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

RAYNBO COURT REPORTING, LTD.
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Reported by: Raynbo Silva, RPR, CR
Certified Reporter No. 50014
ARIZONA INDEPENDENT REDISTRICTING COMMISSION:

COLLEEN COYLE MATHIS, Chair

RICHARD STERTZ, Commissioner

SCOTT D. FREEMAN, Commissioner

JOSE M. HERRERA, Commissioner

LINDA McNULTY, Commissioner

ALSO PRESENT: JAMES E. BARTON, II

Assistant Attorney General

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

* * * *
CHAIR MATHIS: The meeting will come to order.
I'm sorry I don't have a gavel, but pretend you hear one.
If we could all rise for the Pledge of Allegiance to start.
(Whereupon the Pledge of Allegiance was recited.)

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

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

If I could now begin with roll call.
Commissioner Freeman?

COMMISSIONER FREEMAN: Here.

CHAIR MATHIS: Commission Herrera?

COMMISSIONER HERRERA: Here.

CHAIR MATHIS: Commissioner McNulty?

COMMISSIONER McNULTY: Here.

CHAIR MATHIS: Commissioner Stertz?

COMMISSIONER STERTZ: Here.

CHAIR MATHIS: We have a quorum. And the chair
would also like to note the presence of our Assistant Attorney General, James Barton, II, who has been providing counsel services to us, and we thank the Attorney General's Office for providing him to us.

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

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

COMMISSIONER FREEMAN: I did have some corrections.

CHAIR MATHIS: Okay.

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

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

COMMISSIONER HERRERA: I have.

COMMISSIONER McNULTY: I reviewed them briefly, yes.

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

CHAIR MATHIS: Okay. Take your time.
COMMISSIONER FREEMAN: So would you like me to go ahead?

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

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

CHAIR MATHIS: Okay.

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

CHAIR MATHIS: Okay. Thank you.

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

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

CHAIR MATHIS: Okay.

COMMISSIONER FREEMAN: Going to the third page,
third or fourth paragraph down that begins Mr. Freeman asked about her thoughts, Mr. Lynn's name is misspelled. It should be L-Y-N-N. Then going down second to the last paragraph again Mr. Lynn's name should be L-Y-N-N.

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

CHAIR MATHIS: Right.

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

CHAIR MATHIS: Okay.

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

Then three paragraphs after that that begins
Mr. Freeman asked Mr. Bender to outline his personal mission statement, that I believe was Mr. Stertz who asked that question.

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

CHAIR MATHIS: Thank you.

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

CHAIR MATHIS: We'll handle --

COMMISSIONER FREEMAN: One at a time? Okay.

CHAIR MATHIS: -- the February 24th.

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

COMMISSIONER McNULTY: Madam Chairman?

CHAIR MATHIS: Yes.

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

CHAIR MATHIS: Any other corrections?

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

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

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

CHAIR MATHIS: Do I hear a second?

COMMISSIONER FREEMAN: Second.

CHAIR MATHIS: All in favor?

(Whereupon everyone voted aye.)

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

COMMISSIONER STERTZ: Thank you.

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

MR. BARTON: Madam Chair?

CHAIR MATHIS: Yes.

MR. BARTON: On page 2, the paragraph beginning Secretary Bennett called the meeting back to order, it says in the third line of that paragraph unanimous acclamation. It should be acclamation. The I should be an A.
CHAIR MATHIS: Spelling; right?

MR. BARTON: Yes.

CHAIR MATHIS: Thank you. Any other corrections? Do I hear a motion to approve these minutes as corrected?

COMMISSIONER STERTZ: So moved.

CHAIR MATHIS: Second?

COMMISSIONER FREEMAN: Second.

CHAIR MATHIS: All in favor?

(Whereupon everyone voted aye.)

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

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

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

Okay. Wow. Okay. Well, there is no call to the public today or no public response today, I should say.
So we'll move on to Item IV, and that's discussion and possible action on ground rules for the commission meetings.

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

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

So if anybody has any thoughts?

