Tuesday, January 10, 2012
4:53 p.m.

Location
Fiesta Inn (Fiesta Ballroom I - Conference Center)
2100 South Priest Drive
Tempe, Arizona 85282

Attending
Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director
Stu Robinson, Public Information Officer
Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel
Bruce Adelson, Legal Counsel

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162
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(Whereupon, the public session commences.)

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

Today is Tuesday, January 10th, and the time is 4:53 p.m.

If we could begin with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Start with roll call.

Vice-Chair Freeman.

(No oral response.)

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

(No oral response.)

CHAIRPERSON MATHIS: We have a quorum.

And I believe Commissioner Freeman is going to try
to dial in, so we have the speaker phone ready in case that happens.

Other folks at the table include our legal counsel, Bruce Adelson, Joe Kanefield, and Mary O'Grady.

Our mapping consultants, Ken Strasma and Willie Desmond.

Staff around the room include our executive director Ray Bladine. He's in the back.

Stu Robinson our public information officer.

Kristina Gomez, our deputy executive director.

And our chief technology officer, Buck Forst.

And we have a court reporter today, Marty Herder, who's taking an accurate transcript of today's proceedings.

So with that we have the same agenda that we had yesterday. We weren't able to get to all of the items yesterday, so it's fortunate that the agenda matches.

We didn't take public comment yesterday. There was no more -- no one left by the time we got to public comment.

So we thought we'd reverse that order today and take public comment now for anybody who would like to address the Commission.

I do have one request to speak form.

And if anyone else would like to address the Commission, please feel free to fill one out and we'll do
that right away.

So with that, if Karen Fann would like to come up, former mayor, Chino Valley, former vice mayor and councilman the city of Prescott.

And if you could spell your name, last name for the record, that would be great. Thank you.


Thank you. And, commissioners, thank you. I'll make this short and sweet.

Hi, Joe.

Since I did present this same information to you in Prescott Valley.

Now that the hard part is over, we hope, with the lines being drawn, I'd like to just ask once again that we go back to the discussion of the numbering of the districts.

As you know, should know, Prescott is the first territorial capital of Arizona, established back in 1864. And when the district numbering started, we started with Prescott with number one in honor of that designation.

Particularly in light of the fact that this is our centennial year, I am respectfully asking if you will please give Prescott back or keep the Legislative District 1 designation for historical purposes.

On a side note, very quickly, I would also like to
suggest or ask, if possible, and I know it's, it's --
there's a lot of things involved, but if possible that we
try and keep the district numbering to the existing
districts to the extent possible.

There's a lot of taxpayer dollars have that been
spent on all kinds of things. And I know it might sound
like nickel and dime stuff, but it really does add up to a
lot.

So even if we can cut that down to 50 percent of
spending money by reprinting all new things, that would be
great, so that's kind of a side note.

But number one issue is us being number one.

And thank you so much for all your hard work. I
appreciate it.

CHAIRPERSON MATHIS: Thank you.

And that is an agenda item for the Commission to
discuss. It's part of the technical changes that we are
considering, so we will be addressing that with this agenda.

Our next speaker is Olivia Cajero Bedford, state
senator from Tucson.

SENATOR OLIVIA CAJERO BEDFORD: Thank you. Thank
you, Madam Chair.

I had to put on these glasses to see Ms. McNulty's
new hairdo. It looks terrific.

Now these glasses.
Thank you. My name is Olivia Cajero Bedford from District 27 in Tucson.

I sent you an e-mail this afternoon that I received on Saturday from Ed Verburg, who is the president of the Tucson Mountain Association. He and many others in the Tucson Mountain area are very disturbed about the slicing of the Tucson Mountain area.

He is of course split by the piece that was sliced. So, anyway, if you would like to, I can read it for the record, or not, not read it. But, should I go ahead and read it?

CHAIRPERSON MATHIS: Sure.

I think we did receive it, but go ahead. It's good to have it for the record.

SENATOR OLIVIA CAJERO BEDFORD: Okay. Thank you. And in case he's watching, it would be good.

Hi, Olivia, we sent a note to the Commission objecting to the new boundaries, and this was discussed at our last board meeting.

Our argument was they have split the residents of Tucson Mountain Association in half, and aligned us in a way that is not consistent with our mission.

Here is the boundary information.

The Tucson Mountain Association, TMA, is a neighborhood association of record for a large area spanning
a portion of the city of Tucson, unincorporated Pima County, and Marana.

Tucson Mountain Association is the oldest resident organization in the state of Arizona, established in 1934. That's 78 years ago.

It includes the area bounded by the north by Twin Peaks Road, on the east by Silverbell Road, on the south by 22nd Street alignment, which is also known as Starr Pass Boulevard, and on the west by the Saguaro National Park and Tucson Mountain Park.

After I sent you this e-mail, I spoke to him by phone and asked him about the majority of people that are really active in the organization on some of the issues that I'll tell you about in just a minute.

Those -- that population is between 22nd Street and Ina. So the Marana area while it has mountains, those people are just members, but not really active.

So that was, that was from him this afternoon.

The majority of the membership active, involved, and signed up are between those areas, 22nd and Ina Road. And we deal with the following issues.

You know, it's not like geography of the west side of Tucson or TMA association.

When people refer to the west side of Tucson, they refer to the Tucson Mountains, so it's a geographical area.
So might refer to the north end as the Catalina area, which is the Catalina Mountains. So this is the Tucson Mountain area.

So we deal with the following issues, not necessarily all inclusive.

Promote and preserve additional areas for open space, which we did recently in Painted Hills.

Compliance with zoning codes, proposed rezonings, and other land use issues.

Retention of zoning favorable to the critical corridor between the Tucson and Tortolita Mountains.

Preservation management of state trust lands community plans, Tucson's general plan, and Pima County's Sonoran Desert conservation plan, a major policy effort in Tucson.

Tucson's water policy, and Pima County wastewater treatment.

As a result of the Painted Hills subdivision, Tucson took into consideration of their need to tighten the rules on allotment of water to new subdivisions.

Issues of bonds for projects on the west side.

Promotion -- promote expansion of parks, Tucson Mountain Park, Sweetwater Preserve, and Saguaro National Park. Promote the use of Santa Cruz River corridor for flora and fauna, support the removal of buffelgrass, which
is a major issue for hot burning wildflowers.

   Anyway, these are some of his comments for the Tucson Mountains.

   And we would request that the Commission consider going back to the October map that you had for Legislative District 3.

   Thank you very much.

   Appreciate it.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Steve Titla, representing San Carlos Apache.

STEVE TITLA: Good afternoon, commissioners, honorable attorneys, and consultants, honorable consultants.

   Happy new year to everyone. Good to see you again.

   I just want to let you know today that the San Carlos Apache Tribe maintains the resolution that it sent to you all in support of the maps for the legislative congressional maps that you passed. The tribe supports those maps, and we maintain -- the tribe maintains that position. And we hope that you continue to keep those districts as they are and don't make any changes as we go forward, because I'm looking here at the treaty of 1852 on my -- on my computer here. It's called Treaty with Apache Tribe, July 1st, 1852.
In that area they gave us a big area of land in eastern Arizona. The eastern boundary's New Mexico line and Arizona. That's our eastern boundary.

But that's not our boundary today.

As you know, we have Morenci and Clifton, and then that Blue Range they call it in that area.

And then on the southeast side is Safford, Thatcher, Pima, Duncan, all those areas. That's all Apache land.

And on the other side, as you know, you're familiar with Arizona, you have Winkelman and Hayden and Dudleyville and Kearny. Ray they call it. All those areas in that area.

And then on the west side, you have Superior, Globe, Miami.

On the northwest side you have the Salt River, and the mining. All that's Apache land before.

You know, they took those lands, as I told you before.

And so they kept us with a small piece of land that we have now.

Our acreage is 1.8 million acres, rounded off, 1.8 million acres.

And that area the government we recognize under the Indian Reorganization Act of 1934, so we have a
constitution there and the tribe has governed.

    We're not -- we don't have any allotments.

    What the government tried to do was to allot land
to tribes of the nation, and they wanted to civilize Indians
and give them each 160 acres of fee simple land.

    And that's how a lot of nations or Indian tribes
in the nation lost our lands, because each 160 acres are fee
simple land under the Dulles Act, they call it, under the
Indian Reorganization Act.

    And then the individual Indians in that land got
160 acres each. And then they either sold that land or they
couldn't maintain it, so a lot of tribes lost the land that
way.

But with Apaches and the tribes in Arizona for the
most part, the allotment act didn't come to us. So we're
able to maintain our sovereign status for these huge land
areas, in Arizona.

    So we really are proud of the land. That's our
roots. That's why a lot of Apaches don't move from Apache
land, because that's our land.

    That's our aboriginal land before the United
States came into being, before the state of Arizona came
into being. That's our roots, and we want to maintain that.

    At the same time, as you know, we're part of
the -- we're citizens of the United States.
In the state of Arizona, over here in the capital, look on the column that shows the Metal of Honor winners. If you're ever down at the state capital, look at the Metal of Honor winners, look there. There's a few Apache names on there, on that Apache Metal of Honor winners.

We contribute substantially to the defense of the nation.

I think it's important -- I think tribes contribute substantially more to the defense of the nation per racial basis in the population.

So that's what we do.

We just want to get a chance, as I told you from the beginning, I'm keeping on the message. I saw that somewhere in the campaign, the nation, keep on the message.

So here the Apache tribe's maintaining the message. We're keeping on the message that we want an opportunity, a reasonable opportunity to elect somebody of our choice.

And we really haven't had that opportunity, even though we're citizens of the state of Arizona, even though we're citizens of the state -- of the nation, the United States, and we contribute substantially to the nation's military defense in World War I, World War II, Vietnam War, Korean War, and even these current wars now. We have our tribal members and Apaches over there, overseas,
fighting for the nation.
   And since we participate in all of the nation, we would like to participate here in the voting.
   And I think that by maintaining the maps that you did that we support that we have a choice to vote for somebody of our choice finally, to be equal citizens.
   In the constitution it says we the people. We want equal political rights, equal political opportunity to vote for people and to respond to, to remind you as you go forward from here that Apache Tribe maintains that position.
   And thank you.

CHAIRPERSON MATHIS: Thank you very much.
   Did someone join the call, the meeting?
   Is that Mr. Freeman?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Yes.

VICE-CHAIR FREEMAN: I jumped on about five minutes ago.

CHAIRPERSON MATHIS: Okay. Great. We heard the beep. And so you can hear us okay?

VICE-CHAIR FREEMAN: I can hear you great. Just as a warning, I've got kind of a short fuse, and I'll have to jump off, but I'll try to let you know that.

CHAIRPERSON MATHIS: Okay. No problem. Thanks for joining.
Our next speaker is Leonard Gorman, executive
director, Navajo Nation Human Rights Commission.

LEONARD GORMAN: Good afternoon, Madam Chair,
members of the Commission, and attorneys, and the
consultants.

Welcome to the new year.

This is the time in which the state of Arizona
celebrates its birthday, having been a part of the union for
100 years.

This is also the time in which the -- on the
Navajo Nation lands, as it extends into the other states,
the state of New Mexico, it also celebrates its
100th birthday.

As for the Navajo people and Navajo lands, don't
know exactly which birthday we would be celebrating this
year.

We always refer to it as time immemorial the
people have been here. We are the ones as indigenous to
this land area and indigenous peoples to the state of
Arizona as it's known now have named places in this state,
and people have come to the state, have adopted some of
those places, the names.

And of course some of those places that have been
named to the state are not appropriate or derogatory, but
somehow the majority feels that that's appropriate.
I think from my office, as a Navajo Nation Human Rights Commission, part of our effort is to in hopes that the people of the state would learn and be better educated about what are the values of the indigenous people in this state, in this union. And not only be tolerant of these distinctions, but more importantly understand and respect that distinction.

And I think that is something that my office has embarked upon and has charged as one of its mandates, to ensure -- making careful attention to enlist various media, various avenues to provide that media to educate the public.

And having said that, the Navajo Nation Human Rights Commission has been involved in this redistricting activity since the early part of last year.

We had an opportunity to host a number of meetings. And we witnessed as staff, myself, a lot of presentations, a lot of recommendations. And the Navajo Nation Human Rights Commission recognizes and respects the gamesmanship of various organizations, various parties, political entities, to formulate a map that would be in their best interest.

Likewise, the Navajo Nation, the Navajo Human Rights Commission has come before you many a times iterating maps, recommendations, and how we believe it would be -- the
map would be -- illustrate best what's in the best interest of Navajo voters.

And we have come to you making recommendations that we believe protects first the community of interest of the Navajo people.

My office has been charged with the responsibility to advocate for the human rights of indigenous people, particularly the Navajo people.

