

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC MEETING

Date: March 31, 2011

Time: 9:30 a.m.

Location: The Carnegie Center, Main Hall
1101 West Washington Street
Phoenix, Arizona

MEMBERS PRESENT:

Colleen Coyle Mathis, Chairperson
Scott Day Freeman, Vice Chairperson
Jose M. Herrera, Vice Chairperson
Linda McNulty, Commissioner
Richard Stertz, Commissioner

Also present: James Barton and Christopher Munns
Assistant Arizona Attorneys General

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1 TRANSCRIPT OF PROCEEDINGS

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3 CHAIRPERSON MATHIS: The meeting of the
4 Arizona Independent Redistricting Commission will come to
5 order. Today is Thursday, March 31st, and the time is
6 about 9:32.

7 Please rise for the Pledge of Allegiance.
8 (Pledge of Allegiance.)

9 CHAIRPERSON MATHIS: So I'd like to remind
10 everyone who would like to speak during the public comment
11 period to be sure to fill out a Request to Speak form,
12 which is at the podium here. And you can submit those to
13 me.

14 And I'd also like to note we have a court
15 reporter today, Meri, who's transcribing this meeting, and
16 as always, we should be mindful of speaking one at a time
17 and clearly, so that she can get an accurate record.

18 So I'd like to begin now with roll call.

19 Vice Chairman Freeman?

20 VICE CHAIRPERSON FREEMAN: Here.

21 CHAIRPERSON MATHIS: Vice Chairman Herrera?

22 VICE CHAIRPERSON HERRERA: Here.

23 CHAIRPERSON MATHIS: Commissioner McNulty?

24 COMMISSIONER MCNULTY: Here.

25 CHAIRPERSON MATHIS: Commissioner Stertz?

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1 COMMISSIONER STERTZ: Here.

2 CHAIRPERSON MATHIS: We have a quorum.

3 I'd also like to welcome back fresh from
4 D.C. and a U.S. Supreme Court hearing Assistant Attorney
5 General James Barton, who's assisting us today. And I
6 would like to thank Christopher Munns, Assistant Attorney
7 General, as well, who's been standing in his place while
8 he's been away. Thank you.

9 So that brings us to item II on the agenda,
10 approval of the March 9, '11, minutes, which are in the
11 form of a transcript. Did everyone receive and have a
12 chance to review those?

13 COMMISSIONER STERTZ: Yes.

14 CHAIRPERSON MATHIS: Okay. Do we have any
15 comments on corrections to that transcript?

16 COMMISSIONER McNULTY: I have several minor
17 corrections, Madam Chair.

18 CHAIRPERSON MATHIS: Okay.

19 COMMISSIONER McNULTY: On page 18, line 7,
20 it reads in the transcript "or whether they appoint us or
21 whatever." I think what I would have said is "or whether
22 they alternate or whatever."

23 CHAIRPERSON MATHIS: Okay.

24 COMMISSIONER McNULTY: On page 39, line 13,
25 need to remove the word "or."

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1 On page 42, line 23, after the word "find,"
2 we should insert the words "an independent."

3 Those are all my changes.

4 CHAIRPERSON MATHIS: Thank you, Commissioner
5 McNulty.

6 Did anyone else have other changes to the
7 transcript?

8 Okay. Hearing none -- At our last meeting,
9 I think we motioned and -- well, agreed to having those --
10 that transcript substitute as the official minutes for the
11 meeting. So if I could hear a motion to approve the
12 transcript as amended.

13 COMMISSIONER STERTZ: So moved.

14 CHAIRPERSON MATHIS: A second?

15 VICE CHAIRPERSON FREEMAN: Second.

16 CHAIRPERSON MATHIS: All in favor?

17 VOICE VOTES: Aye.

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18 CHAIRPERSON MATHIS: Any opposed?

19 (No verbal response.)

20 CHAIRPERSON MATHIS: Okay. The motion
21 carries. So those -- that transcript serves as the
22 official record for the March 9th meeting.

23 That takes us to item III on the agenda,
24 discussion and possible action on the preferred format of
25 minutes. So we discussed this a little bit last time that

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1 we could just have a transcript every time. We have a
2 court reporter. They take very accurate accounting, by
3 nature what they do, of exactly what occurred during the
4 meeting. We also can do audio recordings and video
5 recordings of our meeting. And we can also have a minute
6 taker. And today we have a minute taker as well. So
7 there are multiple ways to do this, and I don't want it to
8 be overkill, but we talked about last time how the
9 transcript is really the best accounting of exactly what
10 occurred. But I guess there can be times, from a public
11 accessibility standpoint and even for our own reference,
12 when we want to look back at what occurred in a meeting,
13 sometimes having a minutes -- having the minutes is a nice
14 summary of what occurred, and it gives you some context
15 for the way in which a decision was made, different from
16 the transcript in that regard. So I just wanted to raise
17 that and see if the Commission is open to discussing how
18 we would like to proceed with this going forward. Do we
19 always want to have a minute taker and a court reporter
20 and an audio/video recording if possible or any of the
21 above? So if we can talk about that.

22 COMMISSIONER McNULTY: Madam Chair, if I
Page 5

23 may, I think they each serve important purposes, and I
24 would support doing all three. I think the audio does
25 provide an immediately available record of the meeting.

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1 The transcript provides a full and accurate record. And
2 the minutes, if they are done well, do provide us a
3 summary of each meeting that make them more accessible to
4 the public and give us sort of an index that we can refer
5 back to. So I would support that, if we can find a minute
6 taker who prepares minutes that are adequate.

7 CHAIRPERSON MATHIS: Okay. Any other
8 comments?

9 COMMISSIONER STERTZ: Agreed.

10 VICE CHAIRPERSON FREEMAN: Madam Chair, I
11 would agree.

12 CHAIRPERSON MATHIS: Okay. So going
13 forward, to the extent possible we're going to try to go
14 for all three, have a transcript, an audio/video
15 recording, and also a minute taker. So -- And we'll get
16 into this a little later, but one day we'll have a website
17 where those items will then be posted so that people can
18 access them and follow our progress.

19 So thank you for that. I'm glad we have
20 some clarity.

21 So item IV on the agenda, call for public
22 comment. This is the time for the public to address the
23 Commission. And members of the Commission may not discuss
24 items that are not specifically identified on the agenda.
25 And today I only have one request to speak so far. Are

8

1 there any others?

2 So today, first person requesting to speak
3 is Steve Muratore. He's the publisher for The Arizona
4 Eagletarian.

5 MR. MURATORE: Thank you, Madam Chairman,
6 Members of the Commission.

7 Okay. A couple of things very briefly. I
8 wanted to note that from where I'm sitting in the back,
9 Ms. Mathis, I can hear you fine, but the other people, for
10 some reason -- if you could speak louder into the mics,
11 that would be wonderful.

12 Also I wanted to mention on the agenda, talk
13 about the website is here. You probably know, but from
14 the perspective of the public, the azredistricting.org is
15 where people already look for information about this
16 Commission, even though there's nothing about the current
17 situation up there yet. So I urge you to just make that
18 transition, whatever it takes, to use the
19 azredistricting.org.

20 Also regarding public notice, I had
21 mentioned to a couple of Commissioners last time that I
22 didn't know about the March 9th meeting because nobody
23 knew where to look for the public notice. I knew to look
24 for the public notice and the agenda this time, but I
25 still had to dig around to find it. So if the notice

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1 could be sent out to people that there are contacts
2 already available, sent out to the press, and posted,
3 hopefully as soon as possible, on a website like
4 azredistricting.org or someplace that search engines are

5 going to pick it up, that would be very helpful.

6 That's all I've got right now.

7 CHAIRPERSON MATHIS: Thank you,

8 Mr. Muratore.

9 Our next speaker is Ms. Marcia Busching.

10 And, Marcia, can you state who you're

11 representing?

12 MS. BUSCHING: I am representing myself.

13 CHAIRPERSON MATHIS: Okay. Thank you.

14 MS. BUSHING: Madam Chairman, members of the

15 Commission, I am here because I am a citizen and

16 interested very much in redistricting because I've seen

17 how it's impacted the state during the last 10 years and

18 feel that it's very important that the next 10 years be

19 done in a -- in the way that the statute requires it to be

20 done and go forward.

21 There's some things on the agenda that I

22 wanted to comment about today. First of all, legal

23 counsel. I saw that you passed out the budget -- or the

24 expenditures from last time. And if you notice in 2001,

25 there was only 61,000 spent on legal services. And the

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1 increase in legal services, undoubtedly as a result of

2 litigation, really didn't start until 2002. I would

3 suggest to you that perhaps at this point when you hire

4 legal services, you hire legal counsel with the notion

5 that their qualifications be in giving advice and counsel

6 as opposed to litigation, because at some point, you want

7 to hire counsel -- or at least have counsel on standby for

8 litigation, but I don't think that you necessarily need to

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9 hire litigation counsel up front.

10 Second point I want to make is on the other
11 staffing. Your agenda says that there is the possibility
12 of a public information officer and a community outreach
13 officer. I know that those two positions were there the
14 last -- the last Redistricting Commission. With the
15 decrease in funding and the overall change in the use of
16 the Internet and alternative media, I suggest to you that
17 those two positions may not be necessary this time, and
18 that I would suggest to you that you defer that, and to
19 the extent that you're going to spend money, put the money
20 into software and -- and the technology person. Because I
21 think those -- those two areas are absolutely critical in
22 this day and age.

23 which leads me into my third and last point
24 that I want to make, and that is the software. The
25 software, obviously, is going to be incredibly important

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1 going forward. It's what allows you to do the mapping,
2 the drawing of the lines, everything, and I would urge
3 you, absolutely urge you, to spend the money to allow the
4 public to provide input as well. Allow the public to be
5 able to draw the lines themselves and suggest to you maps.
6 The Maricopa County has done that. If you live in
7 Maricopa County, there's a website you can access. You
8 can draw your own maps, you can submit them, and they will
9 review them. And I think that that is equally important,
10 if not more so, on a state level because there's so many
11 more people and so many more variables that to allow the
12 public to do that is paramount.

13 Thank you.

14 CHAIRPERSON MATHIS: Thank you.

15 VICE CHAIRPERSON HERRERA: Thank you.

16 CHAIRPERSON MATHIS: Our final request to
17 speak comes from Judith Dworkin. She's representing the
18 Navajo Nation.

19 MS. DWORKIN: Good morning, Madam Chairman,
20 Commissioners. My name is Judith Dworkin. I'm from the
21 law firm of Sacks Tierney, and I represent the Navajo
22 Nation in these proceedings.

23 The Navajo Nation was an active participant
24 in the proceedings 10 years ago in redistricting and
25 intends to be an active participant this time as well.

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1 The Navajo Nation is, in fact, a community of interest,
2 and, of course, we would expect you to find that in these
3 proceedings. It's located currently in Congressional
4 District 1 and Legislative District 2. As to Legislative
5 District 2, it is the only majority-minority Native
6 American district within the state of Arizona. It
7 benchmarks a 68 percent Native American population,
8 62 percent voting age population. And those -- That
9 would be the benchmark with respect to any retrogression
10 analysis that you would have to do to determine whether
11 you have endangered the ability of Navajo Nation voters to
12 elect candidates of their choice.

13 The Navajo Nation government is charged with
14 ensuring that its Navajo members, who are residents of the
15 state of Arizona and voters in the state of Arizona --
16 providing them all of their rights under the U.S.
17 Constitution and the Voting Rights Act. And the Navajo

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18 Nation will see that the compliance with section 2 and
19 section 5 of the Voting Rights Act is complied with in
20 these proceedings.

21 we look forward to participating with you in
22 your endeavors over the next year, and we are here to
23 ensure that the Native American voters, particularly
24 Navajo voters, get to elect and participate fully in their
25 electoral franchise.

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1 Thank you very much. I appreciate it.

2 CHAIRPERSON MATHIS: Thank you.

3 We actually have one more request to speak.

4 Karen Wigglesworth from the company ESRI, E-S-R-I.

5 MS. WIGGLESWORTH: Thank you, Madam

6 Chairman, Commissioners.

7 I appreciate the opportunity to speak. I
8 wanted to introduce myself. I am with ESRI. We are a GIS
9 consulting services software vendor. I would like the
10 opportunity at some point to share more information with
11 you about our redistricting solution. This is very
12 relevant to the comment made previously about investing in
13 software and public websites, such as the Maricopa County
14 site. The Maricopa County site is actually built on our
15 technology. And I have some information I can share with
16 you, if you wish, about our solution. It includes
17 everything from the mapping component, involves all of the
18 census data for 2000 to 2010, sets up a way you can review
19 Department of Justice standards, and also allows for
20 public comment via the website.

21 Thank you.

22 CHAIRPERSON MATHIS: Thank you.

23 Okay. Any more public comments?
24 Okay. Hearing none, we'll be moving on to
25 agenda item V, discussion and possible action on hiring

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1 process for executive director, executive assistant,
2 public information officer, information technology
3 support, and community outreach officer and other
4 administrative support positions. So this is a hefty
5 agenda item in that all these other positions are listed,
6 and those are the positions that we know the Commission
7 hired last time for it and filled. So we, though, as a
8 Commission have started out to at least agree upon getting
9 an executive director on board, so most of the focus --
10 all the focus, really, has been there up to date. And
11 some good progress has been made on this front thanks to
12 some help from the HR folks, Ron Loyd and Susan Laurence.
13 Susan Laurence is actually managing this process for us.
14 They're from ADOA. She's in charge of executive
15 recruitment.

16 So you all have a copy of the job
17 description that did get posted. As we discussed last
18 time, we approved the PDQ, and job description was then
19 written and posted on azstatejobs.gov, I believe is the
20 site, yes. That started March 25th, and it will remain
21 there until the position is filled. It was also posted,
22 due to the direction of the Commissioners, in a few other
23 areas, in the Arizona Republic and also on Monster. So
24 yes.

25 so if I could, I'd like to ask susan to

15

1 update us on the recruiting process so far and where we
2 stand and what some of our next steps are, so we can begin
3 to plan what those would be.

4 MS. LAURENCE: Okay. I hope everyone can
5 hear me.

6 we're making very good progress. We are
7 receiving resumes daily. I'm forwarding those on to Megan
8 so she can, in turn, forward those on to you. On the 6th
9 of April close of business, I'm going to do my first
10 review of resumes and send those on to Megan to pass on to
11 all of you. The next step would be then to identify final
12 candidates. At that point, I will do a prescreen to see
13 if the candidate is still interested in the position, what
14 their salary requirements are, and ask them to provide at
15 least three professional references. At that point, I
16 will begin the reference check process, collecting those,
17 and then we -- the Commission will let me know when they
18 want to do an interview -- at least a first interview.
19 we'll look at dates and times and location and do that
20 first round of interviews. Normally, and I say typically,
21 there is a second interview process that follows that you
22 narrow down to maybe two final candidates. And then after
23 that occurs, it's the offer process and looking at a start
24 date. So it's pretty simple.

25 CHAIRPERSON MATHIS: Thank you.

16

1 Does anyone have any questions for Susan on
2 the hiring process, the timeline?

3 COMMISSIONER STERTZ: Madam Chair?

4 CHAIRPERSON MATHIS: Yes.

5 COMMISSIONER STERTZ: The criteria that you
6 use in your prescreening process is the typical process
7 that we've already been delivered. How many -- how many
8 shortlisted candidates do you anticipate bringing forward
9 to the Commission?

10 MS. LAURENCE: You know, typically, I think
11 it's not necessary to interview any more than between 8
12 and 10 final candidates because -- just for time, and, you
13 know, it can be overkill at that point. So I think 8 or
14 10 top candidates is normally what we do.

15 Oh, I also -- I forgot to mention I do have
16 sample questions that I have used in prior executive
17 recruitments I would want to send to all of you to look at
18 and tweak if necessary. And they're very good questions.
19 And we'll be happy to do that.

20 COMMISSIONER STERTZ: Madam Chair?

21 CHAIRPERSON MATHIS: Yes.

22 COMMISSIONER STERTZ: Susan, would the
23 candidates that you would be bringing forward -- will
24 there be an opportunity for any of the Commissioners that
25 may have reviewed any of the materials for submittal to

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1 add to that list?

2 MS. LAURENCE: Oh, absolutely. Absolutely.

3 COMMISSIONER STERTZ: So what would the
4 timing process need to be for you to get any particular
5 comments on specific applicants delivered to you to
6 integrate into your process?

7 MS. LAURENCE: You know, I'm open. I'm
8 pretty flexible that way. It's whatever is going to work

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9 best for you. I'm here to make your job easy, so --

10 CHAIRPERSON MATHIS: And I will -- Excuse
11 me. I will note that any expressions of interest any of
12 us Commissioners receive from the public from anyone
13 regarding these positions, we should forward that to
14 Susan, and she can respond directly to that person.
15 Everyone has her contact information to do that.

16 MS. LAURENCE: I'm happy to do that.

17 CHAIRPERSON MATHIS: Thank you.

18 COMMISSIONER STERTZ: Madam Commissioner,
19 lastly, our target we originally set forth was mid-April
20 for a hiring date. What do you think our target should be
21 now based on the April 6th closing date for applications?