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

CHAIR MATHIS: Informally as possible.

COMMISSIONER FREEMAN: I think it makes a difference.

CHAIR MATHIS: It does. They are different. And I explain myself just to say I just think it gives us more freedom to operate. And as things come up, if it gets to
the point where it's clear that we're going to need to adopt some formal procedures that we can do so at that time. But I'm open to suggestions so.

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

CHAIR MATHIS: Any thoughts?

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

CHAIR MATHIS: Agreed.

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

CHAIR MATHIS: Yes.

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

CHAIR MATHIS: Agreed. So maybe some training on Robert's Rules of Order.
COMMISSIONER FREEMAN: If you guys think that's appropriate, we could do that. But in terms of discussing matters like this, I think we can talk to each other.

CHAIR MATHIS: All right. Any other thoughts?

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

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

COMMISSIONER HERRERA: I second that.

CHAIR MATHIS: Any discussion?

COMMISSIONER McNULTY: That sounds like a good approach then.

CHAIR MATHIS: All in favor?

(Whereupon everyone voted aye.)

CHAIR MATHIS: Any opposed?
Great. Motion carries unanimously.

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

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

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

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

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

Any other discussion items on just ground rules in general, thoughts?
COMMISSIONER HERRERA: Madam Chair, I do have a comment.

CHAIR MATHIS: Yes.

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

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

CHAIR MATHIS: Right.

COMMISSIONER HERRERA: That's pretty important.

CHAIR MATHIS: I agree.

COMMISSIONER HERRERA: But I don't know how to.

That's the thing.

CHAIR MATHIS: I know. We'll need advice from ADOA and others on how to arrange things so that we have the equipment to even make that possible, I think.
COMMISSIONER McNULTY: Madam Chair, I think this room has --

CHAIR MATHIS: The ability.

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

CHAIR MATHIS: Good idea. Any other thoughts?

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

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

Any other thoughts on ground rules before we move on?

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

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

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

COMMISSIONER HERRERA: I doubt that there will be many opportunities where you won't be here and I hope that doesn't happen. So I hope that the chair -- the vice chair
will have -- there will be no need for him or her other than
the fact that they have the title. But I do considering we
have the chair that is from Tucson, I really do strongly
believe that the vice chair should be from Phoenix. That's
just my opinion.

CHAIR MATHIS: That's a thought.

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

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

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

COMMISSIONER HERRERA: No. I wasn't basing it on
the previous commission. I was basing it on the fact that
we had a current --

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

COMMISSIONER HERRERA: The Maricopa part was
right.

COMMISSIONER McNULTY: Was that a formal motion?

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

CHAIR MATHIS: Do I hear a second?

Is there discussion?

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

COMMISSIONER FREEMAN: I can second my own
nomination?

COMMISSIONER HERRERA: Of course.

COMMISSIONER FREEMAN: I second my nomination.

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

Any discussion?

COMMISSIONER McNULTY: I do. I'd like to suggest
that we -- I think balance is important. I think the
Tucson/Phoenix issue is an important one. I also think
balance is important but that it should be balanced within
our own commission rather than by comparison to what
happened last time.

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

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

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

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

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

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

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

COMMISSIONER STERTZ: You get twice as much.

COMMISSIONER HERRERA: I definitely want that.

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

COMMISSIONER McNULTY: I would do that by
unanimous consent, that you would be co-vice chairs, we have
one in each place and that we have balance.

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

COMMISSIONER FREEMAN: Great.

CHAIR MATHIS: You're okay with that?

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

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

CHAIR MATHIS: That's right.

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

CHAIR MATHIS: Does that trump?

COMMISSIONER HERRERA: Are you doing a second --

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

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

COMMISSIONER HERRERA: I have no problem with it.
I would even, if you were to miss a meeting, I would want
Scott to chair the first meeting.
COMMISSIONER STERTZ: Again, I think there's wisdom. So I think that I'll continue that motion and just say that I will amend my motion but that move by unanimous consent to have co-Maricopa County chairs in alternating positions starting with in first absence with Commissioner Freeman alternating thereafter in absence of the chair.

