIONER HERRERA: Future agenda items.

19 CHAIR MATHIS: Yes. So and we do need to talk
20 about that next -- agenda items for that next meeting, so
21 that can be part of and new business you can incorporate
22 that in. So let's talk about agenda items for that next
23 meeting, what we have.

24 One of the things I guess we didn't talk about but
25 I thought about is I don't know when we receive the census

1 data, I think it's soon, but I haven't been informed yet on
2 that one, I don't know if counsel knows, but it seems like a
3 presentation on the census data and any other sources of
4 data that we're going to be using in the redistricting
5 process once that work begins might be helpful.

6 And I don't know if that's something the Attorney
7 General's Office does or if there's somebody else who is
8 considered the expert in those data sources.

9 MR. BARTON: Madam Chair, I'm not aware of our
10 office doing anything on that, but and I hear some rumors
11 that it's coming out soon from the folks.

12 CHAIR MATHIS: Rumblings.

13 MR. BARTON: So it's coming out soon, but I'm not
14 aware that the Attorney General's Office has anything on
15 that. So we'll have to see.

16 CHAIR MATHIS: We need to explore that. That
17 would be great if you could help us determine that.

18 Any other agenda items that you all have thought
19 of?

20 COMMISSIONER McNULTY: Madam Chair, we have the
21 executive director job description to formalize and --

22 COMMISSIONER HERRERA: Hopefully approve.

23 COMMISSIONER McNULTY: -- hopefully approve,
24 discussion and action and further discussion of our fees,
25 the RFP process for consultation, consultants and legal

1 counsel.

2 CHAIR MATHIS: Okay. Agreed.

3 COMMISSIONER McNULTY: Perhaps an agenda item
4 about what we've discovered that's relevant to our
5 operations from ADOA and what resources might be available
6 for future meetings and so forth, electronic communications.

7 CHAIR MATHIS: Okay. And one of the items, too,
8 Mr. Barton suggested the open meeting law training would
9 occur at the next meeting, that would be part of it.

10 MR. BARTON: Madam Chair, yes. I will not be -- I
11 will be out of town. However, I will see if someone can
12 fill in who's able, there's a number of people in the office
13 that could do a very comprehensive job of the open meeting
14 law trainings. So hopefully if one of those people are
15 available to cover, we'll still be able to do that.

16 COMMISSIONER STERTZ: Madam Chair, in the call to
17 the audience are you going to craft any criteria for the
18 call to the audience?

19 CHAIR MATHIS: Yes. I was speaking with counsel
20 about that ahead of time because I wasn't sure if public
21 comment is restricted during the meeting to only items that
22 are specified on the agenda or if they can comment on
23 anything when they come in to have a public comment.

24 And so it sounds like they can comment on
25 anything, we're not restricting them; is that correct?

1 MR. BARTON: Madam Chair, that's correct. You can
2 take a public comment on anything. And if there is a very
3 brief response that can be made to the comment, that's
4 acceptable from an open meeting law perspective. You can't
5 discuss it. You can't have sort of a full-blown discussion
6 of something that's raised. You certainly can't take action
7 based on something that's raised.

8 So as far as the content of the public, call to
9 the public, yes, you can be open with it, but just the board
10 can't discuss it or take action on it unless it was an
11 agenda item.

12 As far as I don't know what Commissioner Stertz
13 had in mind. You also could limit it in time and if you
14 publish it ahead of time, you can limit the time on it.

15 COMMISSIONER STERTZ: You touched on both points.
16 One is that there are rules that we can't discuss things
17 that are off the agenda when they're opened up. And the
18 second is what would the commission's pleasure be on time
19 constraints?

20 You've got a, knowing that there is a -- there's
21 going to become a time when it's challenging to have time
22 constraints when we are looking for to capture a lot of
23 data. At the same time to capture a lot of data you have to
24 have time constraints if there's proper representation. In
25 looking back on the minutes of -- there were several

1 meetings that were well over 100 people that were in
2 attendance and many making comments during the public
3 comment process.

4 So I don't have a thought one way or the other
5 other than to have that discussed among the five of us.

6 CHAIR MATHIS: Any other, any comments or thoughts
7 on Mr. Stertz's remarks?

8 I guess I wouldn't say -- I don't know if I would
9 want to dictate right now that hey, we're going to limit
10 comments to three minutes for everybody. I guess it will
11 depend meeting by meeting. If we only have a few public
12 commentators (sic), they can talk longer probably than three
13 minutes.