22 MS. LAURENCE: Well, I don't want to cut
23 short any quality processes. And the reference check
24 process is key, I believe. References normally take about
25 two weeks, so I'll be honest with you, because the

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1 references that individuals provide, that's not one of
2 their top priorities and they're normally working people,
3 so I have found that they're not always too quick to get
4 back with me. And usually I will follow up. I have a
5 form that makes it a lot easier that sometimes I just send
6 through e-mail, because people are a little -- able to do
7 that and send that back to me a little quicker. But I
8 would say give it about two weeks for reference checks.
9 So I don't know if I'm being unrealistic, but I think
10 probably that the end of April would be a little more in
11 line, just so we don't cut short any of the processes.

12 COMMISSIONER STERTZ: So Madam Chair, if my
13 math is correct, it would be Thursday following, the 20th,

14 which would give you two weeks subsequent to the 6th,
15 would be a date to schedule for the agenda, for interview?
16 Is that correct?

17 MS. LAURENCE: I believe -- I don't have a
18 calendar in front of me, but I believe that that might be
19 just fine because if we have the first review on the 6th
20 and if the Commission can meet, then, at that point and
21 decide -- make a decision, then I will begin the reference
22 checks and that prescreen questions, to collect
23 references, verify salary requirements, et cetera, and
24 then two weeks. But I won't begin reference checks until
25 I know the ones that you do want to interview.

19

1 COMMISSIONER STERTZ: Madam Chair, I bring
2 that up because we're also going to be speaking about the
3 interviewing process for the consulting services, and I
4 don't want to overlap both of equal merit and equal
5 priority, and we also have legal counsel interviews to
6 take place as well, so we want to be as judicious with our
7 time as possible and as fair and clear with our time as
8 possible.

9 CHAIRPERSON MATHIS: Agreed. Thank you,
10 Commissioner Stertz.

11 And thank you, Susan.

12 Are there other comments for Susan or
13 questions?

14 COMMISSIONER McNULTY: Madam Chair, fellow
15 Commissioners, I have one question. If one of us does
16 have input into your list and would like you to add
17 someone who hasn't already been on the prescreened list,

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18 what will be the process that we follow to ensure that all
19 the Commissioners have the benefit of that information
20 from the particular Commissioner?

21 MS. LAURENCE: I think that's great that
22 people have people that they've identified as
23 possibilities. If they would like to contact me, they
24 can, and I, you know, would be happy to direct them to
25 the -- to azstatejobs, or you can do that. You know,

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1 either way, I'm happy to follow up with them and just tell
2 them hello or whatever, but I would definitely be
3 directing them to the website. So you can do that or I,
4 either.

5 COMMISSIONER McNULTY: And my question is
6 for my fellow Commissioners. What process will be
7 followed to ensure that if I have, for example, requested
8 that you add someone to the list that isn't on your
9 prescreened list, that that information is provided to my
10 fellow Commissioners that I've made that request? And the
11 attributes that I see in the candidate that I find
12 important? I think that's important that we agree upon as
13 a group.

14 CHAIRPERSON MATHIS: So I would guess that
15 what we would be doing in that situation is you would be
16 forwarding that to Megan, the interim executive director,
17 and she would then copy counsel, send that to all
18 Commissioners. Is that correct?

19 Mr. Barton?

20 MR. BARTON: Yes, that would work. If --
21 So, for example, you wanted to say, "I want to add Joe
22 Smith to the list," send it to Megan, Megan can

23 communicate to Susan, "Please make Joe Smith one of the
24 finalists," and then we could also send out an e-mail to
25 each of the Commissioners just to make them aware that Joe

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1 Smith has been added to the list of finalists. That --
2 It probably makes sense to say, you know, "based upon
3 nomination from Commissioner McNulty," something to that
4 effect.

5 CHAIRPERSON MATHIS: Okay. Does that sound
6 reasonable?

7 COMMISSIONER MCNULTY: Yes.

8 CHAIRPERSON MATHIS: So I would only add,
9 Susan, that to the extent possible, I would love to
10 accelerate the process. So -- And I know we don't have
11 any certain requirement for posting this position in terms
12 of the amount of time it needs to stay posted, but we
13 agreed as a Commission that it would be up for seven days
14 in some of these other locations, and then as you noted,
15 it would be on the azstatejobs website until it's filled.
16 But if there's a way to begin some of that prescreening
17 work of candidates ahead of time, I would be open and
18 loving that.

19 MS. LAURENCE: I'll tell you, I certainly
20 appreciate the fact that you're under a time crunch.
21 However -- and I'll tell you why I won't do that until we
22 have identified those final candidates, because sometimes
23 the people that you send that prescreen question, they
24 sometimes read it to mean that they are being considered
25 as a finalist in the process, and then when maybe that

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1 they're not, they become very disappointed, and we don't
2 want to give anybody that false hope, so I really would
3 like to look at the final candidates before I do a
4 prescreen.

5 CHAIRPERSON MATHIS: Okay.

6 MS. LAURENCE: Can you understand that, I
7 hope?

8 CHAIRPERSON MATHIS: I'm trying.

9 MS. LAURENCE: Okay. What I would
10 recommend, and what normally happens, is once we look at
11 that first date of resumes, is the Commission get
12 together, meet and make that decision. And as soon as
13 that decision is made, I send out the forms, and then, you
14 know, we get the reference checks. We can eliminate that
15 process, but I highly recommend that we don't, because
16 reference checks are very important. It's a good quality
17 check.

18 CHAIRPERSON MATHIS: So that first review
19 will take place April 6th, because I was -- what I was
20 hoping is maybe we could meet as a Commission the 14th or
21 15th to even begin to address, and Commissioner Stertz
22 noted that if we follow the two weeks, it would be
23 April 20th before we have our first crack at interviews.
24 But I was just hoping if we could move that into the week
25 prior or the end of the week, if that is at all possible.

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1 And I guess you won't know until the 6th.

2 MS. LAURENCE: You know, as far as I'm
3 concerned, I move fast, but it's the other people that you
4 really don't have a lot of control over sometimes.

5 CHAIRPERSON MATHIS: Reference check.

6 MS. LAURENCE: I can follow -- I'm a good
7 nagger. I can do that very well.

8 CHAIRPERSON MATHIS: Okay.

9 MS. LAURENCE: But still a lot of things are
10 out of my control due to references.

11 CHAIRPERSON MATHIS: I appreciate that.

12 Thank you. But anything you can do to help --

13 MS. LAURENCE: Oh, I will.

14 CHAIRPERSON MATHIS: -- we appreciate.

15 Thank you.

16 MS. LAURENCE: Sure.

17 CHAIRPERSON MATHIS: Good.

18 MS. LAURENCE: Any additional questions or
19 anything?

20 CHAIRPERSON MATHIS: Thank you.

21 MS. LAURENCE: You're welcome.

22 CHAIRPERSON MATHIS: So the next part of
23 this agenda item is just all the other positions. And Ron
24 Loyd will be managing that process for us for all those
25 other positions. And we all have copies from the previous

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1 Commission of those position description questionnaires.
2 Those went out a couple weeks -- two meetings ago, I
3 think. So you all have copies of what the duties were
4 from those positions for the last Commission. And we
5 haven't decided as a Commission whether or not we're going
6 to be staffing in a similar manner or not.

7 So I did want to, though, bring this
8 position up because we've talked about it in previous

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9 meetings. And that's this idea of having an outreach/web
10 guru who can handle both public outreach-type work but
11 also be technologically savvy to be able to handle
12 webstreaming and setting up our meetings with all the
13 audio/visual equipment that's needed. And we've talked
14 about this last meeting. And given how long it does take
15 to move through the HR process -- and granted the
16 executive director position may take a little longer than
17 some of these other ones -- I'm just wondering if we would
18 want to begin talking about other positions so that they
19 can be moving down the track concurrently, at least -- or
20 a little bit behind.

21 And one of the things that went out to all
22 of you was this -- it was a draft of -- it was a public
23 information officer position that is in the system, so to
24 speak, of the ADOA. And what was interesting about that
25 and the reason you got that is because it actually is --

25

1 if you read the duties, it has some of that hybrid
2 approach of being both web/tech savvy with also the
3 ability to deal with the public. So I thought it was
4 interesting and worth sending around, and it may be the
5 route of maybe how we go forward, of tweaking that to make
6 something that's suitable for our needs and what we've
7 discussed as a Commission that we want.

8 So I just wanted to bring that up because
9 I'm sensitive to how long the HR process takes, and if we
10 could begin to be contemplating some of these other
11 decisions on other positions, I would think that would be
12 helpful. But I would open that for discussion, if anyone
13 has thoughts.

14 COMMISSIONER STERTZ: Madam Commissioner, my
15 understanding is that going outside of the box is a much
16 more timely -- time-consuming matter, and the more that we
17 can stay within the rules of organizational structure of
18 DOA as it currently exists, it's going to be to our
19 benefit. If we can make subtle modifications to a -- an
20 existing position as it currently exists, it'll streamline
21 the process. Am I correct?

22 MR. LOYD: That's correct.

23 COMMISSIONER STERTZ: Okay. As we've just
24 been instructed and just been informed that there are
25 additional layers of just reality of the hiring process

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1 that are going to come into play, and our deadlines don't
2 change as a commission.

3 CHAIRPERSON MATHIS: Right.

4 COMMISSIONER STERTZ: And as we are going
5 through the -- all these mechanical functions, we want to
6 be cognizant of hiring the best and the brightest, but we
7 also want to do as much as we can to work within the
8 brackets, so to speak, as to -- to fill the needs as
9 quickly as possible. So I'm going to highly recommend
10 that we move forward with starting to fill this position
11 simultaneously with our filling of the ED position,
12 because this position is going to require a lot of -- A
13 lot of attention takes place right here with this
14 individual.

15 CHAIRPERSON MATHIS: Okay. Thank you,
16 Commissioner Stertz.

17 Other Commissioners?

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18 COMMISSIONER MCNULTY: Madam Chair, fellow
19 Commissioners, I agree with that. I would suggest that we
20 all review that closely and provide our input in a short
21 period of time. I would see this person as not only doing
22 outreach but also helping us to interface with our mapping
23 consultants, helping us to make decisions about software
24 that we will need to do our jobs and helping to train us
25 to do that.

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1 CHAIRPERSON MATHIS: And this person would
2 also be in charge of our website, getting that up and
3 running, or is that -- because I think I was thinking that
4 this would be kind of a web/outreach person. I'm open
5 to --

6 COMMISSIONER MCNULTY: I don't think I know
7 the answer to that. And I think that's a question we need
8 to ask ourselves and ask people who are qualified to do
9 the tech work, because I think that they're both equally
10 important. I think it's important that we have a web
11 outreach, but I think it's equally important that we, as
12 Commissioners, have the tools that we need and know how to
13 use the tools that are necessary to do the maps we need to
14 do.

15 CHAIRPERSON MATHIS: Okay.

16 Ron, if you could help us address this
17 issue, I would appreciate it.

18 This is Ron Loyd.

19 MR. LOYD: I'm Ron Loyd from the Department
20 of Administration, Human Resources. I'm the staffing and
21 the classification and compensation manager.

22 I'm the classification and compensation
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23 manager for the Department of Administration, Human
24 Resources. My name is Ron Loyd.

25 As Commissioner Stertz said, you've already

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1 got several positions, and it's easier to tweak those
2 positions than it is to establish a new position. Public
3 information officer III is one of the positions that is
4 available. Public information officer III could be
5 tweaked easily because part of the duties of a public
6 information officer could be to set up websites and things
7 like that, what you've been talking about. So that would
8 be one of the alternatives that you would have as opposed
9 to a new position.

10 You could alter the PDQ, establish a new
11 PDQ. Those are very easily done. Doesn't take long, less
12 than a week normally.

13 And we do have a -- still have a hiring
14 freeze on in the State of Arizona, so you would have to
15 still go through a justification to hire, but that is a
16 very simple process as well. It's a form, indicates what
17 you need, and you went through it with the executive
18 director. I think it would take less than -- it took less
19 than a week.

20 CHAIRPERSON MATHIS: Very quick.

21 MR. LOYD: We could tweak that PDQ, if you
22 wanted to do that, with the additional requirements that
23 the Commission would like and get that process running at
24 the same time.

25 Normally, as you know, one of the -- looking

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1 at the PDQ from the last meeting, one of the duties of the
2 executive director is also to hire and direct staff, so
3 once you've got that on board, maybe the executive
4 director would assist in the process of hiring the rest of
5 the staff.

6 CHAIRPERSON MATHIS: Right.

7 MR. LOYD: That would make that process
8 easier for the Commission.

9 COMMISSIONER STERTZ: Madam Chair?

10 CHAIRPERSON MATHIS: Yes.

11 COMMISSIONER STERTZ: Ron, may I ask a
12 question? This is the PIO II, correct?

13 MR. LOYD: The PDQ that was sent around was
14 a PIO II.

15 COMMISSIONER STERTZ: Correct. Okay.

16 MR. LOYD: But I believe you have a PIO III
17 on -- that you were given, that's already established.

18 CHAIRPERSON MATHIS: We do. That's what the
19 previous Commission had?

20 MR. LOYD: Yes. I believe they had a PIO
21 III, a grade 21.

22 CHAIRPERSON MATHIS: We do have that from
23 past meetings, so yes.

24 MR. LOYD: And that PIO position, that's
25 just a -- I believe what Susan passed around to the

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1 Commission was the PIO II --

2 CHAIRPERSON MATHIS: That's the one --

3 MR. LOYD: -- PDQ for some -- it was a class
4 spec, I believe, for that particular PIO. But a PIO is a

5 PIO. That's just a higher rated PIO that you already have
6 on staff, so that individual -- we could add that. I
7 don't believe it's in the PDQ currently, but we could add
8 those duties and use those for hiring.

9 COMMISSIONER STERTZ: Perfect.

10 CHAIRPERSON MATHIS: Okay.

11 MR. LOYD: Any other questions?

12 COMMISSIONER McNULTY: I have one question.
13 Do we have the RFP for the information technology support
14 position that's described in our agenda?

15 CHAIRPERSON MATHIS: I think so,
16 Commissioner McNulty.

17 COMMISSIONER McNULTY: Okay.

18 CHAIRPERSON MATHIS: It would be from the
19 previous -- one of the previous meetings when we passed
20 those out. Let me just make sure.

21 Administrative services officer, statewide
22 community outreach coordinator, executive director, public
23 information officer -- No, we don't. I do not have a
24 PDQ. We were given five.

25 MR. LOYD: The positions that were

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1 established by the previous commission were executive
2 director, the admin services officer III, public
3 information officer III, the executive staff assistant,
4 and the community outreach coordinator.

5 CHAIRPERSON MATHIS: I think that is -- that
6 was just put in the agenda, information technology
7 support, as a place holder to allow for discussion of the
8 fact that we mentioned in the past that we want to have

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9 somebody savvy with IT support.

10 COMMISSIONER McNULTY: If you have something
11 like that, could you provide it to us to review?

12 MR. LOYD: I wasn't aware that there was,
13 but I can research that, certainly.

14 CHAIRPERSON MATHIS: That would be great,
15 Ron. Thanks.

16 So yeah, an IT support. And what you had
17 mentioned earlier was interesting, just being able to
18 relate to consultants with the mapping software and GIS,
19 et cetera, any of the technical software so we all can
20 understand that well.

21 So thank you.

22 COMMISSIONER McNULTY: Thank you.

23 CHAIRPERSON MATHIS: Any other comments?

24 MR. LOYD: Thank you.

25 CHAIRPERSON MATHIS: Thanks very much, Ron.

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1 Okay. I think we're on to the next agenda
2 item, that's VI, discussion and possible action on request
3 for proposal process for securing legal counsel,
4 redistricting consulting services, and other consultative
5 support. So at our last meeting, Commissioner McNulty and
6 Vice Chairman Freeman agreed to work on the scope of work
7 document that's going to provide the basis for generating
8 our RFP should we decide to go that route, and a draft
9 with redline changes was circulated to everyone.

10 Did everyone receive that and have a chance
11 to review?

12 COMMISSIONER STERTZ: Yes.

13 CHAIRPERSON MATHIS: Okay. Do we have any

14 comments?

15 well, first of all, do Commissioner McNulty
16 or Vice Chairman Freeman have any comments about the draft
17 that was circulated?

18 VICE CHAIRPERSON FREEMAN: Madam Chairman,
19 Commissioner McNulty and I -- excuse me -- thought this
20 draft warrants some additional tweaking --

21 THE COURT REPORTER: I'm sorry. I can't
22 hear.

23 VICE CHAIRPERSON FREEMAN: Commissioner
24 McNulty and I discussed whether this draft would warrant
25 some additional tweaking. I think we agreed that in

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1 section 2.1, the last sentence, which begins, "As revised,
2 based on the Arizona open meeting laws," et cetera, is
3 superfluous, and we can strike that entire sentence.

4 And then there are a couple other issues, I
5 can give my thoughts, like caps. I can give my thoughts
6 now. We discussed whether we wanted to write a term
7 putting a cap of the hourly rates, and my thought was that
8 we probably didn't want to do that at this point.