CHAIR MATHIS: Okay.

MR. BARTON: Madam Chair?

CHAIR MATHIS: I'm sorry. Go ahead.

MR. BARTON: This is, this is from Article 4, Part 2, Section 1 of the constitution in paragraph nine is where we have the guidance about selecting a vice chair. And it says: The five commissioners shall then select by majority vote one of their members to serve as vice chair. And you know, certainly the plain reading of that is that you select one member to serve as vice chair. I think that it would be my advice that if the commission can't decide on one person to have this function, you know, can you read the statute like this to maybe it would also allow you to select more than one? I don't know. I think that would be tricky, particularly given the fact that this is mostly an administrative position.

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

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

COMMISSIONER McNULTY: I have to agree with that.

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

MR. BARTON: Madam Chair, Commissioner Herrera, I think what you're suggesting is there might not be those who would object to doing it and maybe there would be a reading that would make sense to have co-chairs, and my position is not that it would be impossible to defend this choice. My advice to you is just that if you can select one, then you're plainly within the meaning, plainly within the language of the constitution and it would just be a little bit trickier if you select two.

But as you suggest, my job is to give you counsel, and so that's my counsel.
COMMISSIONER HERRERA: Sure. I think in the spirit of cooperation I would prefer that it be left this way.

CHAIR MATHIS: As co-vice chairs?

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

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

COMMISSIONER HERRERA: Thank you, Mr. Barton.

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

COMMISSIONER McNULTY: Was that your motion, Rick?

COMMISSIONER STERTZ: It is.

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

So congratulations, gentlemen.

COMMISSIONER HERRERA: Thank you.

COMMISSIONER McNULTY: Thank you.

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

CHAIR MATHIS: Oh. All in favor?

MR. BARTON: -- you can call for a vote or you can
say if there is no objection and just give a pause, one or
the other.

CHAIR MATHIS: Sorry about that. Thank you.

COMMISSIONER STERTZ: Robert's Rules of Order.

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

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

Does that suffice? Okay.

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

COMMISSIONER HERRERA: That's pretty clear.

COMMISSIONER STERTZ: That way it's not personal.

CHAIR MATHIS: Thank you.

COMMISSIONER STERTZ: You have to say without
objection.

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

COMMISSIONER HERRERA: I need a refresher.

CHAIR MATHIS: This is rough.

COMMISSIONER HERRERA: I think Rick was just on
the Internet not too long ago.

COMMISSIONER STERTZ: Run too many meetings.

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

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

Thank you.

COMMISSIONER HERRERA: Good job.

CHAIR MATHIS: Wow. Sorry, guys.

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

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

MR. BARTON: Madam Chair, the Attorney General Office has training as a PowerPoint training that I would be able to give to you. And my recommendation is that we can do that training just at a regularly scheduled meeting. I
1 can bring in the materials and then go over it. If we're
2 someplace where we can run a PowerPoint, that would be
3 helpful. It looks like we have it here. I'm sure other
4 places.
5
6 I would also like to add a couple of other things.
7 I understand that we have training that some of the
8 commissioners are going to be attending tomorrow.
9
10 CHAIR MATHIS: Correct.
11
12 MR. BARTON: I think that will be helpful. And
13 then there's another online course that the governor's
14 office provides for public service orientation. I contacted
15 the governor's office and because this board isn't appointed
16 by the governor they don't necessarily track that you
17 complete this training. But I would strongly recommend it.
18 It's an online sort of you sort of step through the various
19 slides.
20
21 CHAIR MATHIS: Okay.
22
23 MR. BARTON: And it's my recommendation that the
24 members of the commission complete that. And then there's a
25 certificate, and you can print it out and then sign it. And
26 we can just have like -- we can just hold it, the commission
27 can hold it just for our own records to verify that everyone
28 attended.
29
30 If you want to go to that, the online resource is,
31 the address is azgovernor.gov. So the governor's website.
Then you follow the board's and commissions hyperlink. And then you follow the public service orientation online hyperlink, and then that will bring you to this presentation.

