

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

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Monday, July 22, 2013  
9:03 a.m.

**Location**

Evans House  
1100 West Washington Street  
Phoenix, Arizona 85007

**Attending**

Colleen C. Mathis, Chair, telephonically  
Scott Day Freeman, Vice Chair  
Cid R. Kallen, Commissioner, telephonically  
Linda C. McNulty, Commissioner, telephonically  
Richard P. Stertz, Commissioner, telephonically  
  
Raymond F. Bladine, Executive Director,  
telephonically  
Kristina Gomez, Deputy Executive Director  
Buck Forst, Information Technology Specialist  
Mary O'Grady, Counsel, Osborn Maledon  
Joe Kanefield, Counsel, Ballard Spahr  
Kristin Windtberg, Osborn Maledon

**PREPARED BY:**

AZ Litigation Support, LLC  
Michelle D. Elam, CR  
Certified Reporter  
CR No. 50637

Phoenix, Arizona  
July 22, 2013  
9:03 a.m.

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4 CHAIRWOMAN MATHIS: Okay. Good morning.

5 COMMISSIONER KALLEN: Good morning.

6 CHAIRWOMAN MATHIS: This meeting of the  
7 Arizona Independent Redistricting Commission will  
8 now come to order.

9 Today is Monday, July 22nd, and the time  
10 is 9:03 in the morning.

11 If everyone would please rise, I would  
12 like to ask Vice Chair Freeman to lead us in the  
13 Pledge of Allegiance.

14 (The Pledge of Allegiance was recited.)

15 CHAIRWOMAN MATHIS: Thank you.

16 Before I go through the roll call, this  
17 is the first time the Commission has convened since  
18 the terrible loss of life our state endured on June  
19 30th, and I would just like to pause for a moment  
20 and recognize the heroes from the Prescott Fire  
21 Department Granite Mountain Hotshots who lost their  
22 life that day and express gratitude for their  
23 sacrifices with sincere condolences to their  
24 families and friends.

25 (A moment of silence was observed.)

1 CHAIRWOMAN MATHIS: Thank you.

2 If we could go ahead with roll call.

3 Vice Chair Freeman.

4 VICE CHAIR FREEMAN: Here.

5 CHAIRWOMAN MATHIS: Commission Kallen.

6 COMMISSIONER KALLEN: Here.

7 CHAIRWOMAN MATHIS: Commissioner McNulty.

8 COMMISSIONER MCNULTY: Here.

9 CHAIRWOMAN MATHIS: Commissioner Stertz.

10 COMMISSIONER STERTZ: Here.

11 CHAIRWOMAN MATHIS: We have a quorum.

12 Other participants at today's meeting  
13 include our executive director, Ray Bladine.

14 RAYMOND BLADINE: Here.

15 CHAIRWOMAN MATHIS: Kristina Gomez, who is our  
16 deputy director executive. We've got legal counsel,  
17 Joe Kanefield and Mary O'Grady both.

18 We have representation from our mapping  
19 consult, Andrew Drechsler, and also Ken Strasma and  
20 our court reporter today is Michelle.

21 Anybody else on the line that I'm  
22 missing?

23 Okay. That brings us to the second item  
24 on the agenda.

25 As anyone who follows our commission

1 knows, Jose Herrera resigned from the Commission in  
2 late May, and I wish to publicly thank Mr. Herrera  
3 for his service on the Arizona Independent  
4 Redistricting Commission, which extends to his  
5 family as well.

6 He served the citizens of Arizona with  
7 honor, dignity and dedication, and I will miss his  
8 energy, humor and passion.

9 His resignation set into motion the  
10 process for replacing a commissioner. And thanks to  
11 the commission on Appellate Court appointments for  
12 coordinating the replacement process and developing  
13 a slate of three qualified candidates.

14 The Constitution dictates that the  
15 successor is chosen by the same person who appointed  
16 the resigning commissioner. That person was House  
17 Minority Leader Campbell and he appointed  
18 Commissioner Sid Kallen.