As human rights issues, you may think that it doesn't affect redistricting concerns. We have enlisted honorable, well-educated individual, who's a professor here at the Arizona State University college of law, to illustrate to the state of New Mexico redistricting litigation how important it is to respect in these times the self-determination of indigenous peoples, how indigenous peoples are endowed with this responsibility and other institutions such as the state of Arizona, the state of -- the states in the union have a responsibility to pledge through commitments of human rights to respect the sovereignty, the self-determination of peoples, particularly in the state of Arizona.

And I believe we have illustrated to you in the iterations for the congressional map and also for the legislative map what we believe are some of the fundamental aspects of those self-determinations and the ability to say
and have a say in the concerns that relate to policies at the state level and congressional level that apply to these various issues, such as sacred sites.

We as a Navajo people, as a Navajo person I'm imprinted with the philosophy and the belief that there are sacred sites that I as a Navajo person have a responsibility to ensure it's treated with fundamental respect, and that all other peoples have the same understanding.

So we're endowed with the responsibility to ensure that all peoples understand as an example the tenets that are referred to in the United Nations on the declaration of indigenous peoples.

And we've advanced elements of those issues the United States has pledged to implement to you for the past couple of months as a part of our intentions.

And we have illustrated to you where the traditional lands are for the Navajo people, lands in which Navajo people have used since time immemorial, and how much as a Navajo person my belief has imprinted on me that I have the responsibility to care for those areas and lands.

The second part that we have illustrated to you is the need in modern time to respect the Voting Rights Act. A law that recognizes the fact that I as a Navajo person, I as, quote unquote, a minority, have difficulty in the, quote unquote, majority society, the struggles that I have as a
minority and how it's recognized by all peoples in the
union.

And we have illustrated to you the need to comply
with Section 2 and also Section 5 of the Voting Rights Act.
We do not want any dilution of Navajo voting strength. We
don't want any retrogression of Navajo voting strength.

And from the Navajo Nation's perspective, you have
respected those concerns and those standards in your
legislative map.

For the congressional map, the Navajo Nation
presented two proposals, Indian one and Indian two.

And we believe that that has been the part of the
play, part of the discussions, and to the end.

And we know that the threshold number for
Native American voting age population for the current
Congressional District 1 is 16 percent.

You've made recommendation as a tentative map, a
map that incorporates a 20.5 percent.

That is a progressive map. It's going in the
right direction. And the Navajo Nation Human Rights
Commission believes that is a very good start to embark upon
for the next ten years.

It's our expectation that 2020 we will be standing
here again to ensure that we need to increase whatever the
threshold is going to be at that point in time.
So that's essentially our plan, and you adopted and incorporated those concerns and recommendations that we have in the congressional district.

With the legislative plan, the Navajo Nation submitted one proposal.

In our proposal we indicated that we were concerned specifically about the Voting Rights Act. And as you and I know, that legislative district in which the Navajo Nation is located is a covered area by the Voting Rights Act.

And you've made meticulous effort, as we've seen and watch your debate, to address the 59 percent threshold, and made every effort and incorporating additional population, making certain exchanges, to satisfy the competing interests in the north region of the state of Arizona and come up with a map that has also accommodated an enhancement of the Navajo Nation voting age population from the low 60 percent into the 63.1 percent.

We believe that that is a handsome effort to be put forward and is something that the Navajo Nation fully supports.

And certainly there could be opportunities for tweaking, but we don't necessarily support any opening up the whole effort again to arrive at a certain point in which we start all forward again. I think we need to move forward...
with that proposal and have it submitted to the
U.S. Department of Justice.

    So, in concluding my remarks, the Navajo Nation
Human Rights Commission has made numerous presentations to
you.

    And we also believe that you have accepted
substantial part of our recommendations and incorporated
into both the congressional and the legislative maps.

    And we only encourage you to submit the CD 1 and
LD 7 as you have tentatively adopted and just simply forward
it on to the U.S. Department of Justice for final
preclearance review.

    And I think that would be very good, and
Navajo Nation would sleep very well tonight if that's --
this is the decision you make this evening.

    And we thank you for all of the opportunities and
also the openness that you have illustrated to the Navajo
Nation Human Rights Commission to my presentations and being
able to host some of these meetings that you have had.

    Thank you very much.

    CHAIRPERSON MATHIS: Thank you.

    That was my last request to speak form.

    Is there anyone else who wanted to address the
Commission?

    (No oral response.)
CHAIRPERSON MATHIS: Okay.

So we'll move on to the next agenda item.

Yesterday we had the report regarding the voting rights analysis.

If you tuned in, we had Dr. King and Ben Schneer on the phone, and they gave us an update of the racially polarized voting analysis that they did, which was very helpful and did a great job I thought explaining it for a layman like me.

And so that we've already covered.

But number three, discussion, direction to mapping consultant and possible action regarding adjustments to the approved final tentative legislative districts maps to address technical or legal issues.

Yesterday we got to this agenda item and started discussing this. And we also gave direction to our mapping consultants last night based upon our meeting yesterday. And so I don't know if they were able to accomplish all that we directed them to do, but I'll ask.

Mr. Strasma or Mr. Desmond?

WILLIE DESMOND: Yes, we were able to take a look at what Commissioner McNulty and the Commission asked me to do last night.

Unfortunately I don't think we're -- I was able to accomplish the entire stated objective.
And I'd be happy to go over that and show you where --

CHAIRPERSON MATHIS: Yes, please.

And I think it would be good to go over the objective that Ms. McNulty outlined before we adjourned last evening.

I think it was specifically looking at LD 8.

WILLIE DESMOND: Correct.

So, Buck, would you mind turning on the projector for me.

We were asked to try to improve the mine inspector percentage in LD 8 to 50 percent or higher. And to do so by moving parts of Legislative District 23 down into Pinal County to remove some of the White population there. And also by keeping -- growing District 8 up into the entirety of the Gila River reservation and up into some of the area where old District 23, which was the kind of the Pinal County voting rights district, used to come up into the west valley.

And to do this with as minimal an impact on the other districts as possible.

You have a change report in front you today, and should be able to get those to Buck too to put up and pass around to anybody who's interested.

Just give me one minute.
But basically what I found was that since Districts 16 and 12 and 17 are all relatively largely populated to begin with, they do not have much room to absorb population from San Tan Valley and other surrounding areas.

Let me take the shading off here so you can see this a little easier.

Okay. So what I did was the green line here is the tentative final map. This darker black line, which I'll make a little heavier, is the changes I made.

So District 23, because it was about evenly populated, had some room to grow to absorb some population.

So District 23 came down and took in just about all of Gold Canyon and some of the unincorporated area surrounding it.

This in turn allowed District 16, which gave up Gold Canyon, to take some of the non-Hispanic population from the San Tan Valley. Since it was already coming into the San Tan Valley, this didn't introduce any additional splits. And we were able to remove population that was a net benefit to the voting rights performance of District 8.

Additionally, the border between District 8 and 11 was tweaked somewhat in order to remove some White population from Casa Grande.
I'll turn off the census place for a second. You can kind of see what area was removed.

Let me change this shading.

This is currently shaded for the mine inspector 2010, 10 percent.

So not exactly Hispanic percentage, but since we were trying to improve the voting strength, that's what I was looking at.

One last on this project.

So you can see I moved these areas just thinking that I kept the line relatively clean. It wasn't terribly disruptive to the census place of Casa Grande, and did have a net improvement.

And then -- so those are two areas where District 8 lost population -- or District 8 gained population was by taking in the remainder of the Gila River reservation.

Previously Gila River had been split at the Maricopa County line. And I will make this line red to make it a little easier to see.

So it used to be split right here on the Maricopa County line.

The reservation was now kept whole.

And so District 8 goes up into Maricopa County here, and then it comes up into Phoenix, in part of the
area where old Legislative District 23 came up into Phoenix.

I was only able to come in and take about 12,000 people. And that was because it had only lost roughly that amount to 23 and to 11.

What this does is it makes 19 underpopulated. So also it underpopulates 27, which lost the Gila River population, so there is some population balancing here among Districts 27, 19, 29, and 30, which are all our voting rights districts.

So, if you take a look at your change report, you'll see that with these changes, it affected eight districts.

The mine inspector race in District 8 went from a 46.3 up to a 48.4, so we're not quite at the 50 threshold that you asked me to get to. But without changing many more districts, there wasn't an easily identifiable way to do that.

It does have some effects on some of the other voting rights districts.

District 19 has a slight -- slightly lower performance in 2008 presidential, 2010 mine inspector. Slightly higher in 2004 Dem presidential and 2006 secretary of state Democratic, which were both candidates of choice.

District 27 has very slight impacts from losing
Gila River.

It does make that up with a block group from District 19.

District 29 is probably the most affected negatively of the legislative voting rights districts.

It goes from 18 plus total minority percentage of 72.9 down to 72.7, a change of seven-tenths of a percent.

And it's about six-tenths of a percent lost in most of the key indicators that we're looking at.

But there -- it was three of the four were above 50. Those three are still still above 50 though, so...

Are there questions, by the way?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Desmond, the changes that you made here that you had said that you didn't make all the changes that you were going to do for a lack of time or significant detriment to the entire map, how many changes were -- how many districts were affected by this very minor change?

WILLIE DESMOND: By this change, eight districts were affected.

And I -- it's not that I -- I should clarify. I didn't run out of time.
If it was I was trying to balance two objectives. One, to get it above 50 percent, and, two, not to affect several districts.

So I kind of stopped where I was, because I felt like it was as far as I could go without all of a sudden having to affect maybe four or five more districts.

VICE-CHAIR HERRERA: So the changes that were made affecting districts, if you would have kept going to get it at 50 percent, that's for the mine inspector race, you said that you would be affecting five more districts, in addition to the eight you were already affecting?

WILLIE DESMOND: Probably, at least.

What would -- essentially the way that it seems to play out, what needs to happen to move more population, more Hispanic population into District 8, and remove more non-Hispanic population from District 8, is ultimately District 23, which is -- I'll zoom in a little bit.

Ultimately District 23, which is the district in Scottsdale, Fountain Hills, Fort McDowell, and then the unincorporated area in eastern Maricopa County area, needs to come down further and take more population from District 8 -- or from District 16 in the Apache Junction area.

This then allows District 16 to come and take more of San Tan Valley.
By removing more of the San Tan Valley, you're able to then grow District 8 more in the Avondale and Phoenix area on the west side.

However, moving enough population to do it means that the western districts are then all underpopulated and the eastern is all overpopulated.

So in effect what you then need to do is transfer population from, from District 23, which is for all intents and purposes on the west side all Scottsdale, some of this needs to make its way over to Districts 19 and 29 and 30.

So what you end up doing then is probably introducing a split of Scottsdale.

District 15 would take -- you know, would grow there. This would allow 15 to give population to District 22, which would allow population to 21, which would allow population to go to 29.

And it's -- the reason you can't, you can't swap population up through this area is because, again, these districts down in Gilbert and Chandler are all about at their limit as far as how much population they can take.

And to grow through, you know, through Tempe would mean that we're going to be doing a lot of damage to Districts 26 and to 24, which are kind of our -- I don't want to say our shakiest, but the voting rights districts
that have the least to give.

So, in order to not affect those, you kind of end up having to cycle your way all the way around.

And what this map represents is getting part of the way there, but understanding that to go any further it's going to involve changes to several districts.

Now, there are other changes that can happen.

You know, District 11 can absorb more population and probably filter that down through some of the Tucson districts, although it's limited to how much that can happen.

District 6 can absorb some population from Gila County, you know, into parts of Globe that aren't as good in some areas north of there.

However, looking at that only brought up the mine inspector in District 8 between two and a half, a tenth of a percent, and three-tenths of a percent.

So that's an area where I wasn't sure if bringing it up three-tenths of a percent was worth splitting a city and introducing another change to District 6.

So, and that's something that's still on the table, but for this I didn't do it because I was trying to minimize the packing districts.

VICE-CHAIR HERRERA: Can you clarify for me the --

these changes were the ones that Commissioner McNulty had
recommended, which were, again, pretty minor. And Mr. Adelson had different changes or ideas that were a little more involved than the ones that Commissioner McNulty recommended.

Is that correct?

WILLIE DESMOND: Well, in looking at the map, studying it, looking for ways to improve it, we identified ways of getting District 8 higher. And what we just kind of outlined and what we have been looking at and kind of -- are the impacts of that.

So, that's kind of what I just expressed, where some of the additional shifts that need to happen in order to get it higher, getting it closer to the 50 percent mark or slightly above on the mine inspector.

It's also -- there are other key indicators too, and those all went up with these changes.

Mine inspector did go up the most, and that seems like the easiest race, so . . .