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

CHAIR MATHIS: Sounds like a good plan.

Any discussion or comments on that?

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

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

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

Agenda Item VII is discussion of public and possible action on Department of Administration 101 training. Mr. Barton noted that those of us in Tucson are having that training tomorrow. Three of the commissioners
will be receiving this training. A few ADOA employees will be coming down and providing it. And the commissioners in Maricopa County are to work with the ADOA to have that training up in Maricopa County at your convenience is how it works.

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

COMMISSIONER STERTZ: Madam Chairman?

CHAIR MATHIS: Yes.

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

CHAIR MATHIS: Correct.

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

CHAIR MATHIS: Yes.

COMMISSIONER STERTZ: Is that correct?

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

MR. Barton: Madam Chair, commissioners, yes. And various things, the notice of possible quorum or courtesy notice, the point being just that you alert the public to
the fact that a quorum is going to be present and you also
alert the public that no commission business will go on.
And thank you, Mr. Stertz, for the option. This
is a good time to put on the record. Of course you all
recognize that at the training you won't discuss any
commission business. It will just be an opportunity to
receive training from the ADOA.

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

CHAIR MATHIS: Thank you. It's important.

COMMISSIONER McNULTY: Madam Chair?

CHAIR MATHIS: Yes.

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

MR. BARTON: Madam Chair and Commissioner McNulty,
no. It doesn't mean that it's open to the public. It just
notifies the public, it sort of anticipates any questions.
For example, if you have a Christmas party, that's
another time when an agency will post a notice of quorum
that all the board members are going to be at a Christmas
party. That doesn't make the Christmas party open to the
public. It just anticipates any question about whether or
not this is an open meeting problem so.
COMMISSIONER McNULTY: Thank you.

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

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

CHAIR MATHIS: Thank you.

Any other comments or questions? Great.

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

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

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

But we'll learn more from the ADOA tomorrow, the Tucson commissioners will in terms of the hiring process and how we go about doing this. But they did let me know that
these positions are in the system so to speak. And I think that has some advantages in terms of expediency of actually hiring people were we to use these same types of roles for ourselves.

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

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

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

COMMISSIONER STERTZ: That's correct.

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

COMMISSIONER STERTZ: In my cursory review I believe that we can operate within the rules of our own body for doing so, but I would want to make sure that we're not stepping on any toes as we're moving forward if we are
following some DOA authority in-place procedures.

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

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

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

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

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

COMMISSIONER McNULTY: Madam Chair, I also agree with Mr. Stertz's point and I think these job descriptions can probably be expanded on and improved and maybe consolidated a little bit.
COMMISSIONER STERTZ: And Madam Chair, as a follow-up to that, the second piece of your agenda item talks about support staff. The support staff is going to generate itself out of the -- I'm going to suggest that the support staff is going to come out of recommendations after the hiring of the ED --

CHAIR MATHIS: I agree.

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

CHAIR MATHIS: Sounds like a good idea.

Any other comments or thoughts on this?

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

COMMISSIONER McNULTY: I would like to suggest that we do that within the week -- within a week if Mr. Freeman and Mr. Herrera not having had the benefit of the ADOA training that we'll have tomorrow will be able to do that. It may not be that that's -- you might be able to
provide the comments without that training, and we could
give you the benefit of what we learn at the meeting
tomorrow if it has any relevance.

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

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

COMMISSIONER HERRERA: Sure.

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

CHAIR MATHIS: Any other thoughts?

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

CHAIR MATHIS: Yes.

COMMISSIONER STERTZ: Is it your desire that you
get comments? And I'm going to suggest that we not only use
the current DOA format, but there have been other job
descriptions that have been written for EDs for operations
such as this that we may be able to draw from, and I would
suggest that we take all of our professional resources to be able to assist in that as well.