9 We had -- we discussed another issue that's
10 perhaps a question for counsel in that if we issued this
11 RFP and we end up going down the road where we were going
12 to hire two counsel, a Republican and Democrat, and both
13 have submitted different responses to the RFP with
14 different rate proposals, can we at that point negotiate
15 with counsel so we can end up with one rate structure?
16 Does that require action of the Commission?

17 MR. BARTON: So I understand your question

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18 is, if -- say you've got the two candidates that you want
19 to -- basically you're ready to hire and you're at the
20 place of establishing the rate, can you then negotiate so
21 that you have the same rate between the two? And I don't
22 have an answer for that off the top of my head. I can
23 look into that and I can send you all an e-mail with my
24 response to it. I mean, intuitively, it seems like
25 something that should be okay, but I don't know because --

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1 you know, because of wanting to make sure that the
2 process, evaluation, is fair about how that would be sort
3 of changing the discussion about the rate negotiation in
4 that -- at that point, so I'll have to take that as an
5 action item and then research that for you.

6 VICE CHAIRPERSON FREEMAN: And very simply,
7 if one counsel --

8 MR. BARTON: Actually, you know, Jean
9 Clark's here from the procurement office. And maybe she
10 can answer that question.

11 MS. CLARK: Madam Chairman, members of the
12 Commission, I do want to just set the stage that the
13 procurement process is different than the hiring process,
14 and so I know the ultimate is, is you are going to have,
15 you know, legal counsel that will be working for the
16 Commission. But the process is different, and you need to
17 be able to maintain, you know, the fact that those are
18 different processes.

19 However, answering your question, we do need
20 to go through an evaluation process, but underneath the
21 code -- if we're following procurement code -- we do have
22 a right to discussions, negotiations, you know, of the

23 hourly rates along with any other incidental items that
24 they may have included in their proposals, terms and
25 conditions and anything like that that we want to

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1 negotiate.

2 I would have to say that I would definitely
3 caution us that the negotiations wouldn't be based on
4 trying to drive towards agreement and same hourly rate
5 from both -- you know, from the offerors. I mean, we're
6 really trying to negotiate independently the best offers,
7 you know, to be able to meet your needs based upon the
8 evaluation criteria.

9 CHAIRPERSON MATHIS: Any questions?

10 Comments?

11 COMMISSIONER McNULTY: Thank you, Madam

12 Chair.

13 Ms. Clark, one question. That's built into
14 the process and we would not need to make any disclosure
15 in this RFP that proposals would be subject to, you know,
16 review and negotiation by the Commission, or was that a
17 given?

18 MS. CLARK: That's a given. Let me -- I
19 would like to just take a moment, if I could, and just
20 kind of highlight some of the key factors for you, because
21 I think it might help as you go -- as we go through the
22 process. You might understand a little bit when we kind
23 of talk the timing. Scope of work is definitely critical.
24 How you're crafting the scope of work, because I haven't
25 seen, you know, what your final, you know, approach is, so

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1 your thoughts on the requirements and things will impact
2 the rest of the terms and conditions of the RFP.

3 But what the process is, is we'll develop
4 that RFP. I would highly suggest that that draft RFP be
5 reviewed, you know, by the Commission prior to us issuing
6 it. And then we will receive responses from those that
7 are interested. There will be an evaluation process,
8 which that evaluation criteria is identified in the RFP.
9 And then in that evaluation process, then that's basically
10 similar to the hiring process. You come down to a short
11 list, so to speak, and then we can negotiate. We're not
12 required to negotiate. We can just enter into a contract.
13 So it really depends on the number of the responses, the
14 quality of the responses, and, you know, the evaluation
15 committee and that review of that process.

16 So, you know, as Susan has indicated, in the
17 hiring process, some of the unknowns impact the process
18 and the timelines at times that we can't really articulate
19 it specifically, you know, what the time period's going to
20 be on these, because we don't know really how, you know,
21 the evaluation is going to play out.

22 But normally, our language in the RFP
23 document states that we have the right to discussions, and
24 we legally have a right to discussions underneath the
25 statute.

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1 CHAIRPERSON MATHIS: Thank you.

2 Any other questions for Jean?

3 VICE CHAIRPERSON HERRERA: No.

4 CHAIRPERSON MATHIS: All right. So are we

5 able to decide today on finalizing that scope of work that
6 you two have worked on and created the redline for?

7 VICE CHAIRPERSON FREEMAN: Oh, Madam Chair,
8 was there anything else?

9 COMMISSIONER McNULTY: I only have one other
10 small issue that Commissioner Freeman and I had discussed
11 briefly. In section 2.2, our draft provides the proposal
12 should provide for assistance by other attorneys or
13 paralegals as appropriate, with the goal of providing the
14 Commission with the most cost-effective representation.
15 And we didn't, by stating that, intend to disadvantage
16 sole proprietors, single lawyers, and thought that perhaps
17 we should clarify the proposals from multilawyer firms --
18 that this is applicable to proposals from multilawyer
19 firms. So I would propose to change that sentence to say
20 something to the effect of "proposals from multilawyer
21 firms should provide for," and continue as it's written.

22 I also agree with Mr. Freeman's thoughts on
23 the cap. I don't think we're prepared to do that today.

24 CHAIRPERSON MATHIS: Okay. Sounds like
25 there's agreement so far.

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1 VICE CHAIRPERSON FREEMAN: Madam Chairman,
2 one last thing.

3 CHAIRPERSON MATHIS: Okay.

4 VICE CHAIRPERSON FREEMAN: Paragraph 2.4, at
5 least in my copy, looks to be a typo.

6 CHAIRPERSON MATHIS: Right.

7 VICE CHAIRPERSON FREEMAN: This RFP contains
8 principally two.

9 CHAIRPERSON MATHIS: Yes. Yeah.
10 VICE CHAIRPERSON FREEMAN: So I guess with
11 Commissioner McNulty's amendment, correcting that typo,
12 and deleting the sentence in paragraph 2.1, I would think
13 this RFP is in good shape.
14 CHAIRPERSON MATHIS: And just for
15 clarification, Commissioner Freeman, in 2.1, is it the
16 last sentence that starts "Based on the Arizona open
17 meeting laws"?
18 VICE CHAIRPERSON FREEMAN: Correct.
19 CHAIRPERSON MATHIS: Okay. That's --
20 VICE CHAIRPERSON FREEMAN: And our thoughts
21 there was the open meeting laws are what they are.
22 CHAIRPERSON MATHIS: Right.
23 VICE CHAIRPERSON FREEMAN: We have to abide
24 by them. There's no reason for us to characterize them in
25 this document.

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1 CHAIRPERSON MATHIS: Great.
2 Any other comments from Commissioners?
3 VICE CHAIRPERSON HERRERA: No.
4 CHAIRPERSON MATHIS: Do I hear a motion to
5 approve this draft of the scope of work for legal counsel
6 as amended?
7 COMMISSIONER STERTZ: So moved.
8 VICE CHAIRPERSON HERRERA: I second that.
9 CHAIRPERSON MATHIS: Any discussion?
10 All in favor?
11 VOICE VOTE: Aye.
12 CHAIRPERSON MATHIS: Any opposed?
13 (No verbal response.)

14 CHAIRPERSON MATHIS: Great. The motion
15 carries. And so this scope of work, as drafted by and
16 reviewed by all of us, is what we're going to be moving
17 forward with. I wanted to thank Commissioner McNulty and
18 Vice Chairman Freeman for their work on providing some
19 leadership there.

20 So, I guess, I have a question for Jean
21 Clark, if that's possible, Jean. Well, you can
22 probably -- This gets into the other part of this agenda
23 which -- I mean this agenda item, and that is that legal
24 counsel was going to look into this issue of us as a
25 constitutional agency and what kind of authority we have

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1 with regards to following state procurement procedures or
2 if we can proceed as we like, so -- And so I wondered if
3 Mr. Barton had a chance to review that.

4 MR. BARTON: I have had a chance to look at
5 it.

6 And Jean, I don't want to leave you hanging
7 up there at the podium. I think probably you can sit back
8 down.

9 MS. CLARK: All right.

10 MR. BARTON: Before I do that, I want to --
11 I do want to clear the record on something that -- just
12 clear to the record on the position of the attorney
13 general's office. You know, the attorney general's office
14 hopes to facilitate this Commission in the work it's
15 doing. You know, as we know, we haven't lobbied strongly
16 to ask you to continue on to keep us as your counsel going
17 forward, but I do just want to make clear that the office

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18 is willing and able to act as the attorney for the
19 Commission going forward, if that's what the Commission
20 decides to do. We have the capabilities to do it. And we
21 also strongly believe that we can provide nonpartisan,
22 neutral advice to the Commission.

23 Now, I know that we sometimes talk about an
24 issue of the appearance of partisanship because the
25 attorney general is an elected position, and I'm not a

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1 politician, I'm not in a position to comment on that, but
2 I just wanted the record to reflect that the attorney
3 general's office is available and is willing and it's able
4 to provide those services if that's what the Commission
5 wants to do.

6 CHAIRPERSON MATHIS: I appreciate that
7 clarification. We've discussed this at past meetings that
8 it's not a foregone conclusion that we wouldn't choose the
9 attorney general's office, and if we did, we -- you've
10 told us, I think, in the past that we would be entering
11 into an intergovernmental agency agreement of some sort.
12 And that regardless of whatever path we choose, a
13 statement of work that we all agree on is kind of the
14 first step, and so we all agreed that yes, we need to get
15 that going so then we can make that next decision as to
16 which path to choose.

17 MR. BARTON: That's correct.

18 CHAIRPERSON MATHIS: Thank you.

19 MR. BARTON: As for the question you asked
20 me, which was about whether or not the body is required to
21 follow the procurement procedures, we've done some looking
22 into this, and frankly, it's not even clear after doing

23 some more legal research on whether it is absolutely
24 required.

25 However, the Commission, obviously, has a

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1 fiduciary responsibility to follow appropriate hiring
2 procedures and to, you know, may -- be good stewards of
3 the Commission's money, the money that's allotted to the
4 Commission. And so in other words, there would have to be
5 some process created that would ensure that the Commission
6 was meeting its fiduciary responsibility and it was being
7 honest stewards of the public money. And the procurement
8 process that the state has is, frankly, a good process to
9 do that, and so it's my advice that the Commission follow
10 the procurement process.

11 You know, as far as the interpretations of
12 the Constitution, some that would lead you to say that we
13 don't need to and some that would lead you to say that we
14 do, I'd rather not go into that in public session simply
15 because, you know, some of these things, if you choose not
16 to use the process, could, obviously, lead to litigation
17 at some point, and there's no reason for us to discuss
18 what could be potential weaknesses in our position in
19 public meeting.

20 But I don't think we need to go into
21 executive session to discuss that unless others do,
22 because I think there's just such a good reason to follow
23 the procurement process given the fact that the
24 Commission, like I said, does have fiduciary
25 responsibilities and has to be a good steward of the

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1 public money.

2 I know that a concern we had is about the
3 timing of the procurement process, and I talked with,
4 actually, Ms. Clark just before the meeting, and, you
5 know, if the Commission staff works well with the
6 procurement office and we have good lines of
7 communication, we can shorten down the time to make this
8 procurement happen, considerably. For example, I think
9 we're -- you know, we have a scope of work already. I
10 mean, that's -- you know, that was a big part of it. Some
11 of the time that the procurement office considers is the
12 deliberation on the part of the body. So, for example,
13 right now we're very anxious to get someone on the books,
14 but, you know, maybe we have several applications and it
15 takes longer for us -- for the Commission, rather, to
16 decide than you might think. So those are all types of
17 things that get added into the estimate.

18 So, I guess the long and short of it is it's
19 my recommendation that a certain amount of prudence -- the
20 Commission follow the procurement process, and that we
21 work -- the Commission staff particularly work with the
22 procurement office to sort of make things go smoothly and
23 see if we can get the time down much smaller than eight
24 weeks.

25 CHAIRPERSON MATHIS: Any questions or

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1 comments for counsel?

2 COMMISSIONER McNULTY: Madam Chair, only
3 that I believe our main concern was the timing and that to
4 the extent that we could expedite the timing on all of

5 these fronts, it would be very, very helpful to all of us.

6 CHAIRPERSON MATHIS: Agreed. Okay.

7 Did you and Jean discuss what kind of timing
8 could be expected if we followed that? I remember it was,
9 like, 8 to 10 weeks that was mentioned last week.

10 MR. BARTON: We didn't talk about specifics.
11 I don't know if Jean is at a place to talk about specifics
12 now or not. I think that the problem -- And this, you
13 know, this is sounding like a broken record, I know. But
14 the problem is that we go forward with the scope of work
15 now, and then you start -- you know, once you start into
16 the process, you can run into delays in sort of getting
17 requirements back and getting -- So I just think it's
18 very difficult to say whether it can be done, you know, in
19 four weeks versus six weeks, you know. I don't know. I
20 don't know if Jean has more to say on that.

21 MS. CLARK: I would have to add to that, I
22 mean, we'll do everything we can to expedite it, but, you
23 know, there are unknowns. The other thing is if we have
24 to expedite, we would have to have some discussions on
25 some other key components of the RFP to get the final RFP

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1 document finalized. If you choose that you wish to review
2 that document before you issue it, you know, obviously,
3 your schedule of your next public meeting, you know,
4 drives us to get that done. And what's that timing?

5 So --

6 CHAIRPERSON MATHIS: And you've recommended
7 that we do that?

8 MS. CLARK: I would recommend that you do,

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9 but, you know, that's your decision. That's not mine --
10 you know, my decision at all.

11 CHAIRPERSON MATHIS: Okay.

12 MS. CLARK: But we'll work as -- you know,
13 as fast as we can on it, but obviously, you know, we can't
14 guarantee an exact time because we don't know the schedule
15 of all your meetings, we don't know the number quality --
16 you know, submittals that we might get, you know, those
17 kind of things. But, I mean, we will work to expedite it.

18 CHAIRPERSON MATHIS: Thank you. We
19 appreciate that.

20 So, Jean, next steps, we would forward -- I
21 would -- or actually, Megan Darian would forward the
22 approved scope of work once it's amended to Don, I assume?
23 Don Ellwanger from your office?

24 MS. CLARK: Well, Megan and I will work
25 through that.

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1 CHAIRPERSON MATHIS: Okay.

2 MS. CLARK: If Megan has it, we will work
3 through as to, you know, who we're going to specifically
4 assign to it because of the expedited schedule, but we'll
5 get that from Megan.

6 We would draft the entire RFP document, and
7 then we could -- right then we can issue it or if you'd
8 like to, you know, review it prior to that, then maybe
9 have it ready for your next meeting.

10 CHAIRPERSON MATHIS: Okay. Thank you.

11 COMMISSIONER STERTZ: Madam Chair?

12 CHAIRPERSON MATHIS: Yes.

13 COMMISSIONER STERTZ: Jean, what is the time

14 frame? would it be ready in a day? would it be ready
15 prior to next Thursday's hearing?

16 MS. CLARK: If we get -- you know, if we
17 have the scope of work today --

18 COMMISSIONER STERTZ: Yes.

19 MS. CLARK: -- I mean, we'll have it by
20 early next week. I mean, we'll work it into our schedule
21 that we would have the draft RFP, you know, ready for
22 early next week, so we could get it to you, so you could
23 review it, so you could discuss it at your meeting next --

24 COMMISSIONER STERTZ: So worst-case scenario
25 would be that we'd be making approval on the final -- on a

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1 final reviewed RFP by a week from today?

2 MS. CLARK: Uh-huh.

3 COMMISSIONER STERTZ: Okay.

4 CHAIRPERSON MATHIS: Jean, where does the
5 RFP get posted once it's finalized?

6 MS. CLARK: What'll happen is we're going
7 to -- we will post it on our electronic site, which is our
8 Procure Arizona. It's called ProcureAZ. So anyone that
9 is registered for legal services would receive an
10 electronic notification. We'll also be ensured that we
11 will be contacting via, you know, e-mail, notifying those
12 that have already identified their statement of interest,
13 saying that it is posted when it -- you know, when we
14 finally -- when we do issue it, so that they're notified.
15 But they -- everyone will have to register on ProcureAZ to
16 be able to submit their response, because we are doing
17 everything electronically.

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18 CHAIRPERSON MATHIS: Is that a fairly
19 straightforward registration process?
20 MS. CLARK: Yes. Yes.
21 CHAIRPERSON MATHIS: Great.
22 Any other questions?
23 Thank you very much, Jean.
24 COMMISSIONER STERTZ: Thanks, Jean.
25 CHAIRPERSON MATHIS: Okay. And then in this

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1 agenda item, there's other consultative services,
2 particularly redistricting specifically mentioned. And I
3 believe that Commissioners Herrera and -- Vice Chairman
4 Herrera and Commissioner Stertz agreed last time to take
5 the leadership on the scope of work for the redistricting
6 consultation services. We do have the RFP that was issued
7 last time by the previous Commission for mapping services.
8 And I wanted to get an update from them on what they did
9 in the past week.

10 VICE CHAIRPERSON HERRERA: Madam Chair, what
11 we did, I -- well, thank you. I think it was Lisa Hauser
12 who found the PDF (sic), so thank you to Lisa for finding
13 that, because it made the work a little easier.