19 Commissioner Kallen was sworn in a little  
20 over a week ago. He is an attorney residing in  
21 Yuma, Arizona, and is no stranger to public service,  
22 having serviced his country as a United States  
23 Marine for five years in addition to numerous other  
24 community roles and responsibilities.

25 I won't review his entire application but

1 did want to point out some particularly relevant  
2 experience I noted on his resume which pertains to  
3 his military background and services on the Marine  
4 Aviation Logistics Squadron.

5 One of his jobs as crew supervisor  
6 entailed work on a variety of things, including, and  
7 I quote, problem-solving, dispute resolution,  
8 regulatory compliance, litigation avoidance and  
9 leadership development.

10 Now, if that experience doesn't translate  
11 into readiness for IRC service, I don't know what  
12 does.

13 So I would like to officially welcome him  
14 to his post and offer him an opportunity to say a  
15 few words, if he's inclined.

16 Commissioner Kallen.

17 COMMISSIONER KALLEN: Thank you, Chairwoman.

18 Well, I would just like to express how  
19 excited I am for the opportunity to be able to serve  
20 the people of Arizona on this commission.

21 I really -- the more I've learned about  
22 what the Commission has done and all of its efforts,  
23 I have nothing but respect for every member of the  
24 Commission as well as the staff that's been  
25 supporting this great labor, really.

1 I want to make Mary O'Grady Joe Kanefield  
2 as well Ray Kristina -- really everybody that was  
3 there last week to give me the crash course and  
4 update on everything that's been taking place in  
5 litigation. So I'm sure we'll talk about it some  
6 more, but I just wanted to, I guess, publicly thank  
7 them for all of their time and efforts.

8 So, again, thank you and very excited to  
9 be here.

10 CHAIRWOMAN MATHIS: Thanks, Commissioner  
11 Kallen. We're happy to have you.

12 Would any other commissioner like to say  
13 anything at this point?

14 COMMISSIONER MCNULTY: Chairwoman, this  
15 Commissioner McNulty.

16 I would just like to welcome Commissioner  
17 Kallen and thank him for his service.

18 CHAIRWOMAN MATHIS: Great. Thank you.

19 All right. Well, with that, I think we  
20 move to agenda item III, discussion and possible  
21 action of Strategic Telemetry contract.

22 I think everyone should have received  
23 from Ray the contract amendment, but I'll let him go  
24 ahead and tee up the situation.

25 Ray.

1           RAYMOND BLADINE:    Sure.

2                    Thank you, Madame Chair.

3                    As you know, we last year amended the  
4 contract with Strategic Telemetry to change to an  
5 hourly billing rate to assist us through litigation.

6                    We are proposing to amend the contract,  
7 to extend it until such time as the services are no  
8 longer needed.  And the reason for that would be to  
9 avoid having to necessarily come back every year and  
10 extend the contract.

11                   The rates for the extension would be the  
12 same as they are for this year.  And as is provided  
13 in State procurement requirements and regulations,  
14 the contractor can once a year ask for consideration  
15 of rate increases.  And so the next time that could  
16 happen will be about a year from now.

17                   So we are recommending that this contract  
18 be amended to keep the current rates for the next  
19 year but also to extend the term until such time as  
20 the services of this contractor are no longer  
21 necessary.

22                   And that's it.

23           CHAIRWOMAN MATHIS:  Thank you, Mr. Bladine.

24                   Any questions for Mr. Bladine on this  
25 item?

1 Any discussion?

2 COMMISSIONER MCNULTY: Madame Chair.

3 CHAIRWOMAN MATHIS: Ms. McNulty.

4 COMMISSIONER MCNULTY: I appreciate that staff  
5 and counsel have kept this simple and  
6 straightforward. I think it's something we need to  
7 do and I would move that we adopt the contract  
8 amendment for the (inaudible) --

9 (Interruption by the court reporter.)