COMMISSIONER McNULTY: Madam Chair, I think one of the things that this illustrates is that in order to get -- in order to improve eight, we kind of have to jump over the Gila River Indian community into the central city, into the west or central city.

And I'm concerned about what we -- I'm concerned about moving ahead with something that looks like that,
because we don't know what the implications of that are in central Phoenix in those communities. And I'm not seeing a benefit that's significant enough to warrant making a change like that, that the implications of which on the ground in terms of communities we don't understand.

But I also think it kinds of shows us what's challenging about this part of Arizona.

It was a -- it was a majority-minority district, but it hasn't been performing. And the northeast part of it, the San Tan Valley area, has been growing very, very, very fast.

And it's not growing with minority voters.

And that growth, I think, is going to continue, even if we, even if we move out the current population centers, San Tan Valley, into the north, it's going -- that growth is going to continue, and we're going to find ourselves concerned having split up Hispanic communities in the west side of the city, tying them with very distant Hispanic communities, and finding that they're still kind of being grown out of a majority-minority district by that rapid growth in southeast Phoenix.

So if there are -- if there were a way to increase performance on the mine inspector index that involved kind of working with the communities that are core communities in eight, Coolidge and Florence and Casa Grande and Eloy...
and San Manuel and the Globe area, that, that would make sense to me.

But what doesn't feel right to me is going up into central Phoenix to pull up population when we don't really achieve an objective unless we essentially kind of redraw that whole part of the map.

CHAIRPERSON MATHIS: Mr. Freeman, are you still on the line?

VICE-CHAIR FREEMAN: Yes.

CHAIRPERSON MATHIS: Oh, great.

Feel free, if you have any questions, don't hesitate to comment or interject.

COMMISSIONER McNULTY: Ken and Willie, can I ask you a couple of population questions?

KENNETH STRASMA: Sure.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: The population of the state is about 6.4 million people.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: According to the census, the Hispanic population is about 29 percent of that.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: And that includes children and non-citizens.

WILLIE DESMOND: Correct.
COMMISSIONER McNULTY: Prisoners too probably?
Okay.
So that's less than a third of the population is Latino in total.
But, and we're -- we are creating here -- we're trying to create ten fully performing Hispanic voting rights districts.
So we're trying to create fully a third of our districts as majority-minority districts, but the population of the state, even including children, non-citizens, and prisoners, is less than a third.
Is that correct?
CHAIRPERSON MATHIS: What's the minority population of the state?
WILLIE DESMOND: The total minority population of the state -- sorry. Just one second.
CHAIRPERSON MATHIS: I see where you're going with that. I mean, I think I do anyway. Just that there's only so many to go around.
COMMISSIONER McNULTY: I mean, we can look at it at the micro level or we can look at it at the macro level. And I think looking at it at the macro level at least is helpful to me in demonstrating that I don't think -- I don't believe that we've overlooked anything.
Now, and what I just described has backed out the
Navajo Nation population, because that's a separate voting rights district.

KENNETH STRASMA: Correct.

While Mr. Desmond is looking at total minority numbers, one thing I wanted to mention along those lines, we did look at the percentage of population that was in the benchmark districts last decade compared to now.

The Hispanic population, total Hispanic, is exactly the same.

If we assume ten benchmark districts, and the ten that we talk about now not including LD 8, 56 percent of the Hispanic population was in benchmark districts, 56 percent is in the new districts.

It's slightly lower when we look at Hispanic voting age population -- or, I'm sorry, the Hispanic citizen voting age population.

Goes from 53 under the old benchmarks to 51, although bear in mind that that was 53 under the counting ten which included three that were not affected by statewide races.

And now 51 percent of the Hispanic citizen voting age population in districts that were effective majority for statewide races we looked at.

When we add in LD 8, as it exists now, not reconfigured, that goes up to 55 percent of the state's
Hispanic citizen voting age population and registration, compared to the 53 percent of the old plan.

Another metric to look at is the total minority population.

It's one of the things in LD 26, essentially which is a coalition district, we have more other minorities.

The total minority voting age population in voting rights districts last decade was 52 percent, and under the existing plan it goes up to 53 percent.

If we were to count LD 8, it goes up to 57 percent.

COMMISSIONER McNULTY: One thing that I was looking at last night on the charts was -- we've talked about the fact that the CVAP and the registration for some of the districts is lower than it was for the benchmark districts.

But it's also the case that some of the benchmark districts were underpopulated, a couple of them pretty substantially.

So we're -- and we're also creating -- let's see, we've got -- there were six benchmark districts that were performing statewide; is that right, based on Dr. King's analysis?

So 23, 24, 25 were not performing statewide, so --

KENNETH STRASMA: In the four statewide
COMMISSIONER McNULTY: The four statewide elections.

KENNETH STRASMA: -- those three did not win any one of those.

COMMISSIONER McNULTY: So does that leave us with six fully performing --

KENNETH STRASMA: Seven.

COMMISSIONER McNULTY: -- seven fully performing --

KENNETH STRASMA: Right.

COMMISSIONER McNULTY: Hispanic or --

KENNETH STRASMA: Including the Native American.

COMMISSIONER McNULTY: Yeah, so if we back out the Navajo Nation districts, six fully performing Hispanic districts.

KENNETH STRASMA: Correct.

COMMISSIONER McNULTY: Latino based districts. And we're creating ten. Right?

KENNETH STRASMA: Well --

COMMISSIONER McNULTY: Well, nine plus.

KENNETH STRASMA: Nine --

COMMISSIONER McNULTY: Nine, and we would be looking at --
KENNETH STRASMA: In three or -- three or four of the four elections.

Seven are four of four.

COMMISSIONER McNULTY: So doesn't that at least go some way toward explaining why those numbers are lower in our districts, because we have to add population to the districts that were underpopulated, and you can't just add all Hispanics, you have to add whoever lives there, and some of those people are and some of those people aren't Hispanic. And then they're being spread over more districts.

KENNETH STRASMA: I do think that is a very key point, commissioner.

When we look at the two districts that are at the bottom end of our new districts in terms of the Hispanic citizen voting age population, 24 and 26, that are lower than their comparable benchmarks, those two comparable benchmarks however are the two most malapportioned districts in the existing plan.

The comparison district for new LD 24 is existing LD 23, which is overpopulated by 73 percent, over 157,000 --

COMMISSIONER McNULTY: And those are probably the people in San Tan Valley; right?

KENNETH STRASMA: Well, it --

COMMISSIONER McNULTY: I mean, a lot of that
population growth occurred there. That's what I mean.

KENNETH STRASMA: Yes.

And then the comparable benchmark district for
LD 26 is existing LD 15, which was 57,000 underpopulated.

So obviously if you have the luxury of
overpopulating one by 50,000 and underpopulating the other
by 57,000, I assume it would be possible to match these
numbers. But because we have to get the population
deviation much lower, that is one of the reasons I assume
we'll explain in the DOJ submission.

COMMISSIONER McNULTY: But that's something that
we'll fully describe and explain in the submission.

KENNETH STRASMA: Yes.

CHAIRPERSON MATHIS: Is this change report up on
the web now?

BUCK FORST: Two minutes.

CHAIRPERSON MATHIS: Okay. Two minutes is what
our CTO said.

WILLIE DESMOND: If anybody needs it, I have it on
a thumb drive also.

CHAIRPERSON MATHIS: So does legal counsel have
any thoughts, given what was just presented? Just curious.

MARY O'GRADY: I don't know that I have anything
more to add at this time, unless there are questions from
the commissioners.
JOSEPH KANEFIELD: Same here, Madam Chair.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The -- the -- at one point we were looking at ten majority-minority districts, and we, we thought that even that was stretching it. I think I said that a couple times.

And I am assuming this is the us, us reaching for creating more majority-minority districts is probably putting us in the situation we're in now.

I could be wrong, but I think that's -- that's a -- that could be a factor.

But what -- when I had heard that Commissioner McNulty had -- was trying to -- doing her best to see if she could come up with an eleventh district, she had come up with LD 8.

And, and I was wondering if she could explain to me her rationale for doing it.

And -- because I do applaud her.

I think I -- I thought that we were all pretty certain that we couldn't create any more majority-minority districts, but she, she unearthed eight and was doing her best to make it a majority-minority district that would work.

And we didn't know if it would work or not until
the analysis came back, or at least that's my perception. So I want, I want to have to -- to get her to explain her rationale and see where she was coming from. Because I do feel that -- and that, that we're being, I guess, I want to say penalized, but we're almost being -- I guess I want to say the word is penalized for trying to create a majority-minority district and it not working out, and then we're trying to make it even better.

So I would love to have Commissioner McNulty sort of talk about this and see where, where she was -- what her ideals were when coming up with LD 8.

MARY O'GRADY: Before Commissioner McNulty responds, can I just make one clarification for the record? When we're talking about majority minority, as we've discussed, there's lots of different measures that we've looked at for that.

If you look at majority-minority population, for example, we already have 11 majority-minority population districts, compared to nine under the benchmark. And I think what this has been focusing on was the performance measures.

Now we have ten based on performance in the mine inspector race that are above 50 percent in the tentative final map.

We used to have seven.
And so we looked -- and this was an effort to get actually 11 districts in the majority performance.

VICE-CHAIR HERRERA: Would you just clarify, three above the benchmark? Is that -- I mean, is that correct?

MARY O'GRADY: Well, in terms of the mine inspector measure, we had seven where it was over 50 percent in the benchmark and we have ten in the tentative final.

COMMISSIONER McNULTY: So with regard to Legislative District 8, what I, what I was doing first was looking at ways to align communities that are between -- in Pinal County between Tucson and Phoenix, particularly in the copper corridor and some of the, you know, more established areas in Coolidge and Florence and Casa Grande. And to do that in a way that created a more competitive district.

That was my -- what I was investigating.

And when I did that, I realized that as you improve the competitiveness, you also improved the total minority population, which in this area is mostly Hispanic.

And so my thought was really not to create another majority-minority district, because I think it's been clear because of the growth pattern in that area over the last decade that that might not be sustainable.

But what I did want to do if we could do it was try to preserve the opportunity to elect for minorities that
might still be there.

And, you know, not being a voting rights lawyer, I guess I didn't really understand the difference between those things.

I mean, my thought wasn't, wasn't that we were going to come up with a district that had to be another bench -- another district that satisfied all the various statistical criteria that our first ten did, because I didn't know whether that was really practical here.

But I did think it still made sense to try and align the communities in a way in LD 8 and to readjust LD 11 and LD 8 so that to the extent there is an opportunity to elect there for minorities that we preserve that.

So then, in the interest of not, you know, turning over every rock and keeping no stone unturned, whatever the metaphor is, you know, I thought maybe we should look at whether -- once we got there, then I thought maybe there's a way -- we should look at a way whether we can actually make it another fully performing district.

But I never intended to do that if it meant that we had to kind of jump over the Gila River Indian community and go into, you know, the voting rights districts that we had done in the draft map and got comments on and then, you know, put in the tentative final map.

So when I asked Mr. Desmond last night to look at
those things, it was really just an exploration to see whether there was anything that we were overlooking.

   It wasn't a recommendation that we go into central Phoenix to improve the district.

   Because, as I said, I just have some concerns about -- if we did that, I want to fully vet it and understand what the impact of that would be on those communities there. And just looking at it on the map, it doesn't make sense to me to take that little part of Phoenix and tie it with -- you know, not understanding what the implications of that are for those communities and tying it to other parts of Pinal County.

   That's what I was looking at.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I can ask you, Commissioner McNulty, one more question.

The -- Mr. Desmond obviously undertook the task of trying to improve eight. I think it was yesterday or possibly today.

   Now, before the maps were approved on the 20th, did you attempt to improve eight? Once you found out there could be a possibility of a majority-minority district, did you take steps to improve eight to make it meet the requirements -- make a majority-minority district?
COMMISSIONER McNULTY: There's several problems with that question.

One is I have a very poor memory for dates.

I don't think so.

I mean, you know, once we, once we submitted the tentative draft map, no, I didn't.

I mean, not until we get to the point where we, you know, looked at all the data the last couple days and, you know, were just trying to make very sure that we were comfortable with where we are, so...

CHAIRPERSON MATHIS: My perspective, I guess, is that it's all good, frankly.

Whether we have 10 or 11, or whatever the number is, I mean, I think we did a pretty amazing job coming up with some sound majority-minority districts based upon the analysis that we've gotten back. And going through this exercise though was very helpful.

And if we need to keep going to try to get more, we can, but it sounds like that's going to really have a huge ripple effect throughout the map.

But I do think it was worthwhile having Mr. Desmond go through this and seeing if eight could be made stronger.