14 I was able to look over the scope of work,
15 make some changes, forward them over to Rick and Megan, I
16 think, Chris, and then Rick made his changes, and I looked
17 over the information, and I have no changes to make.

18 COMMISSIONER STERTZ: So as the sequence of
19 documents that were presented to the Commissioners today,
20 the sequence is the one titled "Scope of work without Any
21 Amendments," that is actually the 2001 scope of work
22 document that I re-created in an effort so that we would

23 have an editing stream.

24 Vice Chair Herrera forwarded to me his
25 comments. I integrated them into the document which does

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1 not have a draft title. It just says "Scope of work,"
2 with the first change being the item on the right column
3 saying "Deleted April 15, 2001." I integrated those
4 comments to -- into -- into the original scope and
5 forwarded it back to Vice Chair Herrera. And then I took
6 those comments and I integrated and expanded upon them.
7 And most specifically, when we were speaking about two key
8 things in the additional requirements, that I want to make
9 note to the rest of the Commission that I have added -- of
10 which Vice Chair Herrera does not have any issue with,
11 which I'm glad -- which were really in holding the -- it
12 was the contractor's responsibility to -- which is item --
13 bullet point 6 on page 3, which is "The Commission staff
14 and the contractor will work as directed by the Commission
15 to expeditiously develop and make accessible an
16 interlinked website, social media, and other such open and
17 accessible Internet communications data as may be deemed
18 appropriate to maximize the opportunity for public input
19 and access to the activities and actions of the
20 Commission. These sites may include audio, video,
21 podcast, Skype, and other such links as to not limit the
22 Commission's goal for data and input collection."

23 I added that as a line item so that a
24 contractor would be working in concert with the staff
25 position that would be added, so that there would be a

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1 marrying of the contractor's responsibilities as well as
2 the staff member's responsibilities.

3 And then at the top of the last page, page
4 4, I've also added this comment, which deals with our
5 mutual concern about archiving data, which is that "The
6 contractor shall develop archival-level research materials
7 as directed by the Commission and will deliver these to
8 the Commission at scheduled times to allow the archive of
9 this process to be timely and orderly. The term
10 'archival' shall refer to both electronic and paper
11 documents and other such medium as may be deemed
12 applicable. It is the intent of this Commission to have
13 all of the public data that is collected to be available
14 electronically for both the benefit of the current and
15 future commissions as well as the general public."

16 And I've added those to -- they're both salient,
17 they are both substantively different than the prior RFP,
18 and I believe that they are both relevant to and answer
19 the concerns and discussions we have had at the Commission
20 level.

21 CHAIRPERSON MATHIS: May I ask if Lisa Reib
22 is in the room, by chance? And if I'm mispronouncing your
23 name, I'm sorry.

24 MS. MAXWELL: There's Linda Reib and Lisa
25 Maxwell.

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1 CHAIRPERSON MATHIS: Oh, okay. Linda Reib
2 and Lisa Maxwell. Linda Reib. If -- She is the state's
3 electronic records archivist. I just wondered --

4 Yeah, thank you. So you're Linda?

5 MS. REIB: Yes.

6 CHAIRPERSON MATHIS: Could -- would you
7 mind, I just want to make sure that what -- since this
8 does get into an area that we're going to talk about in a
9 later agenda item, but it's pertinent to what Commissioner
10 Stertz has suggested for this scope of work, and I
11 wondered if there were any comments on your part.

12 MS. REIB: Correct. It's the content of the
13 material that matters whether or not it's permanent and
14 what records retention you follow for that particular
15 material. It's content of the material, not the format.
16 But you do have to look at the format because preservation
17 of electronic records is quite difficult and expensive to
18 do. As you know, the format changes every three or four
19 years. The hardware that you require, the software
20 required to read the electronic media does change over
21 time, so you do have to keep that into consideration.

22 CHAIRPERSON MATHIS: I just wanted to make
23 sure, since we're talking about that specifically, it is
24 the intent of this Commission to have all the public data
25 that is collected to be available electronically for the

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1 benefit of both the current and future commissions as well
2 as the general public. I have no problem with that
3 language. I just wanted to make sure we're not
4 stepping --

5 MS. REIB: Okay. If you're looking forward,
6 trying -- records, it's better to have a printed copy, a
7 paper copy, or a microfilm copy of that data as well to
8 move forward over time because in 10, 15, 20 years, having

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9 the media -- availability of that data electronically
10 still available would be difficult.
11 CHAIRPERSON MATHIS: So the permanent record
12 could either consist of paper or microfilm?
13 MS. REIB: Microfilm.
14 CHAIRPERSON MATHIS: Okay.
15 MS. REIB: We can also discuss later --
16 CHAIRPERSON MATHIS: Yes.
17 MS. REIB: -- the different formats and how
18 to get them into different --
19 CHAIRPERSON MATHIS: That will be good.
20 MS. REIB: -- preservation media.
21 CHAIRPERSON MATHIS: And do we have any
22 other questions on that?
23 COMMISSIONER STERTZ: So is the
24 suggestion -- is to -- is the intent to be available both
25 electronically and in paper format?

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1 MS. REIB: Paper format.
2 CHAIRPERSON MATHIS: Any other questions?
3 Okay. Thank you, Linda.
4 Okay. So just for clarification, I wanted
5 to ask Commissioner Stertz and Vice Chair Herrera, this --
6 I have a Scope of work document that's redlined and then
7 the Draft B, and I wanted to just find out, what is the
8 distinction between those two?
9 COMMISSIONER STERTZ: The Scope of work,
10 there are two -- there are two in your packet that were
11 titled "Scope of work."
12 CHAIRPERSON MATHIS: Okay.
13 COMMISSIONER STERTZ: Scope of work that is

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14 redlined was redlined by Vice Chair Herrera. The Scope of
15 work Draft B is an integration of Vice Chair Herrera's
16 comments and my additions.

17 CHAIRPERSON MATHIS: Any comments on the
18 draft scope of work as redlined?

19 VICE CHAIRPERSON FREEMAN: Madam Chairman
20 and Commissioner Stertz, I have another document called
21 Scope of work Draft B where it looks like all the changes
22 have been integrated. Is that perhaps the document we all
23 should be looking at as we get into this?

24 COMMISSIONER STERTZ: Vice Chair Freeman,
25 the answer is yes, it's easier to read.

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1 VICE CHAIRPERSON FREEMAN: Okay.

2 CHAIRPERSON MATHIS: So we have a redlined
3 version of the Scope of work Draft B and then with those
4 changes accepted, just a clean copy?

5 COMMISSIONER STERTZ: That's correct.

6 CHAIRPERSON MATHIS: Okay. Any other
7 comments from Commissioners on the Scope of work as
8 drafted?

9 COMMISSIONER McNULTY: Madam Chair?

10 CHAIRPERSON MATHIS: Yes.

11 COMMISSIONER McNULTY: I do have a comment
12 for Commissioner Stertz. I think it's important that the
13 consultant build into the process at the front end
14 meetings with us, as Commissioners, to explain to us,
15 train us, as you will, give us a full understanding of how
16 the mapping software that that consulting firm will use
17 operates and to make available to us the ability to

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18 understand how to display the census data. And I don't
19 see that here, and I'd like to build that in as a first
20 step. I think it's a -- very critical that the consultant
21 spend as much time with us, helping us to do our
22 constitutional jobs of drawing the maps, as it spends with
23 the public gaining -- gathering input for us.

24 CHAIRPERSON MATHIS: Okay. Any thoughts?
25 Other comments?

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1 I would agree. I think that training is a
2 very important component to include. If everyone agrees,
3 maybe we could craft some language that we could insert
4 right now.

5 COMMISSIONER STERTZ: Madam Chairman,
6 Commissioner McNulty, if I'm hearing you correctly, what
7 you'd like to do is to include, under additional
8 requirements, that a training session or sessions of the
9 standing Commission be made prior to the engagement of the
10 process.

11 COMMISSIONER McNULTY: Well, and during the
12 process. I think that --

13 COMMISSIONER STERTZ: And continuing during
14 the process?

15 COMMISSIONER McNULTY: Yes. I think that
16 our interaction with the -- Our ability to ensure that
17 the consultant does what it is that we are charged with
18 doing, on our behalf, will be very dependent on the degree
19 to which we are facile, familiar with how the job is done
20 and the census data and the ability to make various
21 displays of that, so I would want them to build in as
22 their proposal -- I'm not sure "training" was the right

23 word -- training and meeting with us on a regular basis in
24 an interactive way.

25 And we may also want to receive from them

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1 their suggestions about how we best can make that
2 information available to the public and solicit the
3 public's input in the map drawing, as was suggested in the
4 earlier public comment. There's a lot more interest in
5 that. Technology has advanced a great deal in 10 years,
6 and there's a lot more interest in that now than there was
7 10 years ago, I think, and we have the opportunity to get
8 some very substantive comments from folks, so that we need
9 to be able to understand those and respond to those, and
10 we also need to get them, and I see this consultant as
11 integral in making all that happen.

12 COMMISSIONER STERTZ: Madam Chairman,
13 Commissioner McNulty, I think that piece we've got covered
14 in additional requirements, first paragraph, which is the
15 contractor's responsible for compiling and soliciting
16 public interest input as well as providing the public with
17 information as directed by the Commission.

18 Vice Chair Herrera and I have had infused
19 the phrase "as directed by the Commission" often
20 throughout this document in an effort to allow us the
21 ability to -- that during the course of this, that we can
22 continue to direct the consultant freely in any one of
23 these additional requirements. If you're comfortable with
24 that or -- And in regarding the word "training," I think
25 that the -- we can add the phrase "the company" or "the

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1 contractor" --

2 Do you have a phrase that you'd like to --

3 VICE CHAIRPERSON HERRERA: No. What were
4 you saying?

5 COMMISSIONER STERTZ: Saying you're wanting
6 to make sure that the contractor, from its date of hire,
7 continues to, and throughout the duration of its contract,
8 brings forward data and coordination with the Commission
9 to best enhance the Commission's ability to capture and
10 integrate public data as well as to utilize electronic
11 data collection and mapping materials for the best
12 possible result.

13 Is that close?

14 COMMISSIONER McNULTY: Let me try something.
15 I'd like the consultant to, on an ongoing basis, provide
16 detailed training and have regular meetings with the
17 Commission on operation of the mapping software and
18 display of the census data -- methods for developing
19 displays of the census data.

20 VICE CHAIRPERSON HERRERA: Madam Chair?

21 CHAIRPERSON MATHIS: Yes.

22 VICE CHAIRPERSON HERRERA: Yeah, I really do
23 believe that the first bullet point under additional
24 requirements to me does say that. I mean, it doesn't say
25 it in those words. I think it's a little wordy, but I

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1 think that this is implied. And maybe we need to get
2 legal counsel to chime in on the first bullet point on
3 page 3. That -- without having to be too wordy and
4 lengthy, does this get at what we want?

5 CHAIRPERSON MATHIS: Counsel?

6 MR. BARTON: well, I think -- I, you know,
7 actually don't have my copy right in front of me. May I
8 borrow yours?

9 You know, I guess I don't know that this
10 is a -- and this is really a legal question. I do think
11 that you could draw this from where you're at in the
12 document as it is. If Commissioner McNulty is more
13 comfortable with that in the language, that also is -- I
14 guess I don't know how to answer your question. I think
15 that it's a matter of taste, I think is the answer to your
16 question.

17 CHAIRPERSON MATHIS: Right. If we want to
18 specify this as an additional requirement, another bullet,
19 we could.

20 COMMISSIONER STERTZ: Okay.

21 CHAIRPERSON MATHIS: It doesn't -- I guess
22 bullet one doesn't really specify training and regular
23 meetings.

24 VICE CHAIRPERSON HERRERA: No. So the --
25 Madam Chair, on the first, "The contractor shall support

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1 the Commission in holding a number of public meetings and
2 trainings." Can we add that? Does that help?

3 CHAIRPERSON MATHIS: So you're saying add
4 "and training"?

5 VICE CHAIRPERSON HERRERA: Because I do want
6 the -- If that's okay with the Chair McNulty, any of the
7 trainings that we get, I want them to be open to the
8 public and for the public to be able to understand what

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9 we're -- I guess, learn what we're learning as well.

10 COMMISSIONER McNULTY: I think if we have a
11 quorum, that would be necessary.

12 VICE CHAIRPERSON HERRERA: Okay.

13 CHAIRPERSON MATHIS: Yes.

14 Commissioner McNulty, does that work, to add
15 the clause "and training" to that first sentence in that
16 first bullet?

17 COMMISSIONER McNULTY: My preference would
18 be to be specific. I think this is one of the most
19 important things that we will do.

20 CHAIRPERSON MATHIS: Okay.

21 COMMISSIONER McNULTY: And I would like it
22 to be spelled out explicitly that the consultant will be
23 obligated to train us and meet with us regularly in the
24 mapping software and in understanding and displaying the
25 census data. I think that's at the heart of what our job

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1 is. And I'd like a -- And the consultants are going to
2 be very important in helping us to do that job. It
3 doesn't need to be a complicated statement, but --

4 VICE CHAIRPERSON HERRERA: That's fine.

5 COMMISSIONER McNULTY: -- I would like to
6 include it.

7 VICE CHAIRPERSON HERRERA: Madam Chair and
8 Commissioner McNulty, would you add that as a new bullet
9 point, then, as probably the first bullet point on page 3?
10 And then move --

11 COMMISSIONER McNULTY: Sounds good.

12 VICE CHAIRPERSON HERRERA: Okay. I'm okay
13 with that.

14 CHAIRPERSON MATHIS: Okay. Commissioner
15 Freeman?

16 VICE CHAIRPERSON FREEMAN: Madam Chair, I
17 like what Commissioner McNulty came up with. I just added
18 that.

19 CHAIRPERSON MATHIS: wonderful. Okay.
20 Thanks for that input.

21 Any other thoughts on the other edits and
22 suggestions that Commissioner Stertz and Vice Chairman
23 Herrera have proposed?

24 VICE CHAIRPERSON HERRERA: And Madam Chair?

25 CHAIRPERSON MATHIS: Yes.

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1 VICE CHAIRPERSON HERRERA: I don't have a
2 change. I just have a strong recommendation. When we're
3 looking at the last bullet point on page 4, the scope of
4 work, where it starts, "The contractor may be required, as
5 directed by the Commission and the Commission's
6 discretion, to disclose to the Commission the contractor's
7 political's affiliations" and so on. I know the word "may
8 be required" -- but I would hope that we ask. I have no
9 problem with keeping the wording the way it is, but I
10 really -- I felt pretty strongly about the people that
11 apply, they should be providing this information. And
12 maybe we should change it. But I -- If everyone's okay
13 with the "may be" --

14 CHAIRPERSON MATHIS: Any thoughts on
15 Commissioner -- Vice Chairman Herrera's suggestion?

16 VICE CHAIRPERSON FREEMAN: Madam Chair, I'm
17 comfortable with the way it's worded. I agree with

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18 Commissioner Herrera. I think it's a question we ought to
19 be asking.

20 CHAIRPERSON MATHIS: Okay.

21 VICE CHAIRPERSON FREEMAN: I'm not too
22 concerned about it.

23 CHAIRPERSON MATHIS: Okay. Any other
24 thoughts or comments on the draft?

25 COMMISSIONER McNULTY: Madam Chair?

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1 CHAIRPERSON MATHIS: Yes.

2 COMMISSIONER McNULTY: Last time, as I look
3 through the record, they apparently hired four consultants
4 as a result of this RFP, some of whom subcontracted to the
5 main consultant. And given that that process evolved from
6 this RFP without any specific reference to it, it's
7 probably not necessary that we refer to it in the RFP.
8 But I did wonder whether it made any sense to ask the
9 consultants in their proposals to advise us whether they
10 would be using subcontractors or would propose to use
11 subcontractors to provide any of the services, and to say
12 that the same criteria would apply to the subcontractors
13 as applied to the contractor.

14 COMMISSIONER STERTZ: Madam Chair?

15 CHAIRPERSON MATHIS: Yes.

16 COMMISSIONER STERTZ: I guess that this
17 would be a question for procurement. Is that not handled
18 in the solicitation to bid?

19 MS. CLARK: Not seeing your scope of work
20 and some of the information that you have in there, but
21 the -- our uniform terms and conditions, for example,
22 require that if they are to utilize any subcontractors,

23 they have to identify them and they also have to have our
24 authority to do that, so they would be putting their
25 offers in.

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1 COMMISSIONER STERTZ: Thank you.

2 CHAIRPERSON MATHIS: Any other thoughts?

3 COMMISSIONER MCNULTY: One more. I really
4 appreciate that Mr. Stertz and Vice Chair Herrera have
5 included in several places that the Commission will direct
6 the consultant, and I'd like to add it in one more place.

7 CHAIRPERSON MATHIS: Okay.

8 COMMISSIONER STERTZ: Where did I miss it?

9 COMMISSIONER MCNULTY: On page 2. After the
10 recitation of the constitutional criteria, there are two
11 paragraphs, and the last line in the second paragraph
12 where it says, "to draft maps and request changes as
13 necessary," I would like to change that to "and direct
14 changes as necessary."