10 COMMISSIONER MCNULTY: I'm sorry, Michelle.  
11 I'll start again.

12 I would like to thank staff and legal  
13 counsel for keeping this so straightforward and  
14 preparing a simple amendment. I think it's  
15 something we need to do.

16 And I would move that we adopt the  
17 contract amendment that's been prepared for our  
18 consideration.

19 CHAIRWOMAN MATHIS: Is there a second?

20 COMMISSIONER KALLEN: This is Commissioner  
21 Kallen, and I would second.

22 CHAIRWOMAN MATHIS: Any discussion?

23 Okay. Hearing none, we'll go ahead and  
24 vote.

25 All in favor of adopting the contract



1 amendment?

2 COMMISSIONER KALLEN: Aye.

3 COMMISSIONER STERTZ: Aye.

4 COMMISSIONER MCNULTY: Aye.

5 CHAIRWOMAN MATHIS: Aye.

6 VICE CHAIR FREEMAN: Aye.

7 CHAIRWOMAN MATHIS: Any opposed?

8 Okay. Hearing none, the motion is  
9 carried. Adoption of the contract amendment passes.

10 RAYMOND BLADINE: Madame Chair.

11 CHAIRWOMAN MATHIS: Mr. Bladine.

12 RAYMOND BLADINE: I just wanted to thank both  
13 Ken and Andrew for working with us to get this done.  
14 And as usual, they have been extremely cooperative  
15 and we appreciate the working relationship.

16 CHAIRWOMAN MATHIS: Thank you, Mr. Bladine,  
17 and I echo those comments.

18 Okay. That is taking us to the next item  
19 on the agenda, number IV, discussion and possible  
20 action on Leach discovery requests including  
21 possible executive session transcript release. The  
22 Commission may vote to go into executive session  
23 which will not open to the public for the purpose of  
24 obtaining legal advice and providing direction to  
25 counsel.

1           So at our last meeting in early May,  
2 Mr. Kanefield gave a very comprehensive -- led a  
3 very comprehensive discussion, I'll say, on the  
4 executive session transcript situation.

5           I don't know that we need to go through  
6 that all again. If either Mr. O'Grady --  
7 Ms. O'Grady or Mr. Kanefield want to supply  
8 additional information today, they can to recap  
9 that.

10           But essentially we had voted as a  
11 Commission to let our legal counsel go out and  
12 pursue legal avenues to see just see what options  
13 were available to the Commission should it desire to  
14 release these executive session transcripts.

15           And from that, I will go ahead and ask  
16 Mr. Kanefield or Ms. O'Grady if they would like to  
17 say additional words here.

18           JOE KANEFIELD: Madame Chair, members of the  
19 Commission, this is Joe.

20           Since the last meeting, as you mentioned,  
21 Madame Chair, we -- you directed us to pursue legal  
22 avenues to release the executive session transcripts  
23 associated with the selection of Strategic Telemetry  
24 specifically included the June 15th, 24th and 29th  
25 of 2011 meeting dates.

1           We have done that. We do have some  
2 advice for you. I think it perhaps would make sense  
3 for us to have a brief executive session to cover  
4 the advice that we are going to give you and then go  
5 out of executive session and give us direction on  
6 how you would like us to proceed.

7           CHAIRWOMAN MATHIS: Okay. Thank you,  
8 Mr. Kanefield.

9           Any comments from other commissioners?

10          COMMISSIONER MCNULTY: Madame Chair, this is  
11 Commissioner McNulty.

12          CHAIRWOMAN MATHIS: Ms. McNulty.

13          COMMISSIONER MCNULTY: I would move that we go  
14 into executive session for the purpose described on  
15 item IV of our agenda.