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

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

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

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

CHAIR MATHIS: If we could. If we could have
1        action, that would be great.
2        MR. BARTON: I think the problem is that we would
3        be proposing legal action to a quorum. And so what I think
4        maybe the workable solution here would be, and I hate to get
5        myself involved but the problem is that we don't have
6        someone who's not a commissioner that you can send things
7        to. So it's probably not exactly counsel work, but I think
8        what we can do is if you e-mail it to me, then I can
9        synthesize it and e-mail it back to you as an item, as an
10       agenda item. Don't comment on it again in the e-mail path.
11       So the flow of information will be you'll e-mail
12       your comments to me, I will synthesis them and e-mail them
13       out to the commission. No more comments. No more reply
14       alls. Then when you come to the next scheduled meeting you
15       can discuss it.
16       CHAIR MATHIS: Great.
17       MR. BARTON: So we can do that.
18       CHAIR MATHIS: Good path forward.
19       Is everyone okay with that approach?
20       COMMISSIONER HERRERA: Yes.
21       CHAIR MATHIS: Good.
22       Any other thoughts on the executive director
23       position or other administrative support?
24       COMMISSIONER STERTZ: Again, I have a question for
25       Mr. Barton. When you were checking the legal requirements
of advertisement, as applicants -- after advertisement is made, discussion with or in previous boards that I have sat on and executive directors are selected there has been a series of phone calls that are made to members of the commission in regards to potential applicants, applicants that may want to -- that may not be aware of the advertisement or that may contact looking for clarification from one of the commissioners of the action.

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

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

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

And second, is it within my purview if Bob Smith finds out about the information and contacts me because of a
personal relationship that I might have with Bob Smith for
me to have that dialogue with him?

MR. BARTON: I will look into those.

COMMISSIONER STERTZ: Thank you.

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

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

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

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

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

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

COMMISSIONER HERRERA: Okay.

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

COMMISSIONER HERRERA: Public information officer?

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

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

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

And I would assume then that at that meeting we would want to maybe even discuss specific personnel, not specific people to fill that position. I don't know. I guess it depends. I'm curious to know what we're going to learn tomorrow from our ADOA folks in terms of more about the process, so I don't have a strong preference for any
action right now. I feel like we're still in the
information gathering mode of how this works.

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

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

But any other thoughts on these positions or
staff?

COMMISSIONER McNULTY: One question --

CHAIR MATHIS: Yes.

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

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

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

And yes, Commissioner McNulty, as soon as I have
the answers to these I'll send it out to you.
CHAIR MATHIS: Okay.

CHAIR MATHIS: Thank you. Great.

Move on to the next agenda item, and that is discussion and possible action -- oh, sorry. Yeah.

Discussion and possible action on request for proposal process for securing legal and consultative support.

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

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

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

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

CHAIR MATHIS:  Commissioner Freeman?

COMMISSIONER FREEMAN:  I think the last commission hashed this about pretty thoroughly.  I think the problem is with all due respect you're with an office that's a partisan office, and we want to try to maintain our independence, and that probably lends itself to outside independent counsel.  I think the prior commission also struggled with, well, is it feasible for us to agree on a single outside counsel.  We don't even have a single vice chair.  So perhaps we fall maybe -- excuse me -- I think they probably hit upon the solution which was the best one for them, and I think it's probably one I propose for us, which is we solicit proposals from outside counsel.  And if it looks like, you know, one side's going to be comfortable with one lawyer, some lawyers and the other with a different set of
lawyers, that's fine. All of the co-counsel represent the entire commission, all of us, and owe their duty to the commission, and at least we have some assurance that all bases are being covered so.

CHAIR MATHIS: Thank you.

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

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

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

COMMISSIONER HERRERA: It couldn't hurt to do that, though. We're not obligated if we did an RFP to
actually hire an attorney, an independent. We can still
stay with the AG's Office if that's what we want. At least
if we do an RFP, then we have our bases covered. I don't
mind doing that.

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

CHAIR MATHIS: I agree with that.

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

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

COMMISSIONER HERRERA: Sure.

CHAIR MATHIS: Any other thoughts, comments?