15 CHAIRPERSON MATHIS: So that's changing the
16 word "request" to "direct"?

17 COMMISSIONER MCNULTY: Yes.

18 CHAIRPERSON MATHIS: Okay. Okay. Any other
19 comments on the scope of work?

20 Do I need to -- This is a question for
21 counsel. Do we need to probably lay out exactly what that
22 bullet is that Ms. -- Commissioner McNulty is suggesting
23 that we add, that beginning? Because I don't have the
24 exact language. I can probably get it from the audio
25 recording, but I just wondered if that should be --

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1 THE WITNESS: Madam Chair, yes, I think it
2 makes sense to read the exact language that you want to
3 use, just clarification in the transcript.

4 CHAIRPERSON MATHIS: Okay. I was writing as
5 fast as I could. But I don't --

6 So it's going to be bullet number 1, under
7 additional requirements. This will be inserted, that the
8 contractor --

9 COMMISSIONER McNULTY: It looks like
10 Mr. Freeman wrote it down.

11 CHAIRPERSON MATHIS: Did he? I would love
12 it. Please go ahead. I can barely even read my own
13 writing.

14 VICE CHAIRPERSON FREEMAN: Could we have our
15 court reporter read back the transcript? Is that
16 possible?

17 (The record was read by the court reporter
18 as follows: The consultant to, on an ongoing basis,
19 provide detailed training and have regular meetings with
20 the Commission on operation of the mapping software and
21 display of the census data -- methods for developing
22 displays of the census data.)

23 COMMISSIONER McNULTY: Would you repeat that
24 last phrase?

25 THE COURT REPORTER: Methods for developing

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1 displays of the census data.

2 COMMISSIONER McNULTY: Thank you.

3 CHAIRPERSON MATHIS: So does that capture
4 that bullet as we would like it to?

5 Thank you, Meri.

6 COMMISSIONER McNULTY: To the best of my
7 ability right now.

8 COMMISSIONER STERTZ: Madam Chair,
9 Commissioner McNulty, for the purposes of clarification,
10 if we could change "consultant" to "contractor," for
11 consistency. Other than that, I think that --

12 CHAIRPERSON MATHIS: So it's "contractor"?

13 COMMISSIONER STERTZ: Commissioner Herrera
14 and I are fine with that language being included as the
15 first bullet point. Maybe you can handle that as that --
16 and the one change on page 2 as an amendment to your
17 motion.

18 CHAIRPERSON MATHIS: Great. We don't have a
19 motion on the floor right now, do we?

20 COMMISSIONER STERTZ: No.

21 CHAIRPERSON MATHIS: No?

22 So do I hear a motion to approve this draft
23 scope of work for retaining consultative services with
24 regards to redistricting?

25 VICE CHAIRPERSON FREEMAN: Madam Chair,

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1 there was one change, I thought, in paragraph number 2,
2 the citation to the constitutional provision. I think
3 that's a typo that keeps coming up in all these documents.
4 I think we should eliminate one of the sections that
5 was -- eliminate the comma and number 2. It's just
6 section 19.

7 And then at other places in this document, I
8 noticed there were a couple periods that -- they were just

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9 simply typos. There was a period missing. There was an
10 apostrophe missing.

11 CHAIRPERSON MATHIS: Right. The first --
12 also the first bullet, which is now the second bullet, but
13 it needs a period after the first sentence. I noticed
14 that.

15 VICE CHAIRPERSON FREEMAN: There was
16 something else on the second page, second paragraph from
17 the bottom, the last sentence of that paragraph talks
18 about -- states, "The Independent Redistricting Commission
19 by memorial or minority report." It may very well be that
20 "memorial report" is a term of art, of which I am
21 ignorant. It just seems like, to me, that should be
22 "majority or minority report."

23 And as for the other sort of typographical
24 issues, is that something that we really need to go
25 through, or can we trust that when the final RFP is

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1 issued, those will be cleaned up? They're not really
2 substantive matters, I guess, is my question.

3 MR. BARTON: I agree that they're not
4 substantive. And you're right. I think that you can --
5 that sort of stuff will be cleaned up as they go through
6 when they issue the final RFP. Yes.

7 CHAIRPERSON MATHIS: Thank you.

8 Any other edits or comments on this draft
9 scope of work?

10 Do I hear a motion to approve this draft
11 scope of work as amended?

12 VICE CHAIRPERSON FREEMAN: So moved.

13 VICE CHAIRPERSON HERRERA: I second that.

14 CHAIRPERSON MATHIS: All in favor?

15 VOICE VOTE: Aye.

16 CHAIRPERSON MATHIS: Any opposed?

17 (No verbal response.)

18 CHAIRPERSON MATHIS: Hearing none, the
19 motion carries.

20 So we have a draft Scope of Work, as
21 amended, that we will work to get cleaned up and
22 submitted, then, to whoever it's determined at state
23 procurement will be helping us with this process. Great.

24 Before we leave this agenda item, because I
25 think this is where this should be brought up -- you could

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1 argue maybe that it could be brought up later under
2 website information, but it pertains to the GIS software
3 that was used by the previous commission. And that was
4 ESRI, the company E-S-R-I. And they contacted us to let
5 us know that it's up for renewal, and apparently the
6 Commission owned it -- the last Commission owned this
7 software, and they wish to provide a quote. And I believe
8 Buck Forst, if he's in the room -- yes -- was
9 communicating with them to find out the details.

10 MR. FORST: Sure. They did provide a quote
11 to me, yes.

12 CHAIRPERSON MATHIS: They provided a quote
13 to you for renewal of the software?

14 MR. FORST: Yes.

15 CHAIRPERSON MATHIS: Okay. And so, I guess,
16 that's something that the Commission is going to need to
17 decide, is do we want to renew that software, this GIS

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18 software, which we -- we're not even familiar with. We
19 haven't seen it, so it's too early to say yes or no.

20 But if you could provide details of what
21 they said, I would just like it for the record.

22 MR. FORST: Sure.

23 CHAIRPERSON MATHIS: And how long the quote
24 is good for.

25 MR. FORST: Good question. Let's see. The

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1 quote was for roughly \$2,600.

2 THE COURT REPORTER: I'm sorry. If you
3 could put -- speak into the mic.

4 MR. FORST: The quote was roughly for
5 \$2,600.

6 CHAIRPERSON MATHIS: And that is for --
7 that's renewing the software.

8 MR. FORST: Yeah. The maintenance renewal.
9 ArcGIS Server Standard Work Group One Core Additional
10 Migrated. I'm not prepared to go over the terms. I
11 haven't had a chance to look at the existing website of
12 that GIS either, so --

13 CHAIRPERSON MATHIS: Do we know where the
14 software resides now?

15 MR. FORST: It's on a stand-alone server
16 over at the 1510 building for Information Services
17 Division. The OSPB is currently paying for that server to
18 be hosted there.

19 CHAIRPERSON MATHIS: OSPB?

20 MR. FORST: OSPB.

21 CHAIRPERSON MATHIS: Oh, what is that?

22 MR. FORST: Office of Strategic Planning and
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23 Budget.

24 CHAIRPERSON MATHIS: Planning and Budget.

25 Thank you.

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1 VICE CHAIRPERSON HERRERA: Madam Chair?

2 CHAIRPERSON MATHIS: Yes.

3 VICE CHAIRPERSON HERRERA: Since -- This is

4 not an agenda -- item that's been agendized. Can we --

5 Is there any way we can table it for next meeting?

6 Because I have no clue what's going on.

7 CHAIRPERSON MATHIS: Right.

8 VICE CHAIRPERSON HERRERA: And I -- I mean,

9 I have an idea what the company is, but I really don't

10 know much about it, and I don't --

11 CHAIRPERSON MATHIS: Exactly. And we won't

12 be making --

13 I appreciate your comment, Vice Chairman

14 Herrera. But I did want to raise it because this has just

15 came to us from this company saying we have this renewal

16 situation that we have to deal with, and it does pertain

17 to software that was used last time by that previous

18 Commission. And it's --

19 VICE CHAIRPERSON HERRERA: Sure.

20 CHAIRPERSON MATHIS: But you're totally

21 right; we cannot make a decision today. We need to get

22 information on exactly what the capabilities are of that

23 GIS mapping software and what it was used for, what it is

24 used for.

25 MR. FORST: Correct.

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1 CHAIRPERSON MATHIS: And -- But I did want
2 to notice that Buck has this quote and we're going to have
3 to deal with it, so it will be a future agenda item.

4 Thank a lot, Buck.

5 It's 11:00. And I wanted to see if we
6 wanted to do a short recess to provide people a break,
7 since it's been an hour and a half. Okay. So we'll go
8 ahead and move.

9 Do we need a motion for a recess?

10 MR. BARTON: No. You don't need a motion
11 for a recess.

12 CHAIRPERSON MATHIS: We're going to take a
13 recess. Let's plan to be back, though, in 10 minutes, at
14 11:10.

15 (A recess ensued.)

16 CHAIRPERSON MATHIS: Great. I think recess
17 is over. It's a little bit longer than we intended. It's
18 almost 11:20.

19 Before we move on to the next agenda item, I
20 just want to revisit agenda item 6 with regards to the RFP
21 process for securing legal counsel, to confirm what our
22 steps are going forward, because it wasn't clear in my
23 mind, so I talked to Jean Clark at the break. And my
24 understanding is the scope of work that we finalize today,
25 those edits will be incorporated into a final scope of

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1 work by our interim executive director, Megan, and she
2 will then send that to the appropriate person designated
3 by the state procurement office to generate the RFP that
4 gets crafted around that scope of work. And they, I

5 think, thought -- assuming they get that quickly from
6 Megan, they could move forward, possibly Monday, and send
7 Megan a draft RFP that she would then distribute to all of
8 the Commissioners. So I think that's where that is.

9 what I was wondering -- just because I --
10 we're constantly wanting to be as expeditious as possible
11 with all of these things, and sometimes that's possible
12 and sometimes it isn't, but I wondered, is there a way
13 before the next meeting -- I guess we could ask counsel --
14 to -- once that RFP -- draft RFP is distributed to all the
15 Commissioners, they're given a deadline to review it.
16 Could we -- If we don't hear from them, for instance, if
17 people don't weigh in, can we assume that they -- you
18 know, by stating in an e-mail, we'll assume that if we
19 don't hear from you by close of business Wednesday, that
20 you are okay with the drafts of -- the draft RFP as it
21 came to you and that it wouldn't even need to be an agenda
22 item next time, in which case it would just go to state
23 procurement and they could issue that RFP? Or how does
24 that need to flow?

25 MR. BARTON: Madam Chair, that would not be

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1 appropriate. The decision we have to make now is if we
2 want to delegate final approval to either the executive
3 director -- I'm sorry -- if the Commission wants to
4 delegate final approval to the executive director or
5 delegate final approval to someone else. If the
6 Commission wants to do that, then -- that hasn't been done
7 yet, but you could do that in this meeting, then you could
8 possibly just sort of let that -- whoever you designate to

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9 make the final changes and certify it as the document and
10 go forward from here.

11 When you say things like, "I'm going to
12 assume if you don't make any changes, that you're happy
13 with it," what you're effectively doing is you're
14 effectively having a vote on the final draft via e-mail
15 and outside of the public meeting process, so you can't do
16 it that way.

17 What you can do -- Particularly, it sounds
18 like -- I believe the Commission is planning to meet next
19 week. And what you can do is you can ask the
20 Commissioners to provide their responses to the RFP to the
21 executive director ahead of the meeting and then the
22 executive director can bring a draft that incorporates
23 those changes or points out things that need to be, you
24 know, sort of hammered out at the meeting, and then you
25 would have a discussion and final approval of it at a

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1 meeting, which I think that that seems to me to be the
2 course that the Commission was in or where we're set to go
3 right now if the Commission doesn't take any other action.

4 But, you know, it either has to be delegated
5 to someone else, or it has to be approved in a meeting.
6 You can't do a thing where you sort of basically approve
7 it by e-mail.

8 CHAIRPERSON MATHIS: Okay. Any
9 Commissioners, do you have any thoughts on that? Are you
10 comfortable with that approach?

11 VICE CHAIRPERSON FREEMAN: With which?

12 CHAIRPERSON MATHIS: I know.

13 VICE CHAIRPERSON FREEMAN: Good question,

14 Commissioner -- or Vice Chair.

15 VICE CHAIRPERSON HERRERA: Madam Chair, I
16 was comfortable with the approach that I thought we were
17 taking, which was to final- -- you know, make the changes
18 to the scope of work that we agreed on, incorporate that
19 into the RFP, and for us to get a draft and approve it
20 on -- in next week's meeting. Because I don't think
21 there's going to be that much of a gap between when they
22 actually finish everything and for us to approve, because
23 it might be early next week when they forward that
24 information over to Megan, and then she'll have to make
25 her changes or whatever she's making and then send it to

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1 us. I don't think we're saving that much time -- or
2 wasting that much time by waiting.

3 CHAIRPERSON MATHIS: Yeah. It sounds like
4 state procurement will have this draft, assuming Megan's
5 able to get the finalized scope of work to them very
6 quickly.

7 VICE CHAIRPERSON HERRERA: Sure.

8 CHAIRPERSON MATHIS: They can do that
9 Monday -- as early as Monday.

10 And then I don't think Megan will be making
11 changes to that. She'll then just distribute that to us.
12 And I was just wondering if there's any way to expedite it
13 so that we could -- if the RFP looked good to us, that we
14 could move forward to have state procurement issue that
15 RFP, but it's sounding like unless we delegate the
16 authority to Megan to make that final call, or --

17 MR. BARTON: That's correct. You can

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18 delegate it to Megan if you'd like. Or you can make a
19 final decision in the next public meeting. Right.

20 COMMISSIONER McNULTY: Madam Chair, I think
21 our mic's off. Yours may be working, but I think ours are
22 off. I'll speak loudly.

23 what kind of changes would be more than
24 likely to be made? Is there a -- Are they formatting
25 changes that we could be provided with right now so that

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1 we might have a comfort level that we could just sign off?
2 Or are they substantive changes?

3 CHAIRPERSON MATHIS: I don't -- I don't know
4 what the RFP looks like. And Jean isn't here, so I don't
5 think we can ask her.

6 MR. BARTON: Madam Chair, I think it's more
7 than formatting, because the scope of work -- that might
8 just be minor formatting changes, but scope of work is
9 only one part of the RFP. So I think it's -- it would be
10 more than minor changes. It might not be particularly
11 controversial, but I think there will be more to decide
12 than just sort of formatting changes or correcting typos.

13 CHAIRPERSON MATHIS: Well -- Go ahead.

14 VICE CHAIRPERSON FREEMAN: Madam Chairman,
15 as Commissioner Herrera suggested, let's take a look at it
16 and approve it at the next meeting.

17 CHAIRPERSON MATHIS: Okay. And that
18 provides great motivation to have a meeting next week so
19 that we can keep these things all moving forward.

20 Any other thoughts or comments on this?

21 VICE CHAIRPERSON HERRERA: Madam Chair, the
22 only thing is I -- I'm assuming we'll get everything ahead

23 of the time before the meeting, so at the meeting we'll
24 make the final approval and really not spend a lot of
25 time, because I think we did that today.

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1 CHAIRPERSON MATHIS: Exactly. Thank you. I
2 appreciate that.

3 COMMISSIONER STERTZ: Yeah. Madam Chairman,
4 we're looking at 42 percent of the overall budget based on
5 the previous expenditure. I think that it merits the
6 moment of time to review completely the RFP an extra
7 couple of days, then we'll ratify it without changes or
8 with minor changes next week.

9 CHAIRPERSON MATHIS: Great. I appreciate
10 that.

11 Any other thoughts or comments?

12 Okay. Thank you for entertaining that with
13 me.

14 I wanted to also mention that it's very
15 difficult to hear in this room. The acoustics aren't so
16 great, and so if we could all be mindful of speaking into
17 the microphone as clearly and loudly as possible, that
18 would help our court reporter greatly and all of the
19 public too.

20 So moving to item VII, discussion and
21 possible action on office space options. And we have --
22 Fortunately, Nola Barnes and Buck Forst have been point on
23 helping the Commission find suitable office space that
24 also accommodates the necessary phone and networking and
25 data infrastructure that we need for a small office staff.

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1 And at our last meeting, the Commission
2 generally agreed that it makes sense, particularly from an
3 administrative standpoint, to be close to the capitol mall
4 area in Phoenix, so -- And in doing that, it also gives
5 us a lot of options for meeting space. We don't
6 necessarily have to have meeting space where the office is
7 located. So this provides us a wide variety of options
8 where we can go for meetings, being located up here. So I
9 think so far the Commission's met now in four different
10 spaces, so -- in our short tenure. We're getting a great
11 tour, though, of the options.

12 So at our last meeting, the Commission
13 generally agreed that the Evans House, which is across the
14 street from this location today, as a potential office
15 space because it is close to a variety of public meeting
16 spaces, there's parking, but we needed to ensure a number
17 of things are suitable for our Commission to use as office
18 space. So Nola and Buck, thankfully, were going to look
19 into some of that for us this past week. I was hoping
20 they could come up and address us and tell us what they've
21 learned.