16          CHAIRWOMAN MATHIS: Is there a second?

17          COMMISSIONER KALLEN: This is Commissioner  
18 Kallen.

19          CHAIRWOMAN MATHIS: Commissioner Kallen, go  
20 ahead.

21          COMMISSIONER KALLEN: Madame Chair, I will  
22 second the motion that's on the table.

23                   (Interruption by the court reporter.)

24          COMMISSIONER KALLEN: Madame Chair, I will  
25 second the motion that's on the table.

1 CHAIRWOMAN MATHIS: Thank you.

2 Any discussion?

3 All in favor?

4 COMMISSIONER KALLEN: Aye.

5 COMMISSIONER MCNULTY: Aye.

6 COMMISSIONER STERTZ: Aye.

7 CHAIRWOMAN MATHIS: Aye.

8 VICE CHAIR FREEMAN: Aye.

9 CHAIRWOMAN MATHIS: Any opposed?

10 Okay. We'll go ahead and exit out of  
11 public session.

12 The time is 9:15, and enter back in --  
13 I'm not sure if there's anyone in the room in the  
14 public that needs to be cleared out of this house.

15 MARY O'GRADY: Just a few.

16 COMMISSIONER KALLEN: And, Madame Chair, this  
17 is Ken dropping off.

18 CHAIRWOMAN MATHIS: Yes, thank you,  
19 Mr. Strasma.

20 ANDREW DRECHSLER: Madame Chair, this is  
21 Andrew dropping off.

22 CHAIRWOMAN MATHIS: Thank you, Mr. Drechsler.

23 MARY O'GRADY: And, Madame Chair, Kristin  
24 Windtberg from Osborn Maledon is here, and she'll be  
25 staying for the executive section.

1 CHAIRWOMAN MATHIS: Okay. Thank you.

2 MARY O'GRADY: She's been dealing with these  
3 issues.

4 (Whereupon the public session recessed  
5 and executive session ensued.)

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9 (Whereupon the public session resumes.)

10 CHAIRWOMAN MATHIS: We'll enter back into  
11 public session.

12 The time is 10:06 in the morning.

13 Mr. Stertz had to drop off the call  
14 during our executive session at the very tail end  
15 and said he would dial back in as soon as he could.

16 Do we -- how would people suggest we  
17 proceed? Wait for him to call back? We don't know  
18 when that will be.

19 Ms. McNulty has a commitment within a  
20 half-hour.

21 VICE CHAIR FREEMAN: As do I, Madame Chair.  
22 So I go suggest that we proceed.

23 CHAIRWOMAN MATHIS: Okay. Any other thoughts  
24 from any other commissioners?

25 Okay. Well, hearing none, I guess we

1 will go ahead and proceed without Mr. Stertz right  
2 now and hopefully he'll call back in.

3 So was there any discussion or comments  
4 anyone wanted to make based on the advice we were  
5 given in executive session regarding the Leach  
6 discovery requests and possible executive session  
7 transcript release?

8 COMMISSIONER MCNULTY: I have a question for  
9 counsel.

10 Do we need to -- what do we need to put  
11 on the public record with regard to the direction  
12 for counsel?

13 MARY O'GRADY: I think a motion approving --  
14 authorizing counsel --

15 COMMISSIONER MCNULTY: A motion.

16 MARY O'GRADY: Yeah.

17 COMMISSIONER MCNULTY: Well, Madame Chair, if  
18 you're open to it, I would make a motion.

19 CHAIRWOMAN MATHIS: I'm open. Go ahead.

20 COMMISSIONER MCNULTY: I would move that we  
21 direct legal counsel to seek permission from Judge  
22 Brain -- seek authority from Judge Brain to release  
23 the executive session transcripts dated -- Joe or  
24 Mary, please fill in the blanks here -- June --

25 MARY O'GRADY: June 15th, June 24th and

1 June 29th.

2 COMMISSIONER MCNULTY: Thank you.

3 -- dated June 15th, June 24th and  
4 June 29th, 2011, for the purpose of advising the  
5 Court of pertinent facts with respect to what is  
6 claimed in the Leach case pertaining to Strategic  
7 Telemetry -- the claim in the Leach case pertaining  
8 to Strategic Telemetry.