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

CHAIR MATHIS: I think the way I understood what
everyone's been saying is we will learn more from the ADOA
office about the RFP process and once the five of us, I
guess, have totally had that training then we could,
depending on how the process works, work with ADOA to create
the RFP for legal counsel.

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

COMMISSIONER HERRERA: That's what I understood.

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

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

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

COMMISSIONER HERRERA: Sure.

MR. BARTON: I think it's certainly possible, I
suppose, that the Attorney General could agree to always
send the same lawyer or to appoint someone to be sort of the primary person. I don't know that necessarily that would be me. I don't know and, frankly, I'm not sure if that's the type of thing that the Attorney General would be inclined to sort of enter into.

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

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

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

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

COMMISSIONER HERRERA: Madam Chair, one quick question, and maybe it will be addressed tomorrow at the training. Is the commission, are we the ones putting together the RFP, or is the majority of the work being done by the ADOA and we're just approving it?
CHAIR MATHIS: I don't know how that process works. I would think that we would drive that process, and they would just help us craft, get it together and distribute it and post it, but I don't know to answer your question.

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

COMMISSIONER McNULTY: Excuse me, Madam Chair?

CHAIR MATHIS: Yes.

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

CHAIR MATHIS: Yes.

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

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

And indirect consultative support, things like volunteers, people who -- I don't know if you're getting expressions of interest from various folks, but I am. I'm receiving things in my e-mail that just appear with expressions of interest, which is wonderful. I'm glad that
people are interested and engaged and want to support and serve us. So I'm just -- I don't know how we will vet all those people.

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

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

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

This is the reason why we engage an executive director and executive director staff to vet and to organize volunteer services. When we are looking at both legal and mapping consulting services, there are both legal experts in this field that are throughout the country and I want to be able to take advantage of and also in the mapping and the
consulting business as well. So I think that we should look for the best and the brightest and those that are willing to work in the volunteer they should be -- we should be utilizing our executive director and staff to get that organized and mobilized.

COMMISSIONER HERRERA: Madam Chair?

CHAIR MATHIS: Yes.

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

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

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

COMMISSIONER HERRERA: Sure.

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

COMMISSIONER FREEMAN: I agree with that.

COMMISSIONER HERRERA: I agree.

CHAIR MATHIS: We all agree?

COMMISSIONER STERTZ: Yes.

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

COMMISSIONER McNULTY: Good.

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

COMMISSIONER HERRERA: Sure.

CHAIR MATHIS: Mr. Freeman, do you have any
COMMISSIONER FREEMAN: No.

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

I was looking for advice and guidance on that.

COMMISSIONER HERRERA: Madam Chair, I was there when that was brought up. I'm not familiar with that organization, and I would be uncomfortable harboring or getting some type of education from an organization I'm unfamiliar with. They may be leaning a certain way or they may have an interest in the way the maps are drawn. I would be very careful about hooking up or partnering with an
I'm all for saving money, but I'd be cautious of that.

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

CHAIR MATHIS: Okay.

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

CHAIR MATHIS: Great. Good suggestion.

Any other thoughts, comments on this item? Okay. So that takes us to the next agenda item, which is discussion and possible action on process for managing press inquiries.

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

And I don't know how you all have handled those
because I felt like I think press relations is a really important topic for this commission to discuss as a group and determine how we might want to proceed. And as we discussed earlier, the last commission actually even had somebody that handled this for a year and a half.

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

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

CHAIR MATHIS: The executive director?

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

My recommendation from my perspective is that the actions that this commission is taking right now are all mechanical and don't really involve and that won't be involving any actionable items in regards to the district because there's two things. One, we don't have the data to discuss anyway. We haven't brought on staff. We haven't
brought on counsel. We haven't brought on consultants. Until that happens the press should, frankly, be relatively uninterested in what we're doing. This is watching paint dry right now.

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

CHAIR MATHIS: Yes?