22 MS. BARNES: Well, that -- I think I
23 mentioned at the last meeting that the Evans House is not
24 going to be completely titled to accessible from an ADA
25 perspective for public accessibility, which may not -- so

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1 you are not going to want to have public meetings and so
2 forth there. And it's not designed that way anyway.

3 CHAIRPERSON MATHIS: Right.

4 MS. BARNES: And you -- Since the
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5 Commission doesn't provide what we call program services,
6 it probably won't be much of an issue, but in the event
7 you are asked to make facilities-relating accommodations,
8 those are going to be very limited in terms of physical
9 alterations to the building, so if you had to make an
10 accommodation, more than likely it would have to be
11 off-site or some alternative format.

12 Title I of the ADA is employment-related.
13 Again, there -- in the event we were asked to make an
14 accommoda- -- facilities-related accommodation based on
15 the employee-employer relationship, the limitations there
16 physically are going to be present as well.

17 I think there's seven rooms. One of them is
18 a lobby. One of them is break room that you're going to
19 have on the first floor. I anticipate you're only talking
20 about the first floor.

21 CHAIRPERSON MATHIS: Right. First floor
22 only.

23 MS. BARNES: The balance, you know, would be
24 five rooms. And, again, they're not set up like offices,
25 so if you're going to go to the bathroom facilities at the

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1 back of the space, you will have to walk through other
2 people's offices because it's not going to have your
3 typical lobbies, hallway, and common areas that a, you
4 know, typical office space would have.

5 There don't appear to be a lot of
6 maintenance-related issues chronically, such as the air
7 conditioning. There's been, like, four or five calls in
8 the last -- since 2007. There were a couple issues with

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9 bees in the attic, but the bees were sent away. So other
10 than that, from that perspective, there don't appear to be
11 any chronic problems.

12 CHAIRPERSON MATHIS: Okay. That's good to
13 know.

14 MS. BARNES: As far as file load, though, I
15 don't think you guys are going to have tons of filing
16 needs. If you're going to have a lot of filing, that's --
17 that would be something to consider in this space, because
18 it's not structurally suitable for storing large amounts
19 of files in one area. It's the --

20 THE COURT REPORTER: I'm sorry. What was
21 the last sentence?

22 MS. BARNES: As far as floor loads or files,
23 you'd have to make sure that you spread the file load out
24 across the floor.

25 In terms of rent for the first floor, the

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1 legislature establishes the rent rates that DOA charges
2 for its state-owned space. The current rate is 21.02. We
3 anticipate that it will be -- Right now the budget bill
4 has it at 15.08 a square foot for office space. The bill
5 right now says usable square feet, so depending on the
6 little details, the usable square feet, rental square
7 feet, so based on the first floor at a 1937 at 15.08, the
8 rent would be 29,200.

9 CHAIRPERSON MATHIS: 29,200 for the year?

10 MS. BARNES: Yes.

11 CHAIRPERSON MATHIS: And it's my
12 understanding that of all the options, that the rate's the
13 same no matter where we choose, correct?

14 MS. BARNES: Yes, any state-owned space is,
15 yes.

16 CHAIRPERSON MATHIS: Okay. Any other --
17 Any questions for Nola on the space -- the Evans House
18 space? Your -- As you'll note in the agenda, there is an
19 opportunity to see the space, which, I think, is the best
20 way to determine this, and if Commissioners could go two
21 at a time over to see it, that will allow us to comply
22 with the open meeting law.

23 COMMISSIONER STERTZ: Madam Chair?

24 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

25 COMMISSIONER STERTZ: What was the square

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1 footage again, please?

2 MS. BARNES: The first floor is 1,937.

3 COMMISSIONER STERTZ: At 29,000 a year, we
4 had -- the previous Commission -- we're going to burn that
5 in the first three years, we'll equal their entire burn
6 for the -- for their rent. They had a total burn of
7 \$79,170 for the duration of the Commission.

8 CHAIRPERSON MATHIS: For 10 years?

9 COMMISSIONER STERTZ: 10 years.

10 CHAIRPERSON MATHIS: Do we know if the
11 previous Commission had the same space all 10 years? I
12 don't know.

13 MS. BARNES: I believe they did. They were
14 in 1400. And the rates fluctuated over those 10 years.
15 At one time, they were as low as 15 and then at the high
16 point, the current rate is 21.02. So from year to year,
17 that may change.

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18 CHAIRPERSON MATHIS: Okay.
19 COMMISSIONER STERTZ: Last question, Madam
20 Chair, is this -- is that a triple net, or is that a gross
21 lease?
22 MS. BARNES: That's a gross lease. Includes
23 the janitorial, all your maintenance, your operations, any
24 building renewal.
25 CHAIRPERSON MATHIS: Lawn mowing?

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1 MS. BARNES: Pardon?
2 CHAIRPERSON MATHIS: Lawn mowing?
3 MS. BARNES: It includes the lawn mowing as
4 well.
5 CHAIRPERSON MATHIS: Great. There is grass
6 out there.
7 MS. BARNES: Yes.
8 COMMISSIONER STERTZ: And last question,
9 regarding the technology that's currently in the space, do
10 each one of the offices have appropriate --
11 MS. BARNES: I'll have to defer to Buck on
12 that. I just put up the walls.
13 MR. FORST: It really depends on which space
14 you're referring to. The Evans House in particular?
15 COMMISSIONER STERTZ: Yes.
16 MR. FORST: I'm finding out that it might
17 not necessarily have a connection to the State of Arizona
18 as we suspected it might. It's got a high-speed fiber
19 optical, but I think it goes straight back to Qwest
20 central office. And I'm currently working with the
21 department to figure out what the cost associated with
22 that getting back over on the State magnet is, so we can

23 get you on the shared source there.

24 COMMISSIONER STERTZ: If we were going to

25 look at --

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1 Madam Chair?

2 CHAIRPERSON MATHIS: Yes.

3 COMMISSIONER STERTZ: If we were to look at
4 this inventory of buildings that you have here that would
5 be specifically on the capitol mall, which is the -- which
6 building will accommodate the greatest flexibility of
7 expansion and contraction, and, second, which has the
8 greatest ability to -- that current -- that currently has
9 either tenant improvements complete, office space,
10 partitions, chairs, and the highest level of technology as
11 it currently exists today?

12 MR. FORST: I would have to say the 1400
13 building. Do you think that that would be -- I mean,
14 it's already got the office space there. It's already got
15 the network connection to the magnet. It will already
16 have all of the networking equipment necessary for you to
17 be put on the Internet.

18 MS. BARNES: That's correct. 1400 would
19 probably be the --

20 MR. FORST: Best suited.

21 MS. BARNES: -- best suited in terms of
22 office space.

23 The boardroom space isn't as updated as some
24 of the other spaces, but that's -- you know, that space is
25 available.

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1 CHAIRPERSON MATHIS: And is 1400 where the
2 previous Commission was?

3 MS. BARNES: It is.

4 CHAIRPERSON MATHIS: In the basement? Okay.

5 MS. BARNES: So the space that -- at 1400
6 that we would consider the backfill option for you all
7 would be the space that's currently occupied by the Deaf
8 and Hard of Hearing Commission. And they are going to
9 leave all their furnishings there, so purchasing
10 furnishings is taken care of. Whereas at the Evans House,
11 you do have that expense of acquiring furnishings.

12 COMMISSIONER STERTZ: And in regards to the
13 1400 space, Madam Chair, what suite would that be or what
14 floor would that be?

15 MS. BARNES: It's on the first floor.

16 COMMISSIONER STERTZ: First floor?

17 CHAIRPERSON MATHIS: It's very large too,
18 isn't it, Nola or Buck?

19 MR. FORST: Yes, it is. There's a lot of
20 space in there, yeah. You don't necessarily have to
21 take --

22 MS. BARNES: It's about --

23 MR. FORST: -- the whole thing.

24 MS. BARNES: It's about 3,300 square feet.

25 CHAIRPERSON MATHIS: Okay.

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1 MS. BARNES: But you might want to -- I
2 don't know in terms of your consultants, if your
3 consultants are going to be housed with you or if they're
4 going to require maybe itinerant space at, you know, your

5 administrative office, so it does have the ability to, you
6 know --

7 CHAIRPERSON MATHIS: Extra space.

8 MS. BARNES: -- expand if you do need, you
9 know, temporary housing for consultants.

10 VICE CHAIRPERSON HERRERA: Madam Chair?

11 CHAIRPERSON MATHIS: Yes.

12 VICE CHAIRPERSON HERRERA: What about
13 parking?

14 MS. BARNES: Parking at Evans House is
15 available in the --

16 VICE CHAIRPERSON HERRERA: No. At the 1400.
17 Excuse me.

18 MS. BARNES: 1400 is -- the parking is the
19 service lot parking, and it's on the north side of the
20 building.

21 VICE CHAIRPERSON HERRERA: I'm thinking, is
22 that the building across the street from the -- that
23 museum -- the rocks and minerals museum? Is that the one?

24 MS. BARNES: It is.

25 MR. FORST: East of the museum.

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1 VICE CHAIRPERSON HERRERA: It's east of --
2 Correct. I'm familiar with it now. Thank you.

3 COMMISSIONER McNULTY: Madam Chair?

4 CHAIRPERSON MATHIS: Yes, Commissioner
5 McNulty.

6 COMMISSIONER McNULTY: That space is on the
7 first floor or the basement?

8 MS. BARNES: It's on the first floor. You

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9 wouldn't be backfilling the space that the redistricting
10 had previously. It would be a backfill of some
11 alternative space.

12 COMMISSIONER MCNULTY: And is that space
13 ADA-compliant?

14 MS. BARNES: It is.

15 COMMISSIONER MCNULTY: Could we look at that
16 space today?

17 MS. BARNES: Yes, you can.

18 COMMISSIONER STERTZ: And last question,
19 Madam Chair. The space, when we were talking about
20 leasing for -- initial leasing -- expansion and
21 contraction, the state would -- is very flexible in
22 regards to that. Is that correct?

23 MS. BARNES: Yes.

24 COMMISSIONER STERTZ: Okay. You've got lots
25 of space.

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1 MS. BARNES: We have lots of space right
2 now.

3 COMMISSIONER STERTZ: Okay.

4 MS. BARNES: Everyone does.

5 COMMISSIONER STERTZ: Would you --

6 CHAIRPERSON MATHIS: Go ahead.

7 COMMISSIONER STERTZ: I was going to say
8 last -- Here's my last, last question.

9 CHAIRPERSON MATHIS: Go ahead.

10 COMMISSIONER STERTZ: Would you consider
11 that the current rates that the state is charging at a
12 gross lease rate to be competitive in the marketplace
13 for -- this would be considered B grade office space?

14 MS. BARNES: Yes.

15 COMMISSIONER STERTZ: Okay.

16 MS. BARNES: At the current rate --

17 COMMISSIONER STERTZ: Yes.

18 MS. BARNES: -- of 21.02? It is not
19 competitive with the market.

20 COMMISSIONER STERTZ: Thank you. At the
21 adjusted rate?

22 MS. BARNES: The adjusted rate would be
23 competitive in the market.

24 COMMISSIONER STERTZ: And the adjusted rate
25 is -- goes into effect --

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1 MS. BARNES: I believe it will go into
2 effect on July 1.

3 COMMISSIONER STERTZ: would there be a --
4 And that is based on the count -- based upon the budget
5 year for the legislature?

6 MS. BARNES: Yes. Fiscal year '12.

7 COMMISSIONER STERTZ: would there be an
8 opportunity, if we were going to occupy prior to July 1,
9 for there to be any concessions of space utilization
10 without having to pay above-market rent for below-market
11 space?

12 MS. BARNES: We could ask the Joint
13 Committee on Capital Review --

14 COMMISSIONER STERTZ: Thank you.

15 MS. BARNES: -- who tells me whether or not
16 I can.

17 COMMISSIONER STERTZ: Thank you.

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18 CHAIRPERSON MATHIS: No!a, can I ask a quick
19 question on ADA compliance --
20 MS. BARNES: Sure.
21 CHAIRPERSON MATHIS: -- on Evans House?
22 There's a chair lift? Is that correct?
23 MS. BARNES: There is a chair lift.
24 CHAIRPERSON MATHIS: But that's not
25 considered ADA-compliant?

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1 MS. BARNES: It is ADA-compliant in that it
2 will get someone into the building who is in a wheelchair.
3 As far as the accessible paths through the building, I'm
4 not sure if the doors meet the required clearances. The
5 building clearly was constructed before the ADA went into
6 effect. And there are some historic preservation
7 exemptions, but they're very limited if the program
8 offered in the building isn't an adjunct to historical
9 preservation, so there may be some issues. I can mea- --
10 we can make sure that the doors are measured and so forth.
11 But the clearances I don't believe are going to be
12 completely compliant.

13 CHAIRPERSON MATHIS: Okay.

14 COMMISSIONER McNULTY: Madam Chair?

15 CHAIRPERSON MATHIS: Yes.

16 COMMISSIONER McNULTY: Does that pertain to
17 the bathroom? Is the bathroom wheelchair-accessible or
18 not?

19 MS. BARNES: It is, I believe,
20 wheelchair-accessible, but only to the 1991 standards, not
21 to the current ADA standards, which change from time to
22 time.

23 COMMISSIONER McNULTY: What is the practical
24 relevance of that? Do you know?

25 MS. BARNES: Well, the practical relevance

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1 is that some of the older versions, they aren't as
2 accessible as some of the newer versions.

3 COMMISSIONER McNULTY: But in terms of
4 whether someone with a wheelchair could access the
5 bathroom, the older standards would accommodate that?

6 MS. BARNES: I really can't answer that
7 right now --

8 COMMISSIONER McNULTY: Okay.

9 CHAIRPERSON MATHIS: Okay. Any other
10 questions?

11 So we're going to probably need to have more
12 discussion. It sounds like some of you will be going to
13 see some of that other space today at 1400 and then also
14 the Evans House.

15 Any other thoughts on office space that you
16 want to cover here now?

17 And maybe depending on the outcome of that,
18 we can decide if we can give Nola and Buck some direction.
19 But I think it would be worth knowing just on those
20 ADA-compliance issues like what's required for Evans
21 House, and if it doesn't meet the standard definitively,
22 then we need to look at other options or what other
23 alternatives are. That would be great.

24 Anything else?

25 And Buck, you're currently investigating the

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1 data infrastructure.

2 MR. FORST: Yes. For Evans House and for
3 the BOMEX --

4 CHAIRPERSON MATHIS: I'm sorry. Can you
5 repeat that?

6 MR. FORST: I'm investigating the network
7 access at the Evans House to the state network and BOMEX
8 to the state network.

9 CHAIRPERSON MATHIS: Okay. And what's
10 BOMEX?

11 MR. FORST: BOMEX, that's the board where we
12 had the last meeting at, just seeing whether -- what the
13 cost would be to have a network set up.

14 CHAIRPERSON MATHIS: Okay. Great. Thank
15 you both very much for all of your help.

16 Moving to item VIII on the agenda,
17 discussion and possible action regarding setting up a
18 website for the Commission, including any desired security
19 features, public access features, or other functionality.

20 So Buck's been wearing a lot of hats for us
21 at the Commission, and I'm going to ask him to come back
22 up to the podium. We really appreciate all his help in
23 this regard.

24 But as you know, the previous Commission's
25 website is still up. It was raised during the public

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1 comment period. And we discussed last time how it's
2 important to maintain and preserve all that information in
3 some way and allow people to still access that. But we
4 also need to think about doing it in a way that isn't

5 confusing to people who are looking at the current
6 Commission's work. And so we were trying to figure out
7 what are our options for a website. Is it something where
8 we would take over the website of the previous Commission
9 with -- and add new data built on top of it with the same
10 URL? Or do we create a whole new domain and a new site,
11 then just have a link to the old Commission's work or --
12 So these are the paths that I was hoping Buck could talk
13 about today.

14 MR. FORST: It would be my recommendation
15 that the IRC take over control of the old Commission's
16 website. And currently, that server is a stand-alone
17 server, called a 1U rack server. It's my suggestion that
18 we take that physical server and turn it into a virtual
19 guest, so we can preserve that website in its entirety.
20 We can take and then give that website a temporary domain
21 name, something like 2001.azredistricting.org. And then
22 we continue with the new website, on azredistricting.org,
23 and build the new website for the Commission. And then we
24 can just simply link to the old Commission's website and
25 preserve it, obviously.

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1 CHAIRPERSON MATHIS: Will that cause a
2 problem for links that are made currently to the
3 azredistricting.org site?

4 MR. FORST: Shouldn't, no. When people link
5 to the current azredistricting.org, they'll just be
6 presented with the new website. We'll have someplace on
7 the website that says, "For the prior Commission's
8 website, please do this."

9 CHAIRPERSON MATHIS: And currently, the
10 legislative council, it's my understanding, is hosting --

11 MR. FORST: OSPB, Yeah. They're covering
12 the cost right now to -- of the server. Yeah, I think
13 it's \$56 a month, I think is what they're --

14 CHAIRPERSON MATHIS: They're covering those
15 costs?

16 MR. FORST: Correct. \$56.75 a month. If we
17 move this physical server to a virtual environment, I
18 think we'll cut that cost down.

