

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

Monday, October 31, 2011  
6:29 p.m.

**Location**

**Evans House  
1100 West Washington Street  
Phoenix, Arizona 85007**

**Attending**  
(via teleconference)

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

**Attending**

Ray Bladine, Executive Director  
Kristina Gomez, Deputy Executive Director  
Stu Robinson, Public Information Officer

Mary O'Grady, Legal Counsel  
Jean-Jacques Cabou, Legal Counsel  
and  
(via teleconference)  
Kristin Windtberg, Legal Counsel

Reported By:  
Marty Herder, CCR  
Certified Court Reporter #50162

Phoenix, Arizona  
October 31, 2011  
6:29 p.m.

P R O C E E D I N G S

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: This meeting of the Arizona  
Independent Redistricting Commission will now come to order.

Today is Monday, October 31st.

6:29 p.m.

And we'll start with roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Commissioner Herrera.

VICE-CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other folks I think in Phoenix include legal  
counsel, Mary O'Grady, Jay Cabou.

MARY O'GRADY: That's right.

JEAN-JACQUES CABOU: We're here.

1           CHAIRPERSON MATHIS: And we have Kristin Windtberg  
2 on the phone.

3           Great. And I know that -- I don't think anyone  
4 from mapping is there.

5           Is that right?

6           RAY BLADINE: That's correct.

7           CHAIRPERSON MATHIS: Okay.

8           And so we have Ray Bladine our executive director,  
9 Stu Robinson our public information officer, and Marty  
10 Herder is providing our transcription services this evening.

11          And did I miss anybody? Is there anybody else on  
12 the phone, or in person?

13          (No oral response.)

14          MARY O'GRADY: I think that's all, here in our  
15 office.

16          CHAIRPERSON MATHIS: Okay.

17          We'll go to agenda item two, legal advice,  
18 direction to counsel, discussion of possible action  
19 regarding actions relating to letter from Governor Brewer  
20 concerning Commission conduct.

21          Commission may vote to go into executive session,  
22 which will not be open to the public for the purpose of  
23 obtaining legal advice and providing direction to counsel.

24          So, do I give this over to you, Mary?

25          MARY O'GRADY: Sure. Just a brief public session

1 update procedurally. We got the letters October 26th,  
2 giving notice of a -- threatening removal of all  
3 five commissioners and giving the commissioners until  
4 5:00 -- or 8:00 o'clock this morning to file responses, and  
5 requesting that each individual commissioner file a  
6 response.

7           So this morning by 8:00 o'clock all  
8 five commissioners did file responses with the governor.

9           Also I filed one on behalf of the Commission as a  
10 body.

11           And so those are on file with the governor. And,  
12 and those are a matter of public record now.

13           And that's the extent of my public session update.

14           And beyond that, I would ask for an executive  
15 session so we can advise and get further direction.

16           CHAIRPERSON MATHIS: Okay. Any questions or  
17 comments for Mary?

18           (No oral response.)

19           COMMISSIONER McNULTY: I would move to go into  
20 executive session for the purpose of getting legal advice  
21 and direction of counsel.

22           VICE-CHAIR HERRERA: I second that.

23           CHAIRPERSON MATHIS: Any discussion?

24           VICE-CHAIR FREEMAN: Madam Chair.

25           CHAIRPERSON MATHIS: Mr. Freeman.

1           VICE-CHAIR FREEMAN: I would just before --  
2 (inaudible) raise the concern (inaudible) --

3           THE REPORTER: I can't hear him. Have him start  
4 over.

5           MARY O'GRADY: Commissioner Freeman, the court  
6 reporter was not able hear what you're saying, so could you  
7 begin again. And also, if you could identify on the phone  
8 who you are before you speak, it would help Marty.

9           CHAIRPERSON MATHIS: I did identify, but I'll do  
10 it again. Scott Freeman.

11           I just wanted to refer -- raise, again the  
12 concerns that I raised at the October 29th hearing that  
13 commenced at 4:00 p.m. concerning going into executive  
14 session in light of the legal positions the Commission has  
15 taken in the ongoing lawsuit involving the Attorney  
16 General's Office, and now I guess the Maricopa County  
17 Attorney's Office, that was just referring to incorporating  
18 the concerns that I raised at that prior hearing.

19           MARY O'GRADY: And, this is Mary. And, I guess,  
20 if it's appropriate, I will incorporate my responses to  
21 those concerns that you raised, so we don't need to repeat  
22 that entire conversation here.