9 CHAIRWOMAN MATHIS: Thank you.

10 Is there a second?

11 COMMISSIONER KALLEN: Madame Chair, this is  
12 Commissioner Kallen.

13 I would second.

14 CHAIRWOMAN MATHIS: Thank you.

15 Any discussion?

16 VICE CHAIR FREEMAN: Madame Chair, it's Scott  
17 Freeman.

18 CHAIRWOMAN MATHIS: Mr. Freeman.

19 VICE CHAIR FREEMAN: I would move that the  
20 motion be amended and that the direction to counsel  
21 be broadened to seek removing the executive session  
22 privilege on all executive sessions entered into by  
23 the Commission with the exception of attorney/client  
24 communications that may have occurred during those  
25 executive sessions.

1 CHAIRWOMAN MATHIS: Okay. Is there a second  
2 on the amended motion that Mr. Freeman proposed?

3 Okay. Hearing none, I believe the motion  
4 dies, but I would like to ask legal counsel if  
5 that's correct.

6 MARY O'GRADY: Well, we're back on the  
7 original motion. There's no amend- -- Commissioner  
8 Freeman's proposed amended amendment failed for lack  
9 of a second.

10 CHAIRWOMAN MATHIS: Okay. So the amended  
11 motion fails for lack of second.

12 Any other discussion on the motion on the  
13 table?

14 COMMISSIONER MCNULTY: Yes, Madame Chair.

15 I would make the point that I believe  
16 it's important to release the transcripts that we  
17 have just enumerated because they pertain directly  
18 to the fact surrounding a claim in the Leach case  
19 and that the claim that the plaintiffs might make  
20 that our entire Commission was a sham or that we  
21 were somehow motivated other than by the things that  
22 we expressed repeatedly in public session and that  
23 that might be revealed in the other executive  
24 sessions in some way and so far afield from any  
25 claim in Leach or any legitimate argument, that it



1 makes no sense to extend the money to research all  
2 of the other transcripts and remove things that are  
3 or are not attorney/client privilege and the burden  
4 of that far outweighs any relevance in doing so.

5 For that reason, I will not support the  
6 amendment to the motion.

7 VICE CHAIR FREEMAN: Madame Chair, this is  
8 Scott Freeman.

9 CHAIRWOMAN MATHIS: Mr. Freeman.

10 VICE CHAIR FREEMAN: I guess the public  
11 wouldn't know that unless they got to review all of  
12 the executive session transcripts. And they are  
13 going to have to take the Commission's word on that.

14 As for what burden there might be  
15 entailed in ferreting out attorney/client  
16 communications, I don't think the burden would be  
17 that great because I don't think there's -- well, I  
18 suppose there were extensive executive sessions that  
19 predated the contract with Strategic Telemetry, but  
20 certainly after that point there wasn't a lot of  
21 executive session.

22 And to the extent there was, it's either  
23 attorney/client or it isn't. I mean, we either were  
24 in there solely for the purpose of attorney/client  
25 communication or we weren't. So I don't think there

1 would be a great burden there.

2 JOE KANEFIELD: Madame Chair --

3 COMMISSIONER MCNULTY: Nor would there be  
4 significant benefit, in my perspective.

5 Sorry, Joe. Go ahead.

6 JOE KANEFIELD: Madame Chair, I just wanted to  
7 make sure -- I don't recall Commissioner McNulty's  
8 motion specifically mentioned that the release of  
9 the transcripts would not include attorney/client  
10 communications, that those -- that those  
11 conversations would be redacted.

12 CHAIRWOMAN MATHIS: Commissioner McNulty,  
13 did -- I don't think your original motion did  
14 include that.

15 Is that right?

16 COMMISSIONER MCNULTY: No, it didn't. I'll  
17 add that.

18 JOE KANEFIELD: Madame Chair, I think that  
19 that would be an -- I guess an amendment to the  
20 original motion. So Commissioner Kallen probably  
21 would want to second that or accept that amendment.