19 CHAIRPERSON MATHIS: Any thoughts from the
20 Commission?

21 VICE CHAIRPERSON HERRERA: Madam Chair, I --
22 other than I like that idea of doing that, because I think
23 the website is -- I can't stress how important it is.
24 I've been contacted by people that don't know what we're
25 doing, and they're going to the azredistricting website

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1 now and they're not finding any information, so I can't
2 stress how important it is for us to get that website up
3 and running, at a minimum with information on the next
4 meetings. At a minimum, I think we should do that. So
5 let's -- whatever we need to do.

6 CHAIRPERSON MATHIS: Okay. Other thoughts?

7 COMMISSIONER STERTZ: Madam Chair?

8 CHAIRPERSON MATHIS: Commissioner Stertz.

9 COMMISSIONER STERTZ: We haven't registered
10 names -- any domain names?

11 MR. FORST: No, not currently.

12 COMMISSIONER STERTZ: I suggest that we pick
13 a name, get it registered.

14 MR. FORST: Well, did you want to use the
15 azredistricting.org, the current domain name?

16 COMMISSIONER STERTZ: That's a smart way to
17 do it, register -- but I'm talking about the secondary
18 domain. If it's the 2001 --

19 MR. FORST: Yeah, put 2001 on the virtual
20 one. We can just do something with a virtual one.

21 COMMISSIONER STERTZ: Do something, that.
22 And then at least create a home page for the current
23 Redistricting Commission, do simple links to agendas, so
24 that issues like -- if we're going to -- that you can have
25 a simple link to agendas that would at least -- the

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1 short-term linking us to the Secretary of State's website,
2 and at least create some rudimentary data sources for it.

3 Because I'm getting the same questions:
4 "Where are you guys?" "What are you doing?" "How is it
5 working?" And I'm going, "We're not posting anything
6 right now."

7 MR. FORST: Absolutely.

8 COMMISSIONER STERTZ: And I think that
9 that's not in our best interest. So I'm going to suggest
10 highly that we engage -- and if it is the DOA through
11 Buck -- to engage that to make that happen.

12 CHAIRPERSON MATHIS: Okay. Thank you.

13 Other comments?

14 COMMISSIONER McNULTY: Madam Chair, I agree.

15 VICE CHAIRPERSON FREEMAN: I agree as well.

16 CHAIRPERSON MATHIS: Okay. Great. I agree
17 too. So I guess what we'd like to do is proceed with --

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18 MR. FORST: Sure.

19 CHAIRPERSON MATHIS: -- Buck, if you could
20 begin to do that process, and we're going to agree to use
21 the azredistricting.org site and create a subdomain --

22 MR. FORST: Sure.

23 CHAIRPERSON MATHIS: -- to put the previous
24 Commission's work there, preserve that, and then begin to
25 create that home page and start to upload the approved

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1 minutes --

2 MR. FORST: Sure.

3 CHAIRPERSON MATHIS: -- and different
4 documents that we have from our past four meetings.

5 MR. FORST: Great.

6 CHAIRPERSON MATHIS: That would be great.

7 VICE CHAIRPERSON HERRERA: Madam Chair?

8 CHAIRPERSON MATHIS: Yes.

9 VICE CHAIRPERSON HERRERA: would it be
10 possible to have this up and running or at least the basic
11 information by the next time we meet?

12 MR. FORST: Yes.

13 VICE CHAIRPERSON HERRERA: So it'll have the
14 meeting notice, where we're meeting, and also hopefully
15 opportunity for public comment, if they can, added on the
16 website?

17 MR. FORST: Sure.

18 VICE CHAIRPERSON HERRERA: Because I
19 think -- for people that can't come.

20 MR. FORST: I'm sorry. Are you looking for
21 the public to make comments on your website?

22 VICE CHAIRPERSON HERRERA: Yeah.

23 MR. FORST: Okay.

24 VICE CHAIRPERSON HERRERA: Is that possible?

25 MR. FORST: Sure.

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1 COMMISSIONER STERTZ: It's a blog app.

2 VICE CHAIRPERSON HERRERA: Yeah.

3 COMMISSIONER STERTZ: Right.

4 VICE CHAIRPERSON HERRERA: Perfect.

5 CHAIRPERSON MATHIS: On that point, do -- is
6 there a charge for this, Buck, in terms of do we -- will
7 the Commission be paying for the services? Or how does
8 that work?

9 MR. FORST: Yes.

10 CHAIRPERSON MATHIS: You're not working for
11 free?

12 MR. FORST: No, right. Like I said, if we
13 go the direction of moving the physical servers to a
14 virtual environment, that will reduce your -- the current
15 cost. Right now we're not charging anything because OSPB
16 is taking care of it, the fees associated with the whole
17 website. So there won't be that fee.

18 The domain name is less than \$20 a year for
19 a .org domain name. I'm not sure exactly on the exact
20 cost on that. I also need to find out who is currently
21 owning that. For some reason, a lookup shows that
22 somebody with a maricopa.gov address owns it, but they
23 were in the 1400 building, which doesn't make any sense,
24 so I'll have to track that down.

25 And then the -- getting the website set up

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1 with the approved government information technology
2 associations look and feel is going to run about \$500.
3 And that will include basic -- all the agenda information,
4 meeting minutes. Well, I can move most of the information
5 over, with the exception of the current GIS mapping
6 information.

7 COMMISSIONER STERTZ: I'm going to suggest,
8 Madam Chair, at a bare minimum, that we have a list of
9 information on the five Commissioners, if we could get
10 simple bio information over to Megan as quickly as
11 possible, so that she -- that he can start to compile it.
12 E-mail contact information and standard data, so that we
13 can at least start to populate the site so that when it
14 does open, it's populated appropriately.

15 MR. FORST: Sure.

16 COMMISSIONER STERTZ: We don't want to
17 open -- we don't want to start out limping our way into
18 this. Let's at least show who we are, what we are, and
19 where we're going.

20 MR. FORST: Absolutely.

21 COMMISSIONER STERTZ: Okay. The goal out of
22 this is that we want to get -- we want to be able to
23 expand out of this, and I know that setting up a home page
24 is going to be a no-brainer, and we'll be able to change
25 that out as things move forward.

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1 MR. FORST: Sure.

2 COMMISSIONER STERTZ: So great.

3 Madam Chair?

4 CHAIRPERSON MATHIS: Buck, would you be able
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5 to provide just an e-mail outlining just the cost to
6 Megan, so that we just have an idea of the hosting, domain
7 name, and then --

8 MR. FORST: Sure. Absolutely.

9 CHAIRPERSON MATHIS: -- cost to create this?
10 That would be just great.

11 MR. FORST: Not a problem.

12 CHAIRPERSON MATHIS: Thanks so much for all
13 your help.

14 MR. FORST: No problem.

15 VICE CHAIRPERSON HERRERA: Madam Chair, one
16 last comment for Buck.

17 CHAIRPERSON MATHIS: Sure.

18 VICE CHAIRPERSON HERRERA: The -- Going
19 forward, when the Commission put the website together,
20 were they -- they probably weren't thinking long-term of
21 archiving. So should we be thinking about that now, or
22 does that -- is that even an issue for us?

23 MR. FORST: I'm not necessarily sure I
24 understand your question. We're -- I'm looking at taking
25 the existing Commissioner -- I'm sorry -- the 2010

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1 Commission's website and preserving it in its entirety.

2 VICE CHAIRPERSON HERRERA: Sure.

3 MR. FORST: And is that what you --

4 THE WITNESS: Not only that one, but the one
5 we're creating, for future use, when we're long gone, and
6 is there anything different that we need to do that they
7 didn't do in 2001?

8 MR. FORST: I don't --

9 CHAIRPERSON MATHIS: Yeah. And we might
10 cover some of that -- if I could just interrupt for a
11 minute, because in a future agenda item, we're going to
12 talk a little bit more about records, and that's a big
13 part of it.

14 VICE CHAIRPERSON HERRERA: Okay.

15 CHAIRPERSON MATHIS: My question, I guess,
16 too, along those lines, though, is funding into the
17 future, how that -- you know, who will take over in 10
18 years?

19 MR. FORST: That's a good question. I don't
20 know the answer to that right now.

21 CHAIRPERSON MATHIS: Okay. So we'll have to
22 think about that one. That's great.

23 VICE CHAIRPERSON HERRERA: Thank you, Buck.

24 COMMISSIONER McNULTY: Madam Chair, just
25 one -- two more comments for Buck.

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1 when you look at the record the last time,
2 the Maricopa County elections department, I think,
3 provided the website. So if you go back to that -- the
4 minutes and transcript of that, I think you'll find public
5 contact people who should be able to explain why they're
6 the ones who own that domain name.

7 MR. FORST: Okay.

8 COMMISSIONER McNULTY: I also wonder if --
9 whether it's possible to purchase that domain name for 10
10 years, so that the next Commission will be sure that it
11 has it.

12 MR. FORST: Yeah, I'll be looking into
13 that -- answer to that.

14 CHAIRPERSON MATHIS: Any other comments?

15 Going once. Okay.

16 Thank you very much, Buck. Very helpful.

17 Very much looking forward to having the website up and

18 running.

19 VICE CHAIRPERSON HERRERA: Oh, yes.

20 CHAIRPERSON MATHIS: That will help

21 everyone.

22 This takes us to agenda item IX, discussion

23 and possible action on public records requirements,

24 options for accessing and storing past and future

25 Commission records, and providing for digital preservation

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1 of records from past and future Commissions. We've kind
2 of touched a little bit on this already, but I thought it
3 would be helpful to have some experts talk to us about
4 this. We have three people, I think, with us if they're
5 all still here: Lisa Maxwell, Jerry Kirkpatrick, and
6 they're both from records management, and then Linda Reib,
7 who we just heard from earlier.

8 So if you three would want to come up or
9 whoever's the most appropriate to speak on this. We just
10 would be -- we want to make sure we're following best
11 practices now and good habits so that as a Commission,
12 anything that we're generating from a public records
13 standpoint, we want to make sure we are doing the right
14 thing.

15 MS. MAXWELL: All right. Well --

16 THE COURT REPORTER: I'm sorry. The name?

17 MS. MAXWELL: -- I'd like to tell you a

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18 little bit about what we do. We're part of the Arizona
19 State --

20 CHAIRPERSON MATHIS: Can you state your
21 name? I'm sorry.

22 MS. MAXWELL: Oh, I'm sorry. I'm Lisa
23 Maxwell, director of the Records Management Division at
24 the Arizona State Library, Archives and Public Records.

25 And Jerry Kirkpatrick also works at the

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1 Records Management Division. And Linda Reib works at the
2 State Archives, which is also part of our agency, but is a
3 separate part of -- She's not a part of Records
4 Management.

5 So records management, what we do is we help
6 you manage your records. We want to make sure that you
7 know what the laws are in regards to your records so that
8 you'll have the things that you need, that you're keeping
9 your records for the appropriate amount of time, that
10 you're keeping them in the format that the law says you
11 need to keep them in.

12 And we provide storage for records in our
13 records center. The records that we store there are
14 active records. They are records that still belong to
15 you. We're like a commercial records facility. When they
16 come to us, if somebody wants a copy, you have to request
17 it; we don't provide access to the public. Once the
18 records have -- they're no longer active, like once the
19 Commission is gone, then the records transfer to the state
20 archives, and the archives are the people responsible for
21 the historical records of the state. Like once the
22 previous Commission ended from 2001, their records

23 transferred to the state archives, and they're -- they now
24 have legal custody of those records, and they do provide
25 access to the public.

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1 One of the things that we do in our office
2 that I strongly encourage you to take advantage of is we
3 provide training. We talk about what the records laws
4 are. Like you were just talking about your website and
5 how you would like to provide public comment on your
6 website, websites are wonderful places for you to put
7 information so that you can have access to the public.
8 But when you start having the public comment on your
9 website, you're now creating unique records that only
10 exist in this one place. And part of the problem we have
11 is how are you going to capture those records so that
12 they're going to be here forever? Because if things are
13 permanent, they have to be here forever, and websites
14 aren't the best place to do that. And there's a law that
15 right now says permanent records have to be in paper or
16 microfilm, so if you're creating permanent records on the
17 website, how are those going to be captured so that you're
18 compliant with the law? So we cover laws in our classes.

19 We talk about records retention. We have
20 records retention schedules for all State agencies,
21 boards, and commissions. They tell how long your records
22 have to be kept, like how long financial records are kept,
23 how long contracts, human resources, minutes, and things
24 like that. We cover electronic records and how you deal
25 with those in best practices. We talk about websites.

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1 And a lot of people now are getting into Facebook and
2 Twitter. What do you do with those records? How do you
3 capture those? And e-mail, your e-mail's going to be
4 public records too that can be accessible. So we try to
5 cover all that in our training. And I encourage you, once
6 you have your staff hired, if we could -- we would be glad
7 to come down and provide training for you and your staff
8 where we can cover all that.

9 CHAIRPERSON MATHIS: Great. Yeah. I
10 welcome that.

11 MS. MAXWELL: All right. Anything?

12 CHAIRPERSON MATHIS: Any questions or
13 comments regarding public records and what Linda just
14 said?

15 VICE CHAIRPERSON HERRERA: No. Other
16 than -- Madam Chair, other than I'm glad that we're doing
17 this before and not after the fact. Because I think we're
18 being proactive with this, and I appreciate that.

19 CHAIRPERSON MATHIS: I agree.

20 And your comments regarding this -- the
21 website and taking in public comment on our website are
22 very timely, and maybe that's something we want to revisit
23 as a Commission in terms of actually having Buck moving
24 forward to do that right now until we know better -- more
25 about records laws. What do you think?

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1 VICE CHAIRPERSON HERRERA: Sure.

2 COMMISSIONER STERTZ: Madam Chair, I have
3 just two schools of thoughts. One is the developing of
4 the website is going to continue to evolve based on data

5 and information that we are going to obtain. And second,
6 I would love to volunteer to liaise between our Commission
7 and the technological development on this, including
8 archival development, to be able to be most efficient and
9 timely. This is something that is very -- I've got a
10 great passion for, and I would love to be able to actively
11 participate in that.

12 CHAIRPERSON MATHIS: Great.

13 Any comments from other Commissioners?

14 VICE CHAIRPERSON HERRERA: Madam Chair, the
15 reason I brought up the topic about the public being able
16 to make comments on the web, I just -- I appreciate that
17 because I do go and look at people's blogs to see what
18 they're talking about, and it gives me good -- just a good
19 feeling about what people -- are actually involved -- they
20 care about the whole process, one. For those individuals
21 that don't have their own blog, to be able to comment on
22 our website about what their feelings are going forward
23 about this Commission. If it's -- if we can make it work
24 where we can make those records permanent, it'd be great.

25 MS. MAXWELL: If you can just figure out how

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1 to capture it --

2 VICE CHAIRPERSON HERRERA: Sure.

3 MS. MAXWELL: -- before you start doing it,
4 because that's what happens. A lot of times people don't
5 think about it beforehand, so I think it's great that you
6 want to do that and you're willing to figure out how best
7 to do that --

8 VICE CHAIRPERSON HERRERA: Sure.

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9 MS. MAXWELL: -- before you start.

10 VICE CHAIRPERSON HERRERA: Sure. And we
11 can -- I think we should wait until we can figure that
12 out.

13 CHAIRPERSON MATHIS: Okay. Great.
14 Okay. I think no further questions. Is
15 that correct?

16 Okay. Thank you very much --

17 VICE CHAIRPERSON HERRERA: Thank you.

18 CHAIRPERSON MATHIS: -- all of you for
19 coming. We appreciate your help.

20 So this takes us to item X on the agenda,
21 discussion and possible action on budget and
22 appropriations. This has been a recurring item -- agenda
23 item since our March 9th meeting when we all received a
24 copy of the 2005 expendi- -- the Commission -- the
25 previous Commission's expenditures through 2005. You all

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1 recall that spreadsheet. And had we talked about then how
2 it'd be so great if we had some of the earlier year's
3 records. And fortunately with us today is the controller
4 from ADOA, Joe Whitmer, who has agreed to join us. And he
5 also was able to find out some information from some of
6 those earlier years of the Commission -- the previous
7 Commission.

8 So Joe, if I could ask you to come to the
9 podium. And just -- If you wanted to walk us through
10 maybe the spreadsheet that you sent us or mention anything
11 else that you think is pertinent to those records, I would
12 appreciate it.

13 MR. WHITMER: Madam Chair, I had to go back
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14 to different sources to get the information because there
15 are actually two different units that were keeping the
16 financial information. And there are some -- Early on,
17 the classifications of how they categorized the
18 expenditures were a little bit different than they were
19 later on, so if you notice on there that one line it talks
20 about miscellaneous expenditures, early on they were
21 combining the postage, printing, and -- postage, printing,
22 and office supplies all into one, and they weren't really
23 breaking them out, so I had to add a couple categories.
24 And -- But I think one thing that you'll want to
25 notice -- that you've noticed already is the large amount

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1 of expenditures on consulting and the legal fees and
2 your -- that's the one thing that you're going to have to
3 look at, especially in the first year, because I've
4 noticed that the appropriation proposal for this coming
5 year in 2012 is only \$3 million, and the first year of
6 operations in 2002, the Commission spent \$3.3 million, so
7 I think that's something you're going to need to take a
8 look at as you go forward with the contracting and how
9 much you use the consultants and try to look at places
10 that maybe you could cut costs maybe in other areas for
11 the first year, just because of the discrepancy between
12 what you're appropriated this time and what they had
13 last -- what they spent last time.