But the fact that it's as strong as it is I think is a good thing. So to me it's like the critical mass is
there that we're trying to, as you said, help ensure that there's an ability to elect. And maybe we just can't get there with the numbers that we have in the state. But, I just -- I think it's -- I would think the Justice Department would appreciate the efforts to create as many as we did, and even if one is borderline, it's close, and the fact that it's there I think is good.

So that's my take.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I agree completely. I think the districts that we created, the majority-minority districts, are solid districts.

And from the beginning we were doing everything possible to solicit the input from the Hispanic, Native American population citizens here in Arizona. And I think we did an excellent job of incorporating the -- their input.

I think, Leonard Gorman representing Navajo Nation, I think he stated that as well.

I think we, we did everything possible to, to get the, the minorities involved in this process from the beginning.

Not only with -- I mean, obviously with these
public hearings, but also when we traveled to areas, you know, South Mountain, any of these areas that are highly populated by Hispanics, and, again, getting their input.

And I'm -- I think I'm the only -- well, I am the only member of the majority -- or, of a minority community in this panel.

I don't speak for the Hispanic community. I speak for myself, and that I'm extremely proud of the work we've done.

And, I would, I would -- if -- if questioned by DOJ or anyone else, I would be glad to speak and say, you know what, this is -- we did -- the amount of work that we've done from the beginning to now is, is just a -- it talks about all the effort -- you know, talk about all the effort that we put into it and the outreach that we've done to make sure that the people that are affected by these voting rights districts were heard.

And I'm extremely happy with the work that we've done.

And I thank the Commission for hearing the voice of the majority -- the -- of the minorities living in these majority-minority districts.

And I'm happy to defend these districts. And I am sure that the people sitting on this table with me will do the same thing.
And I am sure that the people that have spoken to this Commission, especially the minorities, will do the same thing as well.

District 26, District 8, and all the other districts. District 7 will speak very highly and passionately about the work that we've done in putting together these maps.

But I do want to ask a question for legal counsel.

A scenario where we submit these maps as they are with technical changes. If they were to get -- if there were to be an objection from the Department of Justice, what would be the steps that we would then take?

And I don't foresee that happening, but I want to make sure that we cover all our bases.

MARY O'GRADY: Madam Chair, Commissioner Herrera, I'll start, and then I'll pass the baton to my colleagues.

In terms of the process, usually -- well, when they have 60 days in which to respond, and you usually get a request for additional information if they have concerns before an objection is entered so you get a chance to respond to those concerns.

And if there is an objection, they have to specify the reasons for those objections.

And then it would, if there is an objection, come back to the Commission at that point to address those areas
of concerns.

    The map can't be implemented until it preclears.
    And so given the -- it's going to take some time to submit.
    And at some point if they don't approve, the other thing we're up against aside just from getting approval is the election year calendar.
    Because candidate filing deadline is at the end of May.
    And so if we submit it soon, then we're probably into March before the 60-day clock.
    Perhaps into April.
    Then you might get an additional request for information. And then, you know, and then that starts the clock again.
    And so at some point if we get in that situation, we'd have to address how we deal with getting authorization from the court for some lines for the election.
    Because at some point you need to set that up so the candidates know what they're going to do.
    But if there's an objection, it comes back to the Commission to remedy that objection, and then ask -- go back and do a new submission and ask DOJ if this has addressed their concerns.
    And I am going to pass the baton to Joe and Bruce
on this point.

JOSEPH KANEFIELD: Madam Chair,

Commissioner Herrera, I don't have too much more to add to what Mary just provided.

Other than to let the Commission know that at least ten years ago when this happened there wasn't precleared lines in place before the deadline.

There were -- there was at least two lawsuits as I recall brought, and they were consolidated in one action, federal court before a three judge panel that has the authority to declare interim lines in the absence of precleared lines.

Not that I'm suggesting that's going to be the case, but this -- you asked what happens if there's an objection.

And it all depends on when the objection comes and how quickly the Commission can respond to it of course.

But so the Commission is aware of that, that is what would likely have to happen in order to have lines in place for the 2012 elections.

Not only would it necessarily apply to the 2012 election, because there would be of course time to address the concerns of the Department of Justice and hopefully achieve preclearance for lines as drawn by the Commission for the elections going forward into the decade.
I'll turn it over to Bruce. He may have some other thoughts.

BRUCE ADELSON: Thank you.

Madam Chair, commissioners, just to elaborate a little bit about what my colleagues said and talk a little bit more about what happened ten years ago, the department issued a request for additional information about 30 days after the submission by your predecessor Commission.

When a request for additional information is issued, Ms. O'Grady was talking about the clock, DOJ doesn't have a clock anymore.

When the request is issued, the clock then shifts to the jurisdiction, which has 60 days to respond and satisfy the department.

So if the department determines that the response is unsatisfactory, that the jurisdiction hasn't met its burden, then the department objects, which is what we did ten years ago.

And as far as a request for additional information, the department can ask for additional information over the phone.

Typically, the department by law only has one written request per submission, so that the department never sends out a written request unless there is -- they view it as there's no other alternative.
Also, they typically will do a request as a signal that there are serious concerns that the department has. So that that may -- and that's what happened ten years ago, suggested an objection may be coming.

So requests can be over the phone.

Only one written request per submission under Section 5.

VICE-CHAIR HERRERA: Madam Chair, before I ask my second question, the -- you know, the -- this whole process has been an interesting one.

I think probably very different from, Bruce, what you're used to when you observed other states. I mean, what has happened from the beginning with certain people trying to derail the whole process, the governor getting involved, the state legislature getting involved, I mean, this is extremely unique in what the pressures that this Commission has been -- has gone through.

And I don't know what type of impact that has.

I mean, I've seen an impact.

I mean, we were delayed quite a bit.

This is one of the reasons we're now in this crunch.

And even if you go back a little further, you talk about the history of Arizona, which you've mentioned numerous times. But even the most recent history where
we -- SB 1070, which a lot of minorities fled the state, what's going on with the sheriff's investigation, there's a lot of bad publicity that the state is getting, and also it's leading to a lot of minorities leaving the state and have left the state.

And so I guess my -- the reason I bring all this up is because I want to talk about this history of -- very recent history that has been going on in the state and that has also made our jobs a lot more difficult.

What type of impact will that history that I just spoke about, and that you've spoken about as well, have when we submit this information to the Department of Justice?

BRUCE ADELSON: Commissioner Herrera, Madam Chair, you're correct, commissioner, that the department takes a very broad-based view of a jurisdiction's history.

In fact, what's interesting about your comment in the current state of Texas versus United States preclearance litigation, the court and the department made a point of discussing the state of Texas' history of discrimination as far as minorities.

So that is certainly a relevant aspect to a Section 5 review.

I think one of the things that we first discussed when I first met with you is the department does have a file on every state. And that file contains the preclearance
history of the statewide submissions for each state.

The department, because of Arizona's history, certainly has a rather full folder of just the preclearance-related information that relates to internal documents, memoranda, information that was received during each preclearance process.

So that is part of the overview the department looks at or takes into account when its review of a submission begins.

Then, of course, the department reviews the relevant facts, statistics, and data that pertain to that submission.

But, you know, as I had said months ago, and I absolutely agree with you, the history of a state is very important, and it does create an overview of each submission.

So it's almost like a -- the preface of a book or the introduction to a play that sets the stage.

And then you then -- the department then looks at what's in the file, what's in the submission, and goes from there.

VICE-CHAIR HERRERA: Thank you.

COMMISSIONER McNULTY: Just to follow up on Mr. Herrera's point, I guess I'm hopeful that part of what's in that prologue is going to be, you know, the work that we
did in the face of all that, to change that, and how much
time and effort we have put into an effort to be the first
redistricting in Arizona that got preclearance on the first
try, which was our chairwoman's, you know, stated goal, and
to create districts that are going to serve the state well
and serve the minority population of the state well for
ten years.

So, I understand what you're saying, that, you
know, we -- we're just, you know, small fish against a big
backdrop, a big, you know, kind of ugly backdrop. But I
think in our submission, that part of the story needs to be
front and center.

BRUCE ADELSON: Commissioner, Madam Chairman, one
of the recommendations that I always make to my
redistricting clients is that in telling the story of the
process that you highlight adversity, you highlight certain
comments or strains that may run counter to retrogression,
for example, discriminatory purpose, national origin
discrimination, and show in essence that you chose a
different path.

So I think that is very -- it's very important.

I include that in all the submissions that I make
to the department.

That is a very important part of the overall
story.
VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The -- and I thank, Commissioner McNulty just reminded me, when we attempted to accommodate the Voting Rights Act and to create as many majority-minority districts as possible, we upset a lot of people.

I mean, you weren't in -- you were not there in Yuma, right, but you were there via the web cam. But you should have heard some of the comments people made from Yuma.

Not the majority -- not the minorities that were there, the -- more the non-Hispanic people there, the fact that we were splitting up their community.

And I am from there, and I think somebody referred to me as a traitor.

And I'm like, you know, I really have no choice. I need to follow the rules, and the rules are we need to create a majority-minority district when -- if there is a need, if there's a -- if we can create one.

We ended up splitting the community, which a lot of the, again, non-Hispanics didn't approve of.

And I can go on and on the stories we can talk about in terms of the things that we've done to be able to meet the voting rights requirements.
Not only in Yuma, but in, you know, in Native American country, in Phoenix, in Tucson. And we've -- I mean, we can tell a lot of these stories where we faced a lot of adversity from not only the state legislators but also from individuals that were being encouraged to, to protest the Commission or where they felt that they were being slighted.

So I want to make sure that, you know, that there is a complete story when we submit this proposal, because I think it's extremely unique, that some of the things that we're gone through.

Because when I was applying for this Commission, no one ever told me that that was a possibility.

No one ever told me, you know, you're going to -- you know, the governor is going to get involved, and you might -- you or some of your colleagues might get over -- that was never even raised.

And I've never even thought of that.

And I don't think that any other Commission outside of Arizona has ever faced that.

And so I think that that -- we talk about, you know, the narrative, I think it's extremely important, to me as equally as important as the data that we present as hard facts.

I just want to -- I can't stress how important
that is, that people's lives that we've impacted.

I mean, talking about the majority-minority
districts and people that live there, people that approached
us and said, you know what, you're doing the right thing.

BRUCE ADELSON: Commission Herrera, Madam Chair,
as we've talked about, the narrative is an extremely
important part of the submission.

The narrative is explaining the process and
talking about history of discrimination and how you made
your choices, is absolute of -- the department looks at that
very seriously, and then the department begins its, its
comparison between the proposal and the benchmark and looks
at lots of different considerations.

So having the two them is key.

I mean, I've seen submissions that have virtually
no narrative and leaves it up to frankly the department to
figure things out.

I don't really think that that's a good approach.

So having a strong narrative, I absolutely agree.

I think that is as imperative as anything.

And then having all the data the department needs
to complete its review, so the state meets its burden of
proof.

CHAIRPERSON MATHIS: Mr. Freeman, are you still on
the line?
VICE-CHAIR FREEMAN: Yeah, I'm getting parts of this down here.

CHAIRPERSON MATHIS: Okay. Well, if you have anything that you want to add, feel free.

VICE-CHAIR FREEMAN: In fact, it's a good thing my phone has a mute button.

CHAIRPERSON MATHIS: I'm not sure what that means, but...

So, what do, what do the commissioners feel on this, the legislative map? Are there other areas to explore or go into based upon what Mr. Desmond did?

Do you like what Mr. Desmond did?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I'm extremely, extremely confident of the work that we've done these past few months, in creating solid majority-minority districts, in creating solid non majority-minority districts. And I am, you know, with the exception, I think, the technical changes that we need to do, which I hope they're done soon, I'm more than ready to submit the map to DOJ.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I think I would have one request of Mr. Desmond, and that is that we just look at the Tucson Mountain issue, if that's agreeable.
I just want to understand what the issue is there, with the following background.

My recollection is that we made that change because we were improving LD 4, the voting rights district. And, and I don't want to do anything that will degrade the voting rights district.

I think that's ultimately the bottom line.

But at the same time, you know, if we have split a community, and we could make it whole without impacting anything, I would just like to look at that before we continue.

Would that be possible?

WILLIE DESMOND: Yes.

And I can -- all right. So in red is the legislative draft map that you approved back in August.

Let me make this a little... And we have been studying this issue.

Ken just passed down, I believe, some reports that kind of show you the changes that have happened to this Legislative District 3.

I'd be happy to walk you through those and also just show you, show you what's happened.

Bear with me for one second.

Okay.

So, District 3 currently is Tucson Estates,
Valencia West, most of Drexel Heights, a portion of Tucson.

Initially, when we passed the draft map, it was those areas, additionally some unincorporated area, the Tucson Mountains and a portion of Marana.