22 COMMISSIONER KALLEN: And, Madame Chair, this  
23 is Commissioner Kallen.

24 I would accept that amendment.

25 CHAIRWOMAN MATHIS: Okay. Thank you.

1 Any discussion on that amended motion?  
2 Further discussion?

3 Well, it would be nice to have Mr. Stertz  
4 on the line as well, but I think we need to move  
5 ahead. It doesn't appear he's going to be able to  
6 dial back in in time for the vote.

7 So all in favor?

8 COMMISSIONER MCNULTY: Aye.

9 COMMISSIONER KALLEN: Aye.

10 VICE CHAIR FREEMAN: Aye.

11 CHAIRWOMAN MATHIS: Aye.

12 Any opposed?

13 Okay. Hearing none, the motion carries  
14 with Mr. Stertz not voting because he's not able to  
15 participate at this time.

16 So thanks for providing legal counsel  
17 with the authorization to move ahead as directed.

18 Okay. Any other comments or questions?

19 Okay. Hearing none, this meeting is  
20 officially adjourned.

21 The time is 10:16 in the morning.

22 Thank you, everyone.

23 (The meeting adjourned at 10:16 a.m.)  
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I, MICHELLE D. ELAM, Certified Reporter  
No. 50637 for the State of Arizona, do hereby  
certify that the foregoing 53 printed pages  
constitute a full, true, and accurate transcript of  
the proceedings had in the foregoing matter, all  
done to the best of my skill and ability.

WITNESS my hand this 24th day of July,  
2013.

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MICHELLE D. ELAM  
Certified Reporter  
Certificate No. 50637