14 But we'll try to structure it so that I can at
15 least, if you all agree, say at the beginning in the call to
16 the public, hey, if you could try to contain your remarks to
17 within three to five minutes. And if they have something
18 that they want to read like a big statement or document,
19 they can submit that, they can submit that to counsel who
20 can get it to us if that's the right procedure.

21 And on that point with public comment I think as
22 we receive -- this is just a question and thought for all of
23 you, as we receive these expressions of interest, too, from
24 various groups that want to have input, I think it's
25 probably wise, and I'd love your thoughts is to just

1 encourage them always to the extent possible to come to one
2 of our public meetings so that they can address it and it
3 will be in the public record.

4 That might be one strategy for dealing with some
5 of these, the input we receive as individuals even, to
6 encourage people to come to the meeting and make those
7 announcements so that everybody hears them. And then it is
8 ensured to be brought into this commission in a formal and
9 transparent way.

10 COMMISSIONER McNULTY: Madam Chair, a question for
11 Mr. Barton that may be more appropriate for ADOA.

12 Will we have a -- I guess at our headquarters our
13 executive director will collect all of the public comments
14 that are received and they will be available for the public
15 to review so as we go through this process of preparing maps
16 we'll accept comments not only at hearings but also in
17 written form and those will be open to the public? Is
18 that --

19 MR. BARTON: Madam Chair and Commissioner McNulty,
20 I would assume. I mean I think other commissions worked out
21 a way. The Clean Elections Commission, for example, has an
22 executive director who collects comments and then will often
23 publish them as a part of the executive director's reports.

24 To the extent the website, you can put them up on
25 the website. There's various things that you can do to be

1 sort of transparent with public comment for sure.

2 CHAIR MATHIS: Thank you. Good suggestion.

3 Any other thoughts on --

4 COMMISSIONER STERTZ: That's a full agenda.

5 CHAIR MATHIS: Any idea how long open meeting law
6 training takes just offhand just so we can be prepared to
7 know for the next meeting?

8 MR. BARTON: Madam Chair, when I talked to the
9 head of the open meeting law enforcement team today, she
10 felt that initial training an hour would be required, but
11 for a refresher you could do it in a half hour.

12 And so my thought is that you're going to talk
13 about some of this with ADOA tomorrow. If you do the public
14 service officer online training, I'm thinking that a
15 refresher course, type course then particularly with
16 allowing you to ask questions will be a good, will be a good
17 training.

18 My thought would be something on the order of a
19 half hour and then with questions to be asked following is
20 what I think is possibly best.

21 CHAIR MATHIS: Okay. That's a reasonable amount
22 of time for the construct of our meeting.

23 So is there new business that we want to discuss
24 or bring up?

25 MR. BARTON: Madam Chair, I would say that

1 probably because it's not on the public notice you should
2 probably just move on to the next item.

3 CHAIR MATHIS: Okay. Understood. Never mind.
4 Strike that.

5 I think that brings us to unless there's any other
6 comments on agenda items and dates of future meetings any
7 other business? Okay. Since there's no further business
8 this meeting is adjourned. If I had a gavel --

9 COMMISSIONER STERTZ: I move to adjourn.

10 CHAIR MATHIS: I don't have to, I guess. That's
11 my understanding is if it's an item on the agenda, if
12 adjournment is on the agenda, that you don't have to get a
13 motion. I know I'm really wielding my power here, but if
14 the commission prefers to have a motion --

15 COMMISSIONER HERRERA: Commissioner Stertz already
16 made a motion. I'll second it.

17 CHAIR MATHIS: Okay. All in favor?

18 (Whereupon everyone voted aye.)

19 CHAIR MATHIS: Any opposed?

20 This meeting is adjourned.

21 (Whereupon the meeting was adjourned at 2:32 P.M.)

22

23

* * * *

24

25

1 STATE OF ARIZONA)

)

2 COUNTY OF PIMA)

3

4 I, RAYNBO SILVA, Certified Reporter in the County
5 of Pima, State of Arizona, certify:

6 That the foregoing public meeting was taken before
7 me at the time and place therein set forth;

8 That the foregoing 73 pages comprise a full, true
9 and accurate transcription of my notes of said public
10 meeting;

11 DATED this 21st day of March, 2011.

12

13

14

15 Raynbo Silva, RPR, CR

Certified Reporter No. 50014

16

17

18

19

20

21

22

23

24

25