It had a little bit less in Tucson here, and a little bit more down in south Tucson.

If you look at the first page of this report, what you can see is the different changes, the different swaps with the different districts.

Legislative District 4, although it had a very strong minority percentage in the draft map, did have a fairly low ability to elect. So one of the changes that you approved and had us do was to improve the voting strength of minorities in Legislative District 4.

Now, that happened down here, in south Tucson, in that District 4 came in -- initially it ran along the border of the Tohono O'odham reservation here.

It came in and took some population from districts number -- from District No. 3.

It took roughly -- or it took exactly 8,855 people.

That was a very strong area that did quite a bit of good to District 4.

In order to rectify that, District 3 had to be adjusted a couple of different ways.
One of those ways was that it came into this area of Tucson. And if I turn off the census place and turn on the census block group, this is shaded by voting age Hispanic percentage.

So you can see it gave up some good areas on here. And then it came into District 9 and really took the best of what District 9 had to offer, which was right here.

And this mitigated, you know, its loss to three somewhat -- or its loss to four somewhat.

Additionally in order to approve the voting strength, it also shed the Tucson Mountains.

As you can see that was probably the weakest area of the district.

When you compare that area to the rest of the district in the tentative final, you'll note that the Hispanic percentage of tentative final legislative District 3 is 56.5 percent. Hispanic percentage of the Tucson Mountains was 17.8.

And this is on the second page.

You can look at some of those percentages, and that kind of illustrates the reason why that area was removed.

The other changes that happened between two and three, I believe, were changes to reflect some splits that
had happened in neighborhoods, trying to avoid those.

So initially the line, again, was red, and we kind of cleaned it up following some more of the major roads, following 22nd, and then coming straight down. I can't remember exactly what street this is.

But coming straight down. Straight down here on 12th Street.

So, I'd be happy to answer any other questions or, you know, show you.

SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, may I speak?

CHAIRPERSON MATHIS: This is Senator Cajero Bedford, and she filled out a request to speak form earlier.

SENATOR OLIVIA CAJERO BEDFORD: Thank you very much. I appreciate it.

In looking at the map, if I were to suggest some changes for that southern part where you -- number four, where you need some more population, would it be possible to take out the area of between Broadway and 22nd Street to change that, to give that, in exchange to take in the whole Tucson Mountains from 22nd to Ina?

And I had sent a letter to the Commission earlier about the White crossover voters, which I didn't realize was a consideration.

I read Mr. Adelson's letter -- article in the
Capital Times about how that is considered.

And the Tucson Mountain area, primarily White, 17 percent, but as you go farther north it becomes Whiter.

So as far as Ina, it has a good number of Hispanics that grew up on the south side.

So I would say that in that area that we've talked about, they are what Mr. Gallagher -- Mr. Adelson, excuse me, had talked about, which is an important criteria. And that is the White crossover voter.

Because in 2002, they elected two Hispanic and one Portuguese legislators.

And then in 2010 they elected two Hispanics and a Native American.

So they are the crossover voters that I believe the Department of Justice is looking for.

So I would -- the Tucson Mountain, as I said, area, the whole neighborhood, from Silverbell to Ina, to be included, and somehow maybe take out of the bottom part of the district, which might include the Pascua Yaqui, into the other area, or somehow put the Pascua Yaqui into number two with the Tohono O'odham.

So I would suggest to rework that bottom area to include a very important populated neighborhood area that does vote for the Hispanics.

CHAIRPERSON MATHIS: Thank you.
Any questions on that?

SENATOR OLIVIA CAJERO BEDFORD: So those would be my suggestions. If you need some more for four, then take in across the bottom on this side, to add to the top part of the district.

The western part perhaps.

This map is very interesting.

I wish I had seen this earlier.

The Hispanic population, while you were talking about the number being a low number, we are populating pretty fast, us Hispanics.

Nobody laughed.

So, anyway, that would be my recommendation, is to take off and to give to four the western part there.

And then you would be able to add in the Tucson Mountains.

Because that really just slices that whole area. That should be going straight up, along -- it should be aligned with the mountain park, the Saguaro National Park. That should be the western boundary.

And then Silverbell should be the eastern boundary.

Do those suggestions make sense?

CHAIRPERSON MATHIS: I think we understand the lines.
It would be good to see actually on the map, Willie, if you can, just the street level, going into Silverbell.

I know there are some streets on there.

I'm just curious.

WILLIE DESMOND: Which streets?

CHAIRPERSON MATHIS: Silverbell, which is a north-south.

WILLIE DESMOND: Silverbell runs right here.

SENATOR OLIVIA CAJERO BEDFORD: Actually the boundaries has been -- could be 10, pretty much, to Sweetwater, because there's not much population up until you get to Graham.

CHAIRPERSON MATHIS: Where is the Tucson Mountain Association neighborhood?

I'm trying to see it on the map.

COMMISSIONER McNULTY: Do we have a pointer for the senator?

WILLIE DESMOND: I do.

SENATOR OLIVIA CAJERO BEDFORD: What was your question?

CHAIRPERSON MATHIS: The Tucson Mountain Association, is that the name of the neighborhood that was split?

WILLIE DESMOND: So up here right where my thing
is moving, that's Ina Road.

Silverbell runs right here, kind of parallel to the I-10.

SENATOR OLIVIA CAJERO BEDFORD: I can't read it from here. I'll have to go up there.

Is that all right?

CHAIRPERSON MATHIS: Yeah.

WILLIE DESMOND: The area that was removed is this area here. So these census -- between this red line and this black line is what was removed.

This is 22nd right down here.

SENATOR OLIVIA CAJERO BEDFORD: Saguaro Park is the mountain right there, and Ina right there.

So this whole -- this is a large, this area, this area are very large parts of the membership, these two as far as through here.

These are very large area of the Tucson Mountains that have been taken out. This is the ridge of the mountains right here.

This is the bulk of -- because I told you I spoke with Mr. Verburg. And this area, this whole area is the bulk of the Tucson Mountain Association, even though it goes farther north, that's just because of the mountains.

But the membership is not that heavy here, but it's this whole area.
This whole area is Tucson Mountains.

I think he used the words 10,000, I can't remember, residents. So, I think that district, District 3 is in a minus 8,000.

So it would take in some more of these residents.

And then needed for No. 11, somewhere around that big area that could be taken in.

So this whole area.

There's only a small part.

So the Tucson Mountain has literally been sliced up.

CHAIRPERSON MATHIS: Any questions?

SENATOR OLIVIA CAJERO BEDFORD: The organization is 78 years old.

COMMISSIONER McNULTY: Can you just tell us what the population of that area is and how, you know, moving it would affect things?

WILLIE DESMOND: Sure.

COMMISSIONER McNULTY: Whether it would dilute -- what it does to four and what it does to 11.

WILLIE DESMOND: Okay.

So, to add this area back into District 3 -- just let me make sure my baseline is all set.

So that would move 4,698 people.

I'm just going to do it, and I can tell you what
the difference is.

The -- I believe the issue that we've identified was that before that change District 3 had a voting age Hispanic percentage of 50.1.

After that change, that drops to 49.18.

I know 50 doesn't necessarily have to be a key number, but I think that was -- we made every effort to keep the district above 50 percent HVAP.

I can tell you what it did to some of the other key races.

It is a fairly strong voting district.

So District 3 had a mine inspector support percentage of 69.1 before the change. After the change, it is 67.98.

So 68 percent, practically speaking.

Presidential '08 percentage of 67.3. That dropped to 66.4. So nine-tenths of a percent.

I don't have in this table available the CVAP and Hispanic populations.

We couldn't run a change report and have that available.

SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, may I suggest that you put back some of the south part of the district, part of it, to get the Hispanic population percentage higher, and then take out from the western part?
COMMISSIONER McNULTY: I think that's part of the analysis that we had done earlier. We had spent a lot of time on LD 4. That's where we wound up, I'm afraid.

SENATOR OLIVIA CAJERO BEDFORD: I thought it was Oro Valley that was the problem.

What about taking out that area between Broadway and 22nd and putting it back into two? Would that make much difference?

Maybe not taking out the whole thing, but if you take out pieces from the middle and pieces from the bottom, but if you could put that whole area back in, like you just did, and that's -- that population number is not that high for the Tucson Mountains, is it?

Did I -- I heard 1,600.

That's not that high, and I know that District 3 was lower than the required.

So even without adding in from the bottom, by adding in the Tucson Mountain, that would still put us below the minimum population per district.

KENNETH STRASMA: Madam Chair, if I may offer an opinion on some of these changes.

The -- as Mr. Desmond pointed out, there is the perhaps psychological threshold of 50 percentage plus Hispanic voting age population, which this moves it under.
The district is nevertheless a strong district and can absorb this population, so I don't feel that we would draw a DOJ objection or harm the district's ability to elect.

If the Commission were to choose to make this change, it would be in response to other of the criteria, the preserving communities of interest, not strengthening the district because the -- it actually does lower the Hispanic percents and the electoral strength.

That said, however, I believe the district could absorb those, that population, without trouble.

I -- if the Commission chose to make the change, I believe that just putting Tucson Mountain back in three from 11 is the cleanness way to do it without affecting the other changes.

I would recommend against doing anything that undid any of the changes that you made to LD 4 because that's something that we spent a considerable amount of time working on.

And perhaps Mr. Adelson can speak more to the question of the importance of the 50 percent HVAP threshold. And I should point out that we have other districts that appear to be clearly effective districts that are under 50 percent HVAP, so it's not a bright line test for us.
BRUCE ADELSON: Madam Chair, would you like me to address that?

CHAIRPERSON MATHIS: Yes, I would.

Can I just, before we do that though, I just want to ask, Mr. Desmond, if he can highlight this on the map.

I was looking to actually see what the boundaries are of Tucson Mountain Association, and I'd like to just see it on the map specifically, what these boundaries.

The north is Twin Peaks Road. The east is Silverbell Road. The south is 22nd, slash, Starr Pass Boulevard. And west is Saguaro National Park and Tucson Mountain Park.

I don't know that if that western boundary shows up in a layer of any kind.

WILLIE DESMOND: What was the northern boundary?

CHAIRPERSON MATHIS: Twin Peaks Road, I think.

Let me check.

Yeah, Twin Peaks Road.

I wish I could help you.

WILLIE DESMOND: I've got it.

SENATOR OLIVIA CAJERO BEDFORD: Madam Chair.

CHAIRPERSON MATHIS: Oh, there it is.

SENATOR OLIVIA CAJERO BEDFORD: While this -- Twin Peaks Road would include Marana, they are not active in the association, and that is where Mr. Verburg this
afternoon -- that has all grown into the Tucson Mountain Association over the 78 years.

CHAIRPERSON MATHIS: Okay.

SENATOR OLIVIA CAJERO BEDFORD: The areas of interest are, are the mountains between Ina and 22nd, which is Starr Pass Resort area.

CHAIRPERSON MATHIS: So Tucson Mountain Association would still be split, in other words.

I mean, if we're not taking it all the way --

SENATOR OLIVIA CAJERO BEDFORD: It was split before. Yes.

And that was of no consequence really.

Those people joined just because maybe they lived in that, but they were not the active part of the association.

If you need more Hispanics, then put in a little bit more, maybe half of what you took out at the bottom.

It's pretty heavily populated in that area.

I appreciate you taking the time with this.

It's been a great concern to an environmental group that's been fighting a lot of issues over the years.

WILLIE DESMOND: The line goes a little far right here. I apologize. That takes it to I-10.

But this line, if you can see the --

CHAIRPERSON MATHIS: Yeah, that's Silverbell.
WILLIE DESMOND: That's Silverbell.

CHAIRPERSON MATHIS: Right.

WILLIE DESMOND: I'm not exactly sure how far to the west to go.

CHAIRPERSON MATHIS: I don't know either.

WILLIE DESMOND: But --

SENATOR OLIVIA CAJERO BEDFORD: To the national park, which is hard to find. But the mountains pretty much.

WILLIE DESMOND: Yeah, but it's this area, essentially, that's in red.

SENATOR OLIVIA CAJERO BEDFORD: And that's part of the criteria is the proximity to the park.

I mean, it's a natural area. It's a shame that over the years that more of it -- of that area is not included and preserved.

WILLIE DESMOND: So, the blue line again, I just changed it to make it a little easier with the red, is the draft map, the black line, is the tentative final map.

SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, so he's saying that the black -- new black map would be the new final tentative map?

I have trouble hearing.

WILLIE DESMOND: Oh, yes, I apologize.

So this line right here is the tentative final map that was approved on the 21st or 22nd.
SENATOR OLIVIA CAJERO BEDFORD: Right. Which is what we're fighting against.

So would the new dark map, could that possibly be the new final draft map?