<b>1</b>	anyone [3] 3/25 12/13 14/4 anything [1] 6/13 appear [1] 19/5 Appellate [1] 4/11 application [1] 4/25 appointed [2] 4/15 4/17 appointments [1] 4/11 appreciate [2] 8/4 9/15 approving [1] 14/13 are [9] 7/6 7/7 7/12 7/17 7/20 11/4 17/2 17/3 17/12 argument [1] 16/25 ARIZONA [9] 1/1 1/10 2/1 2/7 4/3 4/6 4/21 5/20 20/7 as [21] ask [4] 2/12 7/14 10/15 16/4 assist [1] 7/5 associated [1] 10/23 Attending [1] 1/13 attorney [7] 4/20 15/23 17/3 17/15 17/23 17/24 18/9 attorney/client [6] 15/23 17/3 17/15 17/23 17/24 18/9 authority [1] 14/22 authorization [1] 19/17 authorizing [1] 14/14 available [1] 10/13 avenues [2] 10/12 10/22 Aviation [1] 5/4 avoid [1] 7/9 avoidance [1] 5/8 Aye [14] 9/2 9/3 9/4 9/5 9/6 12/4 12/5 12/6 12/7 12/8 19/8 19/9 19/10 19/11 AZ [1] 1/23	Campbell [1] 4/17 can [2] 7/14 10/8 candidates [1] 4/13 carried [1] 9/9 carries [1] 19/13 case [3] 15/6 15/7 16/18 certainly [1] 17/20 Certificate [1] 20/19 Certified [3] 1/24 20/6 20/19 certify [1] 20/8 Chair [25] Chairwoman [2] 5/17 6/14 change [1] 7/4 chosen [1] 4/15 cid [1] 1/15 citizens [1] 4/6 claim [4] 15/7 16/18 16/19 16/25 claimed [1] 15/6 cleared [1] 12/14 client [6] 15/23 17/3 17/15 17/23 17/24 18/9 Colleen [1] 1/14 come [2] 2/8 7/9 comments [4] 9/17 11/9 14/3 19/18 commission [17] 1/1 2/7 2/17 3/5 3/25 4/1 4/4 4/11 5/20 5/22 5/24 9/22 10/11 10/13 10/19 15/23 16/20 Commission's [1] 17/13 commissioner [24] commissioners [2] 11/9 13/24 commitment [1] 13/19 communication [1] 17/25 communications [3] 15/24 17/16 18/10 community [1] 4/24 compliance [1] 5/8 comprehensive [2] 10/2 10/3 condolences [1] 2/23 consideration [2] 7/14 8/18 constitute [1] 20/9 Constitution [1] 4/14 consult [1] 3/19 contract [11] 6/21 6/23 7/4 7/6 7/10 7/17 8/7 8/17 8/25 9/9 17/19 contractor [2] 7/14 7/20 convened [1] 2/17 conversations [1] 18/11 cooperative [1] 9/14 coordinating [1] 4/12 correct [1] 16/5 could [3] 3/2 7/15 13/15 counsel [14] 1/19 1/19 3/16 8/5 8/13 9/25 10/11 14/9 14/12 14/14 14/21 15/20 16/4 19/16 country [1] 4/22 course [1] 6/3 court [5] 3/20 4/11 8/9 11/23 15/5 cover [1] 11/3 CR [2] 1/23 1/24 crash [1] 6/3 crew [1] 5/5 current [1] 7/18
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a.m [3] 1/5 2/2 19/23 ability [1] 20/11 able [3] 5/19 19/5 19/14 about [3] 5/21 6/5 7/16 accept [2] 18/21 18/24 accurate [1] 20/9 action [2] 6/21 9/20 add [1] 18/17 addition [1] 4/23 additional [2] 10/8 10/17 adjourned [2] 19/20 19/23 adopt [2] 8/7 8/16 adopting [1] 8/25 Adoption [1] 9/9 advice [4] 9/24 11/2 11/4 14/4 advising [1] 15/4 afield [1] 16/24 after [1] 17/20 again [3] 6/8 8/11 10/6 agenda [4] 3/24 6/20 9/19 11/15 ago [1] 4/20 ahead [11] 3/2 6/24 8/23 10/15 11/20 12/10 14/1 14/19 18/5 19/5 19/17 Allegiance [2] 2/13 2/14 also [2] 3/19 7/19 am [1] 5/19 amend [2] 7/6 16/7 amended [7] 7/3 7/18 15/20 16/2 16/8 16/10 19/1 amendment [11] 6/23 8/8 8/14 8/17 9/1 9/9 16/8 17/6 18/19 18/21 18/24 Andrew [3] 3/19 9/13 12/21 any [19] 6/12 7/24 8/1 8/22 9/7 11/9 12/2 12/9 13/23 13/24 14/3 15/15 16/12 16/24 16/25 17/4 19/1 19/12 19/18 Anybody [1] 3/21		
<b>B</b>		
back [8] 7/9 12/12 13/10 13/15 13/17 14/2 16/6 19/6 background [1] 5/3 Ballard [1] 1/19 based [1] 14/4 be [20] 5/19 6/9 7/8 7/11 7/16 7/18 12/14 12/24 13/18 15/20 15/21 16/23 17/14 17/16 18/1 18/3 18/11 18/19 19/3 19/5 because [3] 16/17 17/17 19/14 been [5] 5/24 6/4 8/17 9/14 13/2 Before [1] 2/16 believe [2] 16/3 16/15 benefit [1] 18/4 best [1] 20/11 billing [1] 7/5 Bladine [6] 1/17 3/13 7/23 7/24 9/11 9/16 blanks [1] 14/24 both [2] 3/17 9/12 Brain [2] 14/22 14/22 brief [1] 11/3 brings [1] 3/23 broadened [1] 15/21 Buck [1] 1/18 burden [4] 17/3 17/14 17/16 18/1		
<b>C</b>		
call [5] 2/16 3/2 13/13 13/17 14/2		