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

I think we're all on equal footing here. We're all individuals. And if you have something to say to the press, this is like watching paint dry, but if for some reason the press finds this interesting and they want to ask you questions, if you feel comfortable, talk to them. I have no problem with that.
I think the previous commission not only they had a public relations officer but they had all their information -- excuse me -- the contact person was the chair, and I think that was a mistake. I wouldn't have done it that way. And as I said, I think all of them I think had standing and I think every commissioner has a right to speak whenever he wants.

CHAIR MATHIS: Thank you.

COMMISSIONER McNULTY: I agree.

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

CHAIR MATHIS: Okay.

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

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

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

COMMISSIONER McNULTY: Especially Colleen.

CHAIR MATHIS: Thank you. Yes. Great. I appreciate that discussion. That was helpful. And again,
all arrows point to the executive director, so I'm looking forward to getting that person onboard to help us.

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

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

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

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

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

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

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

COMMISSIONER STERTZ: Madam Chair?

CHAIR MATHIS: Yes, Commission Stertz?

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

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

Now because that was only designated as part of
their original proposition that has exhausted itself and is no longer constitutionally relevant. It is going to be all subsequent legislatures that are going to be giving us appropriations. So this is going to come up for appropriations year after year.

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

CHAIR MATHIS: Oh, great.

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

CHAIR MATHIS: Okay.

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

So my recommendation is that as a budgeting component and as an outline of where the expenditures lie, this is very, very helpful. It will be incumbent upon staff to craft our budget based on knowledge that we have X amount of dollars that we have knowledge of and how that money would be best -- how to deal with the burn rate of that
capital is going to be over the next 17 months -- 16 months.
Wow. 15 months. Oh, my goodness. We're running.

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

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

COMMISSIONER STERTZ: Okay.

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

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

CHAIR MATHIS: I appreciate that.

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

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

CHAIR MATHIS: Any other --
COMMISSIONER FREEMAN: This is another one I drew a line back to the executive director.

COMMISSIONER STERTZ: Right. Circling back around.

CHAIR MATHIS: I agree.

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

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

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

COMMISSIONER HERRERA: Madam Chair, I do believe in the importance about thanking the legislature currently as well for their support and knowing now but also in the
future, especially from our Republican friends since obviously people in power are Republican and also being independent it would be important to do that. If you run into one, if you e-mail one, thank them for their support.

CHAIR MATHIS: Agreed. Good way to operate.

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

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

Anybody have availability at that time?

COMMISSIONER STERTZ: The week of or the 21st?

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

COMMISSIONER STERTZ: It's a Monday, yes.

CHAIR MATHIS: The week of the 21st.

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

CHAIR MATHIS: Okay.

COMMISSIONER STERTZ: Madam Chair and Mr. Barton, are you able to -- are the couple of things that are on your list that we've just asked you to do are you able to
accommodate those prior to departure?

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

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

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

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

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

       CHAIR MATHIS: Okay.

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

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

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

       COMMISSIONER HERRERA: How are you guys with
Fridays generally?

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

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

CHAIR MATHIS: Any others?

COMMISSIONER McNULTY: That's my only constraint.

CHAIR MATHIS: Great. Everyone is pretty flexible. Should we say that Thursday? Would that be good?

Or do you prefer Tuesday?

COMMISSIONER STERTZ: Thursday, the 24th?

CHAIR MATHIS: Uh-huh.

COMMISSIONER HERRERA: Thursday, the 24th, works.

What time? 1:00?

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

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

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

COMMISSIONER FREEMAN: That's fine.
CHAIR MATHIS: Okay. So 1:00 P.M. 24th of March will be our next meeting.

COMMISSIONER STERTZ: Location to be determined.

CHAIR MATHIS: Location to be determined.

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

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

COMMISSIONER FREEMAN: I agree.

COMMISSIONER STERTZ: Boy, I love having a majority.

CHAIR MATHIS: Overruled.

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

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

So I'm going to be -- as convenient as it is for three of us to -- we could have ridden our bikes here today, we have to recognize that this is a statewide commission and we realize that.
CHAIR MATHIS: Good point.

COMMISSIONER HERRERA: I agree.