CHAIRPERSON MATHIS: The blue line is the one from the October map the way it was.

SENATOR OLIVIA CAJERO BEDFORD: Yes.

WILLIE DESMOND: Yeah, that was the approved draft map.

SENATOR OLIVIA CAJERO BEDFORD: Could that be approved -- the new approved draft map?

COMMISSIONER McNULTY: I think we need to hear from legal counsel.

Tell us again, Mr. Desmond, if you would, the metrics, please, that change.

WILLIE DESMOND: Yes, it would be helpful. I'll just give you all the metrics of the district, as a whole, and also the metrics of this area.

So the metrics I'm giving you is the district of a whole are without this area, not with it included.

But the district as a whole is 56.5 percent Hispanic.

Tucson Mountain area is 17.8 percent. It's got an HVAP of 50.1, compared to 15.2.

Hispanic citizen voting age percentage of 43.1,
compared to 12.7.

Hispanic registration percentage of 41.8, compared to 12 percent.

And presidential '04, Hispanic candidate of choice in District 3 got 66.2 percent of the vote.

In district -- in the Tucson Mountain area, the 4700 people, is 49.6.

Secretary of state, 2006, was 67.3 to 48.4.

President '08 Dem was 63 -- or 67.3, compared to 49.3.

And the mine inspector was 69.1, to 48.5.

Adding that area back in lowers the Hispanic percentage to, I believe, 49.2 percent from 50.1. That's voting age Hispanic.

The total minority percentage is still at 59.6.

And the mine inspector, again, goes from 69.1 to 67.98, so 68 percent. So a drop of about .1 percent.

COMMISSIONER McNULTY: CVAP do we know?

WILLIE DESMOND: CVAP.

I have Hispanic CVAP.

CVAP I do not know off the top of my head.

Let me just double check and see if I have that number somewhere.

If I don't, Ken might be able to find it.

I don't have total CVAP. I just have Hispanic
The Hispanic CVAP again is 12.7 percent, compared to 43.1 district-wide.

SENATOR OLIVIA CAJERO BEDFORD: May I ask a question, Madam Chair?

CHAIRPERSON MATHIS: Sure. Go ahead.

SENATOR OLIVIA CAJERO BEDFORD: Back on the proposed map for District 4, you took in one small neighborhood in the southern part of Tucson. And it seemed like you included it with Yuma.

I don't -- I haven't looked at that boundary to the west of four.

So have you taken in one small section of the southern part of Tucson and included it with Yuma? Is that, is that what the map is?

WILLIE DESMOND: That's correct, yes.

SENATOR OLIVIA CAJERO BEDFORD: That's, that's a disservice too. That goes back to where I grew up, and so I know the area.

You know, it's a population that would not be attending these meetings.

CHAIRPERSON MATHIS: Well, I'm wondering if we should take a break. I've been negligent in offering that to our poor court reporter.

It's 6:48 p.m. already, so maybe we can take a
ten-minute break and come back and talk about this some
more.

SENATOR OLIVIA CAJERO BEDFORD: Thank you.

CHAIRPERSON MATHIS: Sure. Thank you.

(Brief recess taken.)

CHAIRPERSON MATHIS: We'll enter back into public
session.

The time is 7:16 p.m.

And we were in the midst of talking about the
Tucson Mountain area on the legislative district map.

WILLIE DESMOND: Over the break I was able to
produce change reports for what that would do to Districts 3
and 11, so we'll put those up now.

CHAIRPERSON MATHIS: Oh, great.

MARY O'GRADY: Madam Chair.

CHAIRPERSON MATHIS: Ms. O'Grady.

MARY O'GRADY: We had an opportunity to look at
the numbers here and just a couple things. And I invite,
again, my colleagues to supplement if they'd like to.

I wouldn't advise any changes -- I mean, there
were kind of couple things that were discussed, one just
changing Tucson Mountains, one doing some other changes,
that might also impact four. And we wouldn't advise any
changes that affect four.

The purpose of this change was in part to improve
four, and the numbers show that eliminating Tucson Mountains made LD 3 stronger as a minority district. Now, it's still a strong minority district with or without Tucson Mountains, but as Willie pointed out, now it's one of our majority HVAP districts. And with the Tucson Mountain change, it would be under that 50 percent mark.

On the crossover voting issue, the numbers that we have that were provided show that the Tucson Mountain area is under the 50 percent level of support for the minority candidates in the statewide races that we've used as indicators on that front.

So, that's sort of the voting rights analysis.

It would still be effective if you made the change. It wouldn't be majority HVAP. In terms of what we're looking at, the nature of the changes that we're looking at at this point of the process.

Earlier on I might have said this is a policy call for you all, but right now we're just looking at changes just to address technical or legal issues. And making this change doesn't solve a legal problem.

There's no retrogression as a result of removing Tucson Mountains.

And so this doesn't -- this wouldn't be one to solve a legal problem.

It would be one that would address a community of
interest issue.

But at this phase in the process, and, again, given the nature of the kinds of changes we're trying to address, it wouldn't be my recommendation to make this as a legal change.

CHAIRPERSON MATHIS: Any other comments from other counsel or commissioners or mapping consultants?

MARY O'GRADY: Just in terms of the information on the change order, that shows most of the key metrics that you look at, they do go down from the old district, you know, if you, if you try to put district -- Tucson Mountains back, everything goes down a little in terms of the things we look at for our minority districts.

CHAIRPERSON MATHIS: Okay.

Any other comments on this or other proposed technical changes or anything on this, on the legislative map for now, that we want to talk about?

Because I know there are other items on the agenda that deal with technical changes that we're talking about. It would be good to kind of get through all of those tonight, if we can.

SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, thank you.

Thank you for listening to me.

Unfortunately some of us in the public who were
not involved so much with the process won't understand the words and technical changes. Technical changes seem like a neighborhood.

And sometimes we say, well, why couldn't the line have been drawn this way instead of having it go over to Yuma all the way over to south Tucson.

So, in looking at it, it doesn't make sense to residents.

Anyway, I thank you for your time.

CHAIRPERSON MATHIS: Thank you for coming.

Our next -- I guess the only other technical change that we haven't really discussed yet is this number five, discussion and possible action regarding renumbering the congressional and/or legislative districts, discussion of possible action to adopt and certify final legislative and/or congressional districts.

This renumbering issue, we just heard public comment tonight again.

We heard that at our Yavapai County hearing.

And, I open the floor to other commissioners to discuss.

I guess I think it's okay from a legal perspective if just technically to change the numbers, is that correct, if we wanted to?

JOSEPH KANEFIELD: Madam Chair, we don't see any
legal issues associated with this.

CHAIRPERSON MATHIS: Well, I would be open to changing, on the legislative map, District 1. It would be -- I think trying to change all of the numbers would be sort of problematic, because it would just create a lot of confusion given all the history and track record of creating these districts, and then to change all the numbers again would be -- would make for quite a mess, I would think, and very confusing on the submission too for everyone.

But, I do appreciate history.

I'm a big fan of the Arizona Historical Society.

This is the centennial year.

I think that's understandable that they would be requesting this historical -- us to follow the historical trend of giving District 1 to LD 1 to the Prescott area.

We heard from Ms. Fann tonight, so I'm open to the -- I'm open to what other commissioners think.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: This is on the legislative side?

CHAIRPERSON MATHIS: Yes.

VICE-CHAIR HERRERA: Now, is -- I don't know this for a fact, but has Prescott always had -- the Prescott area, have they always had that No. 1, I mean the District
No. 1? Has that always been the case?

CHAIRPERSON MATHIS: I don't know if I can answer that. I believe on the legislative side it is the case. I don't know on the congressional side.

Does anyone else have any historical knowledge of that?

(No oral response.)

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I'm sorry, I can't, I can't quite hear all the words that are said, so if this comment is out of context, forgive me in advance.

On the numbering issue, my suggestion would be renumber the district both congressionally and legislatively that encompasses Prescott. Give that No. 1.

On the legislative map, I guess, you might be right that it's -- it would be a complicated problem to renumber all of them.

Congressionally, I don't think it's that big of a deal.

My suggestion would be to give the Prescott district No. 1 and then look at all the other districts and see which, which of the former districts they more closely resemble.

Maybe Strategic Telemetry could do that.
And what I mean by that is, you know, is this district essentially -- does it encompass most of the voters that were in old District 8, or something like that. And that remains District 8.

And the ninth district could remain as the ninth district.

With that one proviso, that the ninth district could remain as the ninth district.

That was my thought.

CHAIRPERSON MATHIS: Thank you.

Other thoughts?

COMMISSIONER McNULTY: Madam Chair, I believe the request was on the legislative map. That's what was requested earlier.

I am concerned about confusion with the DOJ submission.

We have a short time frame, and changing all the numbering I think would -- could, you know, take a day or two or three of a human being's time to always be checking some sort of a key.

But, so my suggestion would be to make the Cochise district, which is now 1, 14, and make the Yavapai County, which is now 14, No. 1.

CHAIRPERSON MATHIS: Sorry, can you repeat that?

So you're saying --
COMMISSIONER McNULTY: I would switch -- I would switch 1 and 14, so the Prescott -- the legislative district that contains Prescott would become No. 1, and the district that includes Cochise County would become No. 14.

CHAIRPERSON MATHIS: Any other thoughts on that?

(No oral response.)

COMMISSIONER McNULTY: Would you like a motion?

CHAIRPERSON MATHIS: Do we have to have a motion?

To do that?

MARY O'GRADY: We're not sure. I think -- I would advise a motion, since you're -- you could do either without objection if there is no objection.

Since we have different ideas on the table, you might want to do it as a motion. But there needs to be some action, either without objection or with a motion.

VICE-CHAIR HERRERA: Madam Chair, just to help out, I do agree with Commissioner McNulty. I would be supportive of her motion if she decides to make it.

COMMISSIONER McNULTY: Well, then, I would move out of respect for the request from Yavapai County and in light of their centennial celebration that we change the numbering on the tentative final map and on the final map when we approve it so that the legislative district that encompasses Prescott be labeled No. 1, and that the district that is currently labeled No. 1, which encompasses
Cochise County, be labeled No. 14.

CHAIRPERSON MATHIS: Is there a second?

VICE-CHAIR HERRERA: This is -- I do second.

CHAIRPERSON MATHIS: Any discussion?

VICE-CHAIR FREEMAN: Madam Chair, that dealt strictly with the legislative map?

CHAIRPERSON MATHIS: Correct.

VICE-CHAIR FREEMAN: Thanks.

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER McNULTY: Aye.

VICE-CHAIR HERRERA: Aye.

CHAIRPERSON MATHIS: Aye.

VICE-CHAIR FREEMAN: Aye.

CHAIRPERSON MATHIS: Any opposed?

So we have four ayes and one person who's not here, who can't vote.

So that passes, unanimously.

And so we'll be making that change in the next round of maps that come out, making that change between 1 and 14.

It sounded like, Mr. Freeman, you're interested in the congressional map as well; is that correct, in terms of renumbering?

VICE-CHAIR FREEMAN: Yes, Madam Chair, my thought was to give Prescott CD 1, and then just look at -- in an
effort to -- that's an effort to capture Arizona history and
then otherwise to perhaps reduce confusion with renumbering
is just to look at the populations of the other CDs, with
the exception of CD 9, and renumber them according to
where -- you know, correlate the current districts with the
old ones.

So I would imagine the district that I believe we
have numbered as number two, which is Tucson and
Cochise County, would probably end up being eight again.

So essentially that form of analysis statewide to
see if that could work to associate the numbers on the
congressional districts with the districts from the prior
map, with the exception of course of CD 9.

CHAIRPERSON MATHIS: Thank you.

Any comments on that?

I know Ms. McNulty already weighed in.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Just so I'm clear,
Commissioner McNulty weighed in on that earlier, and she was
opposed to that; is that correct?

CHAIRPERSON MATHIS: I'll let her speak, but, yes,
I think that's correct.

COMMISSIONER McNULTY: The request that we
received was for the legislative districts.
And I am concerned about making this more complicated for the Department of Justice. And I'm also concerned about the fact that under the constitution we're to start anew. So I do have some concern about trying to label things the way the old districts were labeled.

Having said that, if you feel strongly about it, Mr. Freeman, I would support just reversing, I guess, one and four in the same way we did on the legislative map, taking the one that -- the congressional district that's No. 1 now and swapping that number with the district that Prescott is in.

I'd prefer to limit it to the legislative map, just because, as I say, I'm concerned about the amount of time that this is going to take, just additional incremental time for DOJ to review and understand our submission, and the potential for error, because we've generated literally thousands of pages of statistical analysis and comparison of various districts old to new, and I don't think it's fair to expect them to have to use a key for every single one of those districts.

