

Arizona Independent Redistricting Commission

Friday, May 13, 2011

4: 00 p.m.

Location

The Evans House
1100 West Washington
Phoenix, Arizona 85007

Attending

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

Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
James E. Barton II, Assistant Attorney General (telephonically)

Meeting Summary

1. Call to Order

- The meeting was called to order and resumed at 4:17 p.m.
- There was a quorum present
- **Whereupon, Commissioner Stertz moved to go back into Executive Session to continue discussions relating to hiring legal counsel and for reviewing confidential documents with State Procurement Administrator Jean Clark. The motion was seconded by Vice Chair Freeman. The motion carried unanimously**

The Commission went into Executive Session from 4:25 to 5:26 p.m.

- Chairperson Mathis congratulated all the applicants and was thankful that there was such an impressive group that responded, calling it an embarrassment of riches.
- Chairperson Mathis proposed that the Commission select Ballard Spahr and Osborn Maledon to serve as its legal counsel, and to appoint a procurement officer from State Procurement to negotiate or harmonize the rates between the two firms.
- Vice Chair Freeman objected.
- Vice Chair Herrera made the motion as stated above.
- Commissioner McNulty seconded the motion.

- There was discussion. Vice Chair Freeman stated he was willing to give deference to and accept as the Democrat counsel any of the three interviewees, so long as he would be given the same deference, stating that his pick for Republican counsel is Lisa Hauser, and the Gammage Burnham firm. He stated that beyond dispute she was the most qualified candidate of the six interviewed with direct first chair experience on every issue the Commission was likely to face.
- Commissioner McNulty thought that the combination of Ballard Spahr and Osborn Maledon presented the highest and best expertise and ability to provide impartial and balanced representation.
- Vice Chair Herrera stated there were two firms clearly on top, Ballard Spahr and followed by Osborn Maledon, and he believed the Commission was being consistent, even though he was not getting his number one pick.
- Commissioner Stertz offered a substitute motion with the same terms and conditions offering a motion where Gammage and Burnham and Mandell Law Firm are the two firms of selection for the Commission. After discussion as to whether a substitute motion was proper, Counsel Jim Barton advised that it as an amendment to the existing motion, and was proper.
- Vice Chair Freeman seconded the motion to amend the original motion.
- Discussion was asked for, and Chairperson Mathis stated that Independents are the fastest growing group and that their voice needs to be heard. She stated that public perception is important and they strongly value bipartisanship behavior. She believed that the two firms she originally mentioned have great track records in those regards.
- A vote was taken on the amendment to the motion, with Vice Chair Freeman and Commissioner Stertz in favor.
- Vice Chair Herrera, Commissioner McNulty, and Chairperson Mathis opposed the motion, and the amended motion failed.
- A vote was taken on the original motion as stated, with Vice Chair Herrera, Commissioner McNulty, Chairperson Mathis voting in favor of the motion, and with Vice Chair Freeman and Commissioner Stertz voting opposed.
- And the motion carried, selecting Ballard Spahr and Osborn Maledon to serve as legal counsel to this Commission, and giving the authority to State Procurement Office to harmonize rates between those two firms.
- Chairperson Mathis requested that Jean Clark contact the two firms as soon as possible. Vice Chair Herrera stated that this was not an easy process, and that nobody got what they wanted exactly, but that's what it means when you negotiate. Vice Chair Freeman disagreed.

The Commission kept the next meeting calendared for May 26, 2011.
The meeting concluded at 5:54 p.m.