14 COMMISSIONER STERTZ: Madam Chair?

15 CHAIRPERSON MATHIS: Yes.

16 COMMISSIONER STERTZ: I've got -- There's a
17 question for both counsel and Joe Padilla. The amount of

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18 money that we currently have available to us in fiscal
19 year 2011 is a half a million, of which we're barely
20 chipping away at any expenses on. I've heard
21 contradictory answers on whether or not that money carries
22 forward into FY '11-'12. If it does not -- if it does --
23 I'm -- I've heard it both ways. I've heard that it
24 doesn't and it also exhausts itself at the end of '10-'11.

25 MR. BARTON: Madam Chair, Commissioners, the

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1 money does carry forward into 2000 -- into the next fiscal
2 year. The money will revert back to the general fund once
3 the Commission is done with all of its work. But from
4 this year to the next year, it carries forward. I don't
5 have my notes in front of me, but I did speak to some
6 folks at the -- that dealt with the legislative budgeting
7 groups and sort of talked to people that passed -- you
8 know, that were involved in writing the legislation, you
9 know, that gave the appropriations to the Commission. And
10 there is -- It is a little bit unclear because it's set
11 up to revert back to the general fund at the end of the
12 Commission's time. But from year to year, it does roll
13 forward. Like I said, I don't have my notes on that in
14 front of me, but I think I sent you all an e-mail with
15 that as legal advice asserting the appropriate citations.

16 COMMISSIONER STERTZ: You did, but there was
17 also a question of whether or not it rolled into the value
18 of the upcoming budget or whether or not it added to. In
19 other words, if there's \$3 million set aside for '11-'12,
20 does whatever is left over add to the 3 or be absorbed
21 into the 3? I can't -- couldn't -- I've gotten mixed
22 responses.

23 MR. BARTON: Well, I can confirm that it
24 adds to. If it doesn't add to, then it's not rolled
25 forward, right? I mean, that's -- In other words, it

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1 vanishes. And so I can follow up with that, I think,
2 probably, if you want me to. But I believe you can --
3 You know, like I said, if it's just absorbed, then the
4 3 million doesn't roll forward.

5 COMMISSIONER STERTZ: Right. Okay.

6 CHAIRPERSON MATHIS: Great.

7 Any other questions for Joe or counsel?

8 Commissioner McNulty?

9 COMMISSIONER McNULTY: Is it possible to see
10 a breakout of these expenses for FY 2001-2002?

11 COMMISSIONER STERTZ: The detail.

12 MR. WHITMER: How much detail do you want?

13 COMMISSIONER McNULTY: Well --

14 MR. WHITMER: There were tabs on the
15 spreadsheet that I sent out that had each year and each
16 year by month. If you wanted the detail as far as each
17 transaction, I think we might have that, but I would have
18 to go back and look and see.

19 COMMISSIONER McNULTY: I think if we started
20 with the months for that fiscal year, that will be
21 helpful.

22 MR. WHITMER: Yes. And I have that on a
23 spreadsheet, and I believe I can -- I think I sent it to
24 Megan. There was one change that I needed to make to it,
25 though. And I can resend her a new one and she can send

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1 that out to you.

2 COMMISSIONER McNULTY: Thank you.

3 COMMISSIONER STERTZ: Madam Chair, I want to
4 just --

5 I am so jazzed that -- since we all met
6 three weeks ago that you've been able to compile this
7 level of data. It is -- I know that it was a challenging
8 task for you to do so, so thank you very much for you and
9 your staff to do so.

10 MR. WHITMER: You're welcome.

11 VICE CHAIRPERSON HERRERA: Thank you.

12 CHAIRPERSON MATHIS: Great.

13 Any other comments or questions?

14 COMMISSIONER STERTZ: No.

15 CHAIRPERSON MATHIS: Thank you very much,
16 Mr. Whitmer. Appreciate your time and help.

17 So this will help us develop our own budget,
18 of course. And that's going to be a big responsibility of
19 the executive director that ultimately gets hired. But
20 it's great to get some of these documents from the past to
21 help us guide what we can expect.

22 So the next item, then. We're moving to
23 item XI, discussion and possible action on request for a
24 Commissioner to address a meeting of council -- the county
25 Farm Bureau presidents on April 6th. That is a Wednesday.

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1 And I received this offer to present to them, and,
2 unfortunately, have a conflict, so I myself cannot make
3 this, but they are requesting that one of us come and
4 speak to their group. It's six to eight county Farm

5 Bureau presidents from the state. So it's a smaller
6 group. But they represent a lot of area, and it's going
7 to be in Phoenix at noon at the Department of Agriculture,
8 which is on Adams Street. And I wanted to see if any of
9 the Commissioners might be available to address them.

10 what they're requesting is just information
11 on our mission and progress to date that we've made, and
12 then I'm sure they'll want to provide input too and just
13 get their thoughts on the IRC's work. And I just thought
14 it would be a nice opportunity if we had someone available
15 to possibly address them.

16 Any Commissioners want to discuss that?

17 COMMISSIONER STERTZ: Can we defer while
18 we're loading our schedules?

19 CHAIRPERSON MATHIS: Sure. Yeah. Take a
20 look at your calendars.

21 VICE CHAIRPERSON HERRERA: Madam Chair, can
22 you describe what this organization -- what they do?

23 CHAIRPERSON MATHIS: Let me see. They
24 are -- All I know is that they are county Farm Bureau
25 presidents, and I don't know if that's a division of the

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1 Department of Agriculture or what -- I don't know. But
2 it will be six to eight of these individuals who would be
3 at the meeting.

4 And just to give you some background on what
5 they requested a little further, it just says, "He
6 indicated they basically would like an AIRC 101 that would
7 shed light on the process, including things such as how
8 the Commission will function, how the Commission will be

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9 organized, what kind of outreach efforts will be
10 orchestrated, what the timeline may look like, how
11 citizens can get involved, how citizens can make comments
12 and suggestions."

13 Now, obviously, we don't have all those
14 answers yet, and so there's going to be certain things
15 we'll just have to say we're not that far along yet; we're
16 still dealing with all the administrative details of
17 getting Commission up and running. And so I have a
18 feeling that the information flow may be more from them to
19 the Commissioner as opposed to the Commissioner outwards,
20 depending on how much we can provide at that point, which
21 I don't think, you know, there's a lot yet because we
22 haven't decided on some of these things, but I think
23 they'll -- you know, they would appreciate that and
24 understand it.

25 COMMISSIONER STERTZ: Madam Chair?

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1 CHAIRPERSON MATHIS: Yes.

2 COMMISSIONER STERTZ: Did they give an
3 indication of how many times a year that they meet?

4 CHAIRPERSON MATHIS: I am under the
5 impression that it's annually, but I wondered if Bill
6 Hernandez might be here because he actually spoke with
7 them, but I don't see Bill. But I thought it was annual.
8 But I don't know.

9 COMMISSIONER STERTZ: I think any input
10 would be invaluable to have. And we -- But it's --
11 Obviously, if it is an annual meeting, I think it would be
12 appropriate. If they're meeting more than annually, then
13 it would be -- it is significantly premature, as we are

14 still in the mechanical process of assembling the
15 Commission and staff.

16 CHAIRPERSON MATHIS: Okay.

17 COMMISSIONER STERTZ: If you find that
18 answer out, that would be -- that would give us some
19 indication.

20 CHAIRPERSON MATHIS: May I ask Megan?

21 Megan, do you know if you could reach Bill
22 just to find that out, by chance? It would be great to
23 address --

24 MS. DARIAN: Sure.

25 CHAIRPERSON MATHIS: -- and deal with this

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1 today.

2 VICE CHAIRPERSON FREEMAN: Madam Chair, you
3 said the meeting began at noon?

4 CHAIRPERSON MATHIS: Yes. Noon on
5 April 6th. And the address is 1688 West Adams.

6 VICE CHAIRPERSON FREEMAN: I have a
7 conflict. It's something that I could possibly move, but
8 I'm not going to be able to tell you that right now.

9 CHAIRPERSON MATHIS: Okay. I appreciate
10 that.

11 COMMISSIONER McNULTY: Madam Chair, I have a
12 potential conflict, and I'm not going to know today.

13 CHAIRPERSON MATHIS: Okay. I wonder --

14 Counsel, can -- is this something that we
15 can have the Commissioners who have expressed potential
16 conflicts but may be able to do it just to provide, once
17 they know, their information to Megan and she can then --

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18 MR. BARTON: Yes. I know that'll be fine if
19 you just have the Commissioners that are interested
20 provide that to Megan, and then Megan can set up having
21 someone go speak. It's not an official action of the
22 Commission. It's scheduling someone to go and, you know,
23 speak at the event. So I guess that's fine.

24 CHAIRPERSON MATHIS: Great.

25 MR. BARTON: I'm looking on their website,

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1 and I can't tell whether they are -- when their meeting
2 is.

3 CHAIRPERSON MATHIS: Thank you for trying to
4 look.

5 VICE CHAIRPERSON HERRERA: Madam Chair?

6 CHAIRPERSON MATHIS: Yes.

7 VICE CHAIRPERSON HERRERA: Can you tell what
8 they do?

9 MR. BARTON: Madam Chair, Commissioners,
10 their mission statement is that "Arizona Farm Bureau is a
11 grassroots organization dedicated to preserving and
12 improving the agriculture industry through member
13 involvement in education, political activities, programs
14 and services."

15 VICE CHAIRPERSON HERRERA: Thank you.

16 CHAIRPERSON MATHIS: Okay. I don't see
17 Megan yet, so is it possible, Counsel, for me to move on
18 to the next agenda item unless there's more discussion on
19 this first? And then we could come back if Megan --

20 MR. BARTON: Yes. That's possible. And of
21 course, I can communicate to Megan.

22 CHAIRPERSON MATHIS: Okay.

23 MR. BARTON: We can take care of it.

24 CHAIRPERSON MATHIS: Okay. Are there any
25 other thoughts on the agenda item XI?

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1 Okay. Hearing none, I think we'll move to
2 agenda item XII, which is agenda items and dates of future
3 meetings. So I'd like to see if we could set up a time to
4 meet next week, and, unfortunately, I'm really limited on
5 my time next week, and I wondered if Friday would work for
6 the other Commissioners. And if so, should we have that
7 meeting in Tucson or Phoenix?

8 VICE CHAIRPERSON HERRERA: If you're asking
9 me, Madam Chair, it'd be Phoenix.

10 COMMISSIONER STERTZ: For me, Madam Chair,
11 it would be Tucson. Sorry.

12 VICE CHAIRPERSON HERRERA: I think we should
13 wait to meet in Tucson until we have some meatier agenda
14 items so we can stay there longer.

15 VICE CHAIRPERSON FREEMAN: Madam Chair,
16 morning or afternoon?

17 CHAIRPERSON MATHIS: Either works for me.

18 VICE CHAIRPERSON FREEMAN: If we're doing it
19 on Friday, I would prefer afternoon if I have to drive
20 from Phoenix to Tucson.

21 CHAIRPERSON MATHIS: Okay. So Commissioner
22 Freeman expressed Friday afternoon.

23 COMMISSIONER STERTZ: I can do Friday
24 mornings here or Friday afternoons in Tucson.

25 CHAIRPERSON MATHIS: Okay. So far two -- or

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1 three work for Friday afternoon, Tucson.

2 COMMISSIONER McNULTY: I can do Friday
3 afternoon. I would prefer to meet in Tucson.

4 CHAIRPERSON MATHIS: Okay. And then there
5 is Vice Chairman Herrera.

6 VICE CHAIRPERSON HERRERA: Friday afternoon
7 works for me.

8 CHAIRPERSON MATHIS: And in Tucson?

9 VICE CHAIRPERSON HERRERA: Oh, is that the
10 consensus?

11 CHAIRPERSON MATHIS: I think so.

12 VICE CHAIRPERSON HERRERA: Sure.

13 CHAIRPERSON MATHIS: And I think if 1:00
14 suits everyone, maybe we can plan that in Tucson.

15 Counsel, does that work for you?

16 MR. BARTON: Yes, Madam Chair, 1:00 in
17 Tucson --

18 CHAIRPERSON MATHIS: Okay.

19 MR. BARTON: -- on April 8th, right?

20 CHAIRPERSON MATHIS: That's correct.

21 COMMISSIONER McNULTY: Madam Chair, could I
22 ask Mr. Barton whether a Commissioner can appear
23 telephonically if it's a real hardship to make the
24 commute?

25 MR. BARTON: Madam Chair, Commissioner, yes,

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1 we don't have anything in our rules that prohibit
2 appearing telephonically. There's no general rule against
3 it, so yes, a Commissioner could be telephonic.

4 CHAIRPERSON MATHIS: Great.

5 Okay. How about agenda items for that
6 meeting? Does anyone have anything specific they want to
7 raise? Some of these will be recurring from previous
8 meetings, because we'll want to talk about space options,
9 of course, whatever people see today and want to discuss.

10 COMMISSIONER STERTZ: Madam Chair?

11 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

12 COMMISSIONER STERTZ: General compliments on
13 the creation of this agenda as put forth today. May I
14 suggest that you -- we complete the business as it
15 currently exists, carry forward the items that we know
16 need to be carried forward, and if there's any that come
17 up between now and giving us 24 hours prior to time of
18 posting to make final comments to agenda prior to the
19 posting time would be preferred. We didn't have that
20 last -- practice last time. And I would prefer that to --

21 CHAIRPERSON MATHIS: Have a draft.

22 COMMISSIONER STERTZ: At least have a
23 24-hour shot at the -- at making amendments 24 hours prior
24 to.

25 CHAIRPERSON MATHIS: That's reasonable.

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1 That works for you, Counsel?

2 Good. Okay. Good suggestion.

3 Any other comments on agenda items, other
4 than a lot of this, as we said, will be carried forward?
5 But if there's anything here that people want to raise --
6 and you'll have another opportunity, of course, once you
7 see the draft, to provide any thoughts.

8 So great. I don't --

9 Oh, Bill is back. Hey, Bill, sorry. If we
10 could go back just for a minute to -- before we adjourn
11 this meeting -- go back to agenda item XI. I wanted to
12 ask Bill Hernandez, since he spoke with the gentleman
13 organizing the county Farm Bureau presidents.

14 Do you know how frequently they meet, Bill?

15 MR. HERNANDEZ: I do not. I could find out
16 for you.

17 CHAIRPERSON MATHIS: Okay. That answers my
18 question. Thank you.

19 VICE CHAIRPERSON HERRERA: Madam Chair?

20 CHAIRPERSON MATHIS: Yes.

21 VICE CHAIRPERSON HERRERA: Before you
22 adjourn -- still on -- similar to agenda item XI, I did --
23 I was invited to speak to the Native American caucus
24 yesterday, and I accepted, and I went and spoke. Going
25 forward is that -- I don't see an issue for us as

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1 individuals, if we're invited to speak to a group, for us
2 to accept or not accept without having to bring this up to
3 the board as an agenda item.

4 CHAIRPERSON MATHIS: Right. I think in
5 this -- I think that's accurate, that we do not need to do
6 that. Unless it's a situation where this one was, where
7 they invited me to come but I couldn't come and then I'm
8 not able to go out to all of you, due to open meeting
9 laws, and ask if you can attend in my stead.

10 Is that correct, Counsel?

11 MR. BARTON: Madam Chair, yeah, I think
12 that's right. I mean, since you have someone acting as
13 executive director, you certainly could use the executive

14 director to -- you know, to inform the other members of
15 the commission about speaking opportunities. And so
16 that -- You know, I don't think that -- That doesn't
17 violate open meeting, to have something like that where
18 the board's not taking action or it's not official board
19 action.

20 To Commissioner Herrera's question, no, the
21 board hasn't established any policy that says that you
22 need to get board permission before you can go out and
23 speak in public and that sort of thing. So -- And then,
24 of course, that's not something we put on the agenda for
25 today to particularly discuss; it's a new item.

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1 But -- So yes, as it stands right now --
2 and I think, in fact, we actually have considered this in
3 previous meetings -- there's nothing preventing any
4 Commissioner from accepting a public speaking engagement
5 if the Commissioner chooses.

6 VICE CHAIRPERSON HERRERA: And Madam Chair
7 and Commissioners, I want to keep it that way.

8 CHAIRPERSON MATHIS: Yes. Okay.

9 Any other comments on that?

10 Great. Okay. I think that takes us to the
11 final item on the agenda.

12 Since there's no further business, this
13 meeting is adjourned.

14 (The public meeting was concluded at
15 12:17 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3 I, Meri Coash, hereby certify that the
4 foregoing pages numbered from 1 to 124, inclusive,
5 constitute a full, true, and accurate record of the
6 proceedings had in the above matter, all done to the best
7 of my skill and ability.

8 DATED this _____ day of _____,
9 2011.

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Meri Coash, CCR #50327

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