So I'd like to keep this to a minimum.

CHAIRPERSON MATHIS: Any other thoughts?

(No oral response.)

CHAIRPERSON MATHIS: Well, hearing nothing else, it sounds like we're -- we've concluded that item.
Okay. So we'll just make the change on the legislative map. And the congressional map will -- the numbers will remain as they are. Anything else you need from us, mapping consultants, on that matter?

(No oral response.)

CHAIRPERSON MATHIS: Okay.

I'm just looking through the rest of the agenda. We've got --

WILLIE DESMOND: Actually --

CHAIRPERSON MATHIS: Sure.

WILLIE DESMOND: -- one more thing on technical changes, just a quick update.

We've received the proposed precinct files from several of the counties that are going to have splits. You know, the ones we've received we're working to minimize any sort of headaches that they'll have over the next ten years with split precincts will have to have two sets of ballots at the precincts.

We're yet to receive it from a few of them.

And just kind of a word of caution that this is coming up soon.

So any -- any counties that we haven't received stuff from, if I don't have it, I guess, in the next couple of days, probably won't be able to make those technical
changes.

We have been documenting all the changes individually and going through. There are some cases where population has moved.

When that is the case, it's either been to get the population balance in the congressional down from a deviation of maybe a hundred in the highest district down to a zero percent deviation or else to try to remove splits when possible.

So if any of the counties are watching, please send in anything you would like us to consider, and we will have those changes ready for you when you need them.

CHAIRPERSON MATHIS: I have a question on that.

MARY O'GRADY: By motion. I don't think they need to all go individually.

You could group them. You could do them all at once in a motion after he -- after Willie explains them. Or you could do them in groups and it might be -- whatever the mapping consultant might have some suggestions in terms of how the technical changes are adopted.

And then after they're adopted, there's still the
next step in finalizing the plan is certifying it to the secretary of state.

And my thought is on that phase you might consider, you know, adopting the technical changes and then coming back soon after to start actually do the certification.

Last time the certification itself was like a bill that listed all the census geography -- census tracks for every -- in lots for every district.

And then you certify that to the secretary of state.

So you want that before you when you do the certification.

And it might help just to make sure that all the technical things are fixed and didn't create new things in fixing the old things.

And then it sits for a short -- a very short period of time and then certifying.

WILLIE DESMOND: Just to explain how we've been going about making the technical changes.

Starting with congressional, because the legislative kind of bent to fit congressional, since you don't have the same strict zero percent deviation requirements.

The first thing, the first changes balanced, you
I know, the remaining differential of a couple hundred people maybe, or less than that even.

Then the changes I've done after that, I've been cataloging and I've gone county by county.

So, for instance, there's a population balance change.

And then a Maricopa County precinct cleanup change that's based off of the population balance.

I'll continue for every county going through and using their files to clean up.

That will be a separate -- separate thing.

Depending on how complicated it all gets, I can combine all those change logs and run just one big change report, or we can break those out, if that makes it easier for you guys to understand them and, you know, approve or not approve them.

CHAIRPERSON MATHIS: How many counties have you heard from or how many do we still need to hear from?

WILLIE DESMOND: I need to hear from -- I've spoken to all the counties. I've been told things are on the way. I haven't received things from two counties -- two outstanding counties.

Not all of the counties have been contacted.

Those that don't have splits obviously haven't been counted -- or contacted.
But for places where there are splits, we've spoken to all the counties and received things from all the counties. So just waiting on the last two.

CHAIRPERSON MATHIS: Okay.

I ask that because I'm just kind of curious how we -- what the next steps are for all of this in terms getting all these final technical changes into the maps and then the Commission adopting and certifying and how many more meetings we need to kind of plan on.

Maybe we should game that out a little, so that we all understand what we might be able to accomplish this week or next week or . . .

MARY O'GRADY: Madam Chair, I was thinking two meetings, one to adopt the technical changes and then another to certify.

I don't know if that's consistent with how the mapping consultant would like to proceed.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think this question is for legal counsel.

When would be the earliest we would be able to adopt the technical changes? Does anybody know that?

MARY O'GRADY: Madam Chair, commissioner, that's really a question of commissioner availability and the
mapping consultant issuing the technical changes.

We do want to -- we're still waiting to hear from two counties.

We'd like to give them a little time, but really as Willie said I think the next day or two. So, and so whenever Willie thinks he'll be -- whenever the mapping consultant can be ready and you can get the commissioners together.

VICE-CHAIR HERRERA: Have we given a deadline to some of the counties that haven't gotten back to us?

WILLIE DESMOND: Well, we'll contact them again tomorrow. And I am sure it's not -- it shouldn't take too long.

Both the counties only have minor splits, or one split, essentially, so it's -- it should be doable once we get that information.

Some of the changes are in Maricopa and a county that are really cumbersome.

VICE-CHAIR HERRERA: I would recommend just giving them a deadline. It's probably up to you.

KENNETH STRASMA: Madam Chair, perhaps if Mr. Desmond when he contacts the remaining counties tomorrow morning asks for changes by the end of the day in order to have those be able to process them potentially by Friday.

CHAIRPERSON MATHIS: Okay.
Thank you.

WILLIE DESMOND: It's also worth noting that once -- once the technical changes are prepared, I can distribute those to the commissioners and you can have time to review those before the meeting and stuff.

And if you're curious, I can send you, you know, what's been done so far in the change logs, just so you get an understanding of the types of changes that are happening.

And the change logs, what I do is I start with saying how many people are affected, if there are people affected, a lot of these changes are zero population areas that just deal with removing geographic splits to corner a straight lot or something like that to a VTD. Then I say where the population came from and where it was going.

In most cases the reasoning is fairly certain -- clear.

Certain times if it seems like it could be a little confusing, I've gone into detail as to why that particular change is happening.

CHAIRPERSON MATHIS: So we could potentially meet Friday, although I know Mr. Freeman isn't available.

I don't know if Mr. Stertz is.

I don't know if Mr. Herrera is.

We just heard from Ms. McNulty that she was.

VICE-CHAIR HERRERA: Madam Chair, I am busy
Friday, but I will clear my schedule for this. This is important. I want to get this finished.

CHAIRPERSON MATHIS: If we met, it would be Friday morning.

So I don't know if -- we'll have to see if Mr. Stertz is available.

I think Mr. Bladine contacted him.

Okay. Great.

Is there anything else that we need to discuss with regard to the maps? Technical changes, legal issues, congressional and legislative.

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thanks, everyone, for all your hard work and walking us through those changes, Mr. Desmond.

It was a useful thing to go through.

Is Mr. Bladine available?

I'm thinking for item six, seven, I'm not sure that you have any information to share for us on six, seven, and eight, but if you would do, that would be helpful.

RAY BLADINE: Madam Chair, I do have some information. I think item six is supplemental appropriation possibility.

And I believe you put in your packets a spreadsheet that Kristina and I and Megan Darian have all
1 worked on to try to get some picture of where we are.

And I really -- I think this is probably one of
2 the most complicated things I've dealt with in terms of
3 trying to estimate a future that is based upon future
4 litigation, and how do you, how do you plan for that.

Before I get into the detail, I think what I came
5 up with is you really need to have an appropriation that is
6 larger over multiple years to make sure that there's
7 adequate funding for the Commission to protect itself and to
8 proceed to get the maps adopted.

And when I say that, I put it in the context that
9 the last Commission had a six million dollar figure to start
10 out with.

They had that money available until about 2004.
11 And then they ran into a situation where they had to get
12 additional funds from the legislature.

So our appropriation of 500,000 and three million
13 at this point gives us no cushion at all for any possibility
14 of future litigation.

If you add the next fiscal year where we've
15 requested 1.7 million, we're still far short of the total
16 amount of money that the last Commission ten years ago had
17 to basically carry out what their activities were.

I say that to try to provide some perspective that
18 I think that we really need to take a look at the two fiscal
years together and try to have an amount of money that would allow us to react quickly if, in fact, the maps are challenged in court.

Having said that as kind of the overall, I don't know what to tell you right now that amount of money should be, and I will quickly run through this with you, but I think it's probably important that I at least ask you to authorize me to work with the appropriate state legislative officials and legislators to try to work out a number that would seem to be appropriate.

And with that, let me just quickly go over this spreadsheet.

The first page, in the orange-ish color, shows what we spent of our fiscal '11 appropriations. And that was $393,000.

The next columns show what has been spent to date in going all the way through the blue, so July -- June, July, August, September, October, November, those are total costs to date.

And if you add them up, they come to about $1.9 million -- 1.5, $1.6 million of our three and a half million dollar appropriation.

So at this point we've approximately spent half of what has been allocated to us.

The problem then becomes when you start looking at
beyond December, January, February, March, is, one, getting reasonable estimates of what the cost will be to file with the Justice Department.

I have put in a figure that -- of 75,000 for each of our main law firms, per those early months, and a little more than that in the January month, because of -- I think that's going to be the heavy time to do the filing.

Then basically you can see that I stepped that down for May and June to smaller amounts of money, but really I need to spend some time with Joe and Mary to try to figure that out.

We also have the appeal that is likely to happen on the Superior Court case.

Mary has asked the lawyers involved to see if there's a way we can kind of consolidate some of that to save additional funds.

So at this point I did not put additional funding for those -- I don't think I did, did I?

No, I did not.

I put additional funding for those attorneys beyond the January amount of money.

Basically for Strategic Telemetry I finished paying off what would have been their professional fee, $600,000, and then estimated some out-of-pocket costs that they are responsible to be reimbursed to.
And then pretty much the rest of the activities are very small amounts of money.

And when you get all said and done, the bottom total cost for the year comes out to an estimated $3.5 million.

By comparison, which would show that we would have a net deficit of -- I can't read this -- 512 -- I'm sorry, $512,000, if my estimates are good, for this activity for the current year.

By way of comparison, if you see the very line below our 3.5 million, you see 3.38 million. That is what the last Commission spent at the end of their 2002 fiscal year.

So for comparative purposes, you can see we really are not very much ahead of what we spent back in 2001 through 2002.

The next line is just my wild guesstimate for discussion purposes that taking a look at, again, last time, the litigation -- and actually there I believe started in March, since we're somewhat behind, I put a $200,000 figure that would be for legal services and additional mapping services to defend the map, if that's necessary.

That would add a cost of $600,000 added to the deficit that we show of potential 515, we would be about 1,100,000 that could be an amount to ask for a supplemental
appropriation.

As a comparison again, just to give you some sense, the legal costs in 2002 through the end of that 2002 fiscal year for the last Commission, is about 1,060,000.

Our legal costs to date are 1,157,000.

Now obviously we all know that we've had costs that the last Commission did not have before we got to this point in time. But even so, it doesn't appear that we're way out of whack with that, depending on what goes on for the rest of the year.

Anyway, I guess as a conclusion on that page, you can kind of see what it looks like might be some estimates.

I'm certainly open to suggestions about changes to that document. I'm going to work more to get better data on the complete -- the expenditures to date, which we've been requested by JLBC.

All of that information comes from Megan Darian's office, and we'll need to work with her.

I also believe that looking at this this morning and over the weekend, we actually probably have another $107,000 available, which is the carryover balance that was not expended in 2011.

(Phone interruption.)

CHAIRPERSON MATHIS: Is that Commissioner Freeman?

VICE-CHAIR FREEMAN: I'm still here. I just had
to switch phones.

CHAIRPERSON MATHIS: Okay.

RAY BLADINE: So that pretty much covers Page 1.

Page 2 shows actual expenditures broken out by state budget categories. That's where you can see the figure that at this point 1.559 has been spent out of the '12, the '12 fiscal year, and out of the '11 it was 393.

And the last page is a spreadsheet that takes the budget request that we submitted, that gives some idea what the breakout is.

This really needs to be looked at and worked on.

It was prepared really to pretty much just get a budget figure that would be close to the 1.7, which was the goal that the Office of Budget Strategic Planning gave us.

And then finally, the very last page, I tried to just -- this I mentioned in my opening remarks, I tried to get a sense of when did the last Commission $6 million run out.

And as you can see, the green highlighting and when expended, they were very close at the start of five -- at the end of 504 -- 204 -- 2004, when they spend $5,540,000.

So they, they had the advantage of having some funding available to handle emergencies and litigation.

In the very right column, it says 2010
appropriation, just for comparison purposes, if -- we know we have 500,000 this year.

We have the $3 million appropriation.

Next year we have a request in for 1.7.

That would be a total of the two years of about five million two.

If you added a supplemental request of 1.1, our total amount then would be about, for the two years, $6.3 million. If you consider inflation, which is shown at the bottom, over the last ten years, an equivalent figure would be about 7.5 million.

So if you look at it that way, it does not look like we're being -- that kind of request would be out of line for what we would need, based upon just inflation alone.