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

COMMISSIONER FREEMAN: Yes.

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

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

CHAIR MATHIS: Office?

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

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

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

CHAIR MATHIS: Yes. I don't know what the state -- we'll know more tomorrow because they're going to...
give us options, the ADOA will give us options on space.
I'm told there's a lot of options so in both Phoenix and Tucson.

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

CHAIR MATHIS: I agree.

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

CHAIR MATHIS: Right.

COMMISSIONER STERTZ: I mean there are already multiple websites and Facebook pages that have been
established about -- they're all positional -- that are very interesting as you scroll through to see. That's important. It's important to recognize that. It's important that we are leading the way and not ignoring that we want to be connected and be a part of that.

CHAIR MATHIS: Agreed. Any other comments or thoughts?

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

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

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

COMMISSIONER HERRERA: Future agenda items.

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

One of the things I guess we didn't talk about but I thought about is I don't know when we receive the census
data, I think it's soon, but I haven't been informed yet on that one, I don't know if counsel knows, but it seems like a presentation on the census data and any other sources of data that we're going to be using in the redistricting process once that work begins might be helpful.

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

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

CHAIR MATHIS: Rumblings.

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

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

Any other agenda items that you all have thought of?

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

COMMISSIONER HERRERA: Hopefully approve.

COMMISSIONER McNULTY: -- hopefully approve, discussion and action and further discussion of our fees, the RFP process for consultation, consultants and legal
1 counsel.

2 CHAIR MATHIS: Okay. Agreed.

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

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

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

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

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

24 And so it sounds like they can comment on
25 anything, we're not restricting them; is that correct?
MR. BARTON: Madam Chair, that's correct. You can take a public comment on anything. And if there is a very brief response that can be made to the comment, that's acceptable from an open meeting law perspective. You can't discuss it. You can't have sort of a full-blown discussion of something that's raised. You certainly can't take action based on something that's raised.

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

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

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

You've got a, knowing that there is a -- there's going to become a time when it's challenging to have time constraints when we are looking for to capture a lot of data. At the same time to capture a lot of data you have to have time constraints if there's proper representation. In looking back on the minutes of -- there were several
meetings that were well over 100 people that were in attendance and many making comments during the public comment process.

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

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

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

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

And on that point with public comment I think as we receive -- this is just a question and thought for all of you, as we receive these expressions of interest, too, from various groups that want to have input, I think it's probably wise, and I'd love your thoughts is to just
encourage them always to the extent possible to come to one of our public meetings so that they can address it and it will be in the public record.

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

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

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

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

To the extent the website, you can put them up on the website. There's various things that you can do to be
sort of transparent with public comment for sure.

CHAIR MATHIS: Thank you. Good suggestion.

Any other thoughts on --

COMMISSIONER STERTZ: That's a full agenda.

CHAIR MATHIS: Any idea how long open meeting law

training takes just offhand just so we can be prepared to

know for the next meeting?

MR. BARTON: Madam Chair, when I talked to the

head of the open meeting law enforcement team today, she

felt that initial training an hour would be required, but

for a refresher you could do it in a half hour.

And so my thought is that you're going to talk

about some of this with ADOA tomorrow. If you do the public

service officer online training, I'm thinking that a

refresher course, type course then particularly with

allowing you to ask questions will be a good, will be a good

training.

My thought would be something on the order of a

half hour and then with questions to be asked following is

what I think is possibly best.

CHAIR MATHIS: Okay. That's a reasonable amount

of time for the construct of our meeting.

So is there new business that we want to discuss

or bring up?

MR. BARTON: Madam Chair, I would say that
probably because it's not on the public notice you should probably just move on to the next item.


Strike that.

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

COMMISSIONER STERTZ: I move to adjourn.

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

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

CHAIR MATHIS: Okay. All in favor?

(Whereupon everyone voted aye.)

CHAIR MATHIS: Any opposed?

This meeting is adjourned.

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

* * * *

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

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

DATED this 21st day of March, 2011.

__________________________________
Raynbo Silva, RPR, CR
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