23           CHAIRPERSON MATHIS: Okay. Any other discussion?

24           All in favor?

25           ("Aye.")

1 CHAIRPERSON MATHIS: Any opposed?

2 VICE-CHAIR FREEMAN: Scott Freeman. Abstain.

3 COMMISSIONER STERTZ: Rick Stertz. Abstain.

4 MARY O'GRADY: And --

5 CHAIRPERSON MATHIS: Okay. So we --

6 MARY O'GRADY: -- can I, can I just for the court  
7 reporter.

8 Did, Marty, did you get the names and who made and  
9 seconded the motion?

10 THE REPORTER: McNulty, Herrera, and the  
11 chairperson. Right?

12 MARY O'GRADY: Okay.

13 CHAIRPERSON MATHIS: So we have three ayes,  
14 Mathis, McNulty, Herrera, and two abstentions, Stertz and  
15 Freeman.

16 So with that, the time is 6:35 p.m., and we'll go  
17 into executive session once the public has been cleared out  
18 of the room.

19 So, Ray, you can let me know.

20 RAY BLADINE: Okay.

21 CHAIRPERSON MATHIS: I'm sorry, what?

22 VICE-CHAIR HERRERA: Madam Chair, how many members  
23 of the public are there?

24 Just three?

25 CHAIRPERSON MATHIS: I think three.

1 MARY O'GRADY: We have seven.

2 JEAN-JACQUES CABOU: We're up to seven.

3 MARY O'GRADY: Seven people.

4 CHAIRPERSON MATHIS: Okay.

5 VICE-CHAIR HERRERA: Wow. Impressive.

6 CHAIRPERSON MATHIS: The time is 6:35 p.m.

7 (Brief recess taken.)

8 (Whereupon, the public session recesses.)

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12 (Whereupon, the public session resumes.)

13 CHAIRPERSON MATHIS: Okay. The time is 7:01 p.m.

14 We'll enter back into public session.

15 And I'll entertain a motion to proceed as  
16 directed, that our legal counsel is to proceed as directed  
17 in executive session.

18 VICE-CHAIR HERRERA: I'll make that motion.

19 COMMISSIONER McNULTY: I'll second Mr. Herrera's  
20 motion.

21 CHAIRPERSON MATHIS: Any discussion?

22 (No oral response.)

23 CHAIRPERSON MATHIS: All in favor?

24 VICE-CHAIR HERRERA: Aye.

25 CHAIRPERSON MATHIS: Aye.

1 COMMISSIONER McNULTY: Aye.

2 CHAIRPERSON MATHIS: Any opposed?

3 VICE-CHAIR FREEMAN: Scott Freeman. Nay.

4 COMMISSIONER STERTZ: Rick Stertz. Nay.

5 CHAIRPERSON MATHIS: Okay. So we have Mathis,  
6 McNulty, Herrera voting aye. Stertz and Freeman voting no.

7 VICE-CHAIR HERRERA: Correct.

8 CHAIRPERSON MATHIS: I think that's it on the  
9 agenda.

10 Is there anything else that I'm missing, Mary?

11 MARY O'GRADY: No, I think that's all we needed  
12 for this evening. I appreciate you spending your Halloween  
13 doing this.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Yes, Mr. Herrera.

16 VICE-CHAIR HERRERA: As soon as we have a date for  
17 the next meeting or something, is it possible to get them  
18 right away so we can schedule the next meeting as soon as  
19 possible?

20 CHAIRPERSON MATHIS: I hope Mr. Bladine heard  
21 that. Right?

22 RAY BLADINE: Yes.

23 Can you say yes for me?

24 MARY O'GRADY: Yes.

25 CHAIRPERSON MATHIS: Okay.



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So anything else from anybody?

VICE-CHAIR HERRERA: No.

CHAIRPERSON MATHIS: Okay. We'll adjourn. The  
time is 7:02 p.m.

Thank you.

(Whereupon, the public session ends.)

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1 STATE OF ARIZONA            )  
  )  
2 COUNTY OF MARICOPA        )            ss.

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4                    BE IT KNOWN that the foregoing proceeding was  
5 taken before me, Marty Herder, a Certified Court Reporter,  
6 CCR No. 50162, State of Arizona; that the foregoing 9 pages  
7 constitute a true and accurate transcript of all proceedings  
8 had upon the taking of said meeting, all done to the best of  
9 my skill and ability.

10                   DATED at Chandler, Arizona, this \_\_\_\_\_ day of  
11 November, 2011.

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C. Martin Herder, CCR  
Certified Court Reporter  
Certificate No. 50162

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