I guess with that I would be happy to try to answer questions.

As I say, I think this is a starting point. We will be refining it. We do intend to have ready to submit to JLBC the information they've requested by the 20th of January.

We of course will get that to you just as soon as we get it.

We will continue to talk with them about what additional material they may need. But I thought I at least
should get this off the ground today.

I'm not quite ready, but I really wanted to make sure that all of you were aware of what we were looking at and what we had been doing.

So with that, Madam Chair, if I can answer questions, or if there's suggestions, I'll be happy to take them.

CHAIRPERSON MATHIS: Thanks, thanks very much for pulling this together, Mr. Bladine.

It's a ton of work.

Any thoughts from commissioners on budget projection and this response to JLBC?

VICE-CHAIR HERRERA: Yeah. I do have one question, Mr. Bladine.

The process that you're -- the process you went through, are you familiar with that, when they were either getting low on funds and asking for more money, what process -- was it a similar process that you're going through that they went through? Is it any different?

RAY BLADINE: Chairman Mathis, Commissioner Herrera, no, my understanding is we're doing basically the same thing.

Kristina and I have talked. And if she remembers something I don't, I think it's pretty much we need to get together a request, talk to legislative leadership, talk to
the governor's office, and come in with a very specific request and see what they do.

    We do have documentations of what was filed for one of the supplementals last time.

    We also have a draft of what would have been a lawsuit last year, if they did not -- or ten years ago if they did not get a supplemental appropriation.

    So we really have been able to go back and dig out a lot of those files, and that's been helpful to get some direction.

    And obviously I have never been through this process, so I've got a lot to learn too.

    I feel lucky that I have Kristina who can remember a good amount of it, and also some legal counsel that knows the ropes as it comes to the state government.

    So I feel like I'm in good hands, but I'm a novice.

COMMISSIONER McNULTY: I don't have a question, although I will look at the material, but I want to thank you for putting it together.

    This has been -- it's such an enormous task, and there's no way to predict -- it's impossible to create a budget for something that's only done once. And I just want to say how appreciative I am of the very thorough and professional job that you both do in responding to all the
requests for information that we get and tracking everything that we spend, and in, you know, carefully trying to project how we can best manage the funds that we have.

So thank you.

RAY BLADINE: Thank you, Commissioner McNulty.

And any time you have questions, please call me, or suggestions, because this is a work in progress. But we do need to move forward.

CHAIRPERSON MATHIS: Any other questions for Mr. Bladine or Ms. Gomez?

RAY BLADINE: Madam Chair, probably, and I would have legal counsel, if we need to have a motion to authorize me to do something to move forward with this?

It's never a good sign when they have to collaborate.

JOSEPH KANEFIELD: Madam Chair.

CHAIRPERSON MATHIS: Mr. Kanefield.

JOSEPH KANEFIELD: Consulting with my co-counsel here on the question, is the question whether the Commission should -- needs to authorize Mr. Bladine to pursue a supplemental appropriation from the legislature in light of current finances.

RAY BLADINE: Correct.

And I'm not at this time recommending a figure, because I really don't know what that would be.
I'm assuming, and I guess I'm asking legal counsel, that we would go in with a figure and discuss with the legislative leadership and try to come up with something, but I probably need to be authorized to meet with legislative leadership to discuss these issues and then report back to the Commission when I have something more specific.

JOSEPH KANEFIELD: Madam Chair, I think it probably would -- I think Mr. Bladine's duties include the budgeting aspect, the financial aspect of the Commission, so arguably he is authorized to do this without necessarily needing approval of the Commission.

Having said that, if the Commission wishes to give him that direction and comfort, then it certainly wouldn't be inappropriate to do.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I feel like Mr. Kanefield does, that that's within the scope of his authority, and that maybe he can come back to us once he's explored it further and has a number in mind and has some feedback from the legislature.

If he feels he needs -- if you feel that you would like our concurrence or our approval of anything that you might put together, I certainly would be happy to look at it
RAY BLADINE: Madam Chair, Commissioner McNulty, no, I'm satisfied.

I don't need the legal, then you know I'm doing it, and if the attorneys say I can do it, then I'm fine.

CHAIRPERSON MATHIS: Thank you.

Okay. Any other comments on this? Agenda item six?

Anything for seven and eight on the executive director report?

RAY BLADINE: Just a couple quick things.

I think really pretty much you all are aware of it, JLBC request, as we mentioned that yesterday.

Today we all know, we are working on that.

I think probably you also have seen the yellow sheet had some information on the request by Speaker Tobin to JLBC that generated this. And I talked to him the other day.

Kristina is monitoring, and we're close on getting Catalyst all caught up in terms of the input of the media and other documents.

And now we're spending a good amount of time getting files organized and working with legal counsel for a filing with the Justice Department.

And I think she took advantage of Bruce's being in
town to talk to him this morning and staff about the kinds
of things we wanted to do.

    She meets regularly with Kristin from Mary's
office.

    So we are proceeding along with those things.

    And finally I guess I would offer, while I'm
thinking about it, that if Willie needs help making phone
calls or contacting counties tomorrow, we can certainly help
him do that to try to get that part wrapped up.

    And other than that, I am available for questions,
but I don't have anything else to report.

CHAIRPERSON MATHIS: Any questions?

VICE-CHAIR HERRERA: Madam Chair, I don't know if
this question is for Mr. Bladine or maybe for legal counsel,
but I think if we haven't started already, I would like to
see us soliciting for the minority community leaders and
people that have approached us, and also commented on the
maps, their input in writing, for when we submit a proposal,
we submit the maps to DOJ.

    I think we should be doing that now if we haven't
already.

    Madam Chair, Leonard Gorman is here, so I'm
assuming he's already written the letter. If he hasn't,
hopefully he'll do that tonight.

COMMISSIONER McNULTY: Madam Chair, I have a
question for Mr. Bladine and legal counsel.

The preclearance submittal, I think legal counsel is working on that with you now.

Do we have a target deadline? And if not, should we set one? Are we still working for the end of January to submit to DOJ?

RAY BLADINE: Madam Chair, Commissioner McNulty, we're -- I guess I -- best answer I give you, we're working as fast as we can, but I don't know the answer to when the outcome will be.

Maybe, maybe Mary can help some on that.

We don't have a full picture of what needs to be submitted.

We certainly have looked at what it was last year, but I couldn't give you an estimate.

Maybe Mary could.

MARY O'GRADY: Madam Chair, commissioners, we had talked about when we adopted the tentative final shooting for an end of January submission.

Maybe between now and our next meeting we'll confer as counsel and see if that seems reasonable. And if not, let you know and work with you in terms of setting a deadline for us.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Do we have any idea when the next meeting will be?

CHAIRPERSON MATHIS: Well, we're talking about Friday morning.

We don't know if Mr. Stertz is available.

We know Mr. Freeman is not.

It sounds like both of you are.

I am.

So we could possibly meet Friday morning, otherwise next week.

VICE-CHAIR HERRERA: Madam Chair, I didn't say I was available. I said that I would clear my schedule if needed for this important task.

I want to make sure that's clear.

CHAIRPERSON MATHIS: Got it.

So we'll find out -- we'll have to know by tomorrow morning, because we have 48-hour notice.

BRUCE ADELSON: I have put in a phone call and an e-mail message, and I'll try Commission Stertz again later tonight and tomorrow morning.

CHAIRPERSON MATHIS: Okay. And, I mean, we have a quorum, it sounds like, if we need to meet on Friday. But it would be great if Mr. Stertz can join us.

RAY BLADINE: And then I would assume that if we do not meet on Friday, I will ask you all to give me your
availability for next week.

    I'm looking at my schedule, and I don't -- right now it shows like everybody's available next week, and I know that's not right.

    CHAIRPERSON MATHIS: Yeah, I would just echo -- I appreciate Ms. McNulty's question for counsel. I would like it if we could set an actual submission goal in line. And not try to hold anyone's feet to the fire, but I also sort of am. And it would be great if we could try to drive this to conclusion.

    And I know unforeseen things can happen and all of that, so, but I think having goals is a good idea. We can do it.

    Any other future agenda items, anything -- should we talk about next week in terms of just right now? Do you guys know your schedules in terms of options?

    COMMISSIONER McNULTY: That would be helpful to me. I need to plan in advance a little bit at this point.

    Monday is MLK day.

    I don't know if that's -- so... 

    CHAIRPERSON MATHIS: Yeah, I don't know.

    RAY BLADINE: That is a state holiday, of course.

    COMMISSIONER McNULTY: Okay. All right. So, I'm available every day next week, but I can't clear -- I can't hold every day open. So I would need, you know, within
24 hours perhaps to have a sense of what date -- which of those days I need to hold open, one or two.

CHAIRPERSON MATHIS: And it would be good to know, I guess, from legal counsel, can commissioners participate by phone in any of these upcoming two meetings?

MARY O'GRADY: Yes. You can, commissioner.

CHAIRPERSON MATHIS: Okay. That's helpful. So we don't have to be here physically, if we couldn't.

VICE-CHAIR HERRERA: Madam Chair, the -- as long as the phones are working properly, that would work fine. If we have phone issues that -- I can see that wouldn't work okay.

CHAIRPERSON MATHIS: Okay. So next week, does anyone want to talk about? It sounds like Monday's not a good day.

Tuesday is not a good day usually for me either, Tuesday afternoon.

VICE-CHAIR HERRERA: Madam Chair, are you talking about an additional meeting?

CHAIRPERSON MATHIS: Next week.

VICE-CHAIR HERRERA: So Friday -- Friday is one. And are you looking at an additional meeting the following week?

CHAIRPERSON MATHIS: Right, two more.

VICE-CHAIR HERRERA: That would be a total of two.
CHAIRPERSON MATHIS: Uh-hmm.

VICE-CHAIR HERRERA: So one more after the one on Friday.

CHAIRPERSON MATHIS: Correct.

VICE-CHAIR HERRERA: I am available Monday.

CHAIRPERSON MATHIS: But I don't -- it doesn't work, does that, Monday --

VICE-CHAIR HERRERA: Oh, the staff wants a day off?

RAY BLADINE: I think when the state fought as hard as it did to get the holiday, that maybe we don't want to -- but, yes, it's purely about us, as it's been all along.

CHAIRPERSON MATHIS: All right. We're used to this.

So the 17th in the morning, I can meet up, but I just have a meeting at 1:30 on Tuesday I have to attend. So I can meet any time up until then. It would be good to try to come to conclusion earlier.

Yeah, so if -- I don't know if Tuesday morning, is that at all --

COMMISSIONER McNULTY: I can do any day. Just tell me which days you guys can do it, and I'll reserve that and work around it.
CHAIRPERSON MATHIS: Mr. Freeman, do you have availability next week?

VICE-CHAIR FREEMAN: Madam Chair, I'm sorry, when I was in -- and I'm not complaining, just so the record, when I was in my office I could hear just good about everything you said and about 50 -- 75 percent of what everyone else said. So I switched phones. I really don't have the vaguest idea of what you guys are talking to about. Something to do with the schedule. I would just -- I would ask Mr. Bladine to follow up with me by e-mail and phone tomorrow.

And I looking down, we're looking at next week, and I don't know my availability.

I always try to give him detailed descriptions of what my schedule is like, but I think like everyone, I can't hold the dates open indefinitely.

I do try to fill in work when I can when I don't think we're going to have a hearing.

CHAIRPERSON MATHIS: Okay. And I apologize, there's been technical issues, but we're thinking about maybe Tuesday morning as a potential date.

So if you can think about that and see if -- and then let Mr. Bladine know, that would be good.

He'll check with Mr. Stertz.

So that's one possibility. I'd like to do it as
early in the week as possible, just to get it moving.  
So let's hope that the 17th works.  
Okay. Anything else on agenda items, meetings?  
(No oral response.)  
CHAIRPERSON MATHIS: Mr. Freeman, I should note  
too that legal counsel did say that if commissioners need to  
they can dial in for these next two meetings.  
We'd obviously like to have everyone present, if  
possible, but we know everyone's schedules are really tight,  
so just keep that in mind.  
Okay. Anything else from anyone?  
Any final thoughts, comments, questions?  
(No oral response.)  
CHAIRPERSON MATHIS: It's earlier tonight. So  
we'll go ahead and adjourn the meeting.  
The time is 8:13 p.m.  
Thank you all for coming and for the public's  
input tonight. We appreciate it.  
(Whereupon, the meeting adjourned.)  

* * * * *
BE IT KNOWN that the foregoing proceeding was taken before me, Marty Herder, a Certified Court Reporter, CCR No. 50162, State of Arizona; that the foregoing 115 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Chandler, Arizona, this 18th day of January, 2012.

________________________________________

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