<b>K</b>	member [1] 5/23 members [1] 10/18 mentioned [2] 10/20 18/8 Michelle [5] 1/23 3/20 8/10 20/6 20/18 might [3] 16/19 16/23 17/14 military [1] 5/3 Minority [1] 4/17 miss [1] 4/7 missing [1] 3/22 moment [2] 2/19 2/25 Monday [2] 1/5 2/9 money [1] 17/1 more [2] 5/21 6/6 morning [5] 2/4 2/5 2/10 13/12 19/21 motion [19] 4/9 9/8 11/22 11/25 14/13 14/15 14/18 15/20 16/2 16/3 16/7 16/11 16/12 17/6 18/8 18/13 18/20 19/1 19/13 motivated [1] 16/21 Mountain [1] 2/21 move [8] 6/20 8/7 8/16 11/13 14/20 15/19 19/4 19/17 Mr [2] 10/6 12/19 Mr. [17] 4/2 7/23 7/24 9/11 9/16 10/2 10/7 10/16 11/8 12/22 13/13 14/1 15/18 16/2 17/9 19/3 19/14 Mr. Bladine [4] 7/23 7/24 9/11 9/16 Mr. Drechsler [1] 12/22 Mr. Freeman [3] 15/18 16/2 17/9 Mr. Herrera [1] 4/2 Mr. Kanefield [4] 10/2 10/7 10/16 11/8 Mr. Stertz [4] 13/13 14/1 19/3 19/14 Ms [3] 8/3 11/12 13/19 Ms. [2] 10/7 10/16 Ms. O'Grady [2] 10/7 10/16 my [3] 18/4 20/11 20/13	10/6 10/7 10/16 observed [1] 2/25 obtaining [1] 9/24 occurred [1] 15/24 off [3] 12/17 12/21 13/13 offer [1] 5/14 officially [2] 5/13 19/20 Okay [17] 2/4 3/23 8/23 9/8 9/18 11/7 12/10 13/1 13/23 13/25 16/1 16/3 16/10 18/25 19/13 19/18 19/19 once [1] 7/14 One [1] 5/5 open [3] 9/23 14/18 14/19 opportunity [2] 5/14 5/19 opposed [3] 9/7 12/9 19/12 options [1] 10/12 or [11] 10/7 10/16 14/3 14/23 16/20 16/25 17/3 17/23 17/25 18/21 19/18 order [1] 2/8 original [3] 16/7 18/13 18/20 Osborn [3] 1/19 1/20 12/24 other [11] 3/12 4/23 6/12 11/9 13/23 13/24 16/12 16/21 16/23 17/2 19/18 our [12] 2/18 3/13 3/15 3/18 3/20 3/25 8/17 10/1 10/11 11/15 13/14 16/20 out [6] 5/1 10/11 11/5 12/10 12/14 17/15 outweighs [1] 17/4 over [1] 4/20
<b>L</b>		
labor [1] 5/25 lack [2] 16/8 16/11 last [4] 6/3 7/3 10/1 10/20 late [1] 4/2 Leach [6] 9/20 14/5 15/6 15/7 16/18 16/25 lead [1] 2/12 Leader [1] 4/17 leadership [1] 5/9 learned [1] 5/21 led [1] 10/2 legal [9] 3/16 8/12 9/24 10/11 10/12 10/21 14/21 16/4 19/16 legitimate [1] 16/25 let [2] 6/23 10/11 life [2] 2/18 2/22 like [10] 2/12 2/19 5/13 5/18 6/12 6/16 8/12 10/16 11/6 16/4 Linda [1] 1/15 line [2] 3/21 19/4 litigation [4] 1/23 5/8 6/5 7/5 little [1] 4/19 LLC [1] 1/23 Location [1] 1/8 Logistics [1] 5/4 longer [2] 7/8 7/20 loss [1] 2/18 lost [1] 2/21 lot [1] 17/20		
<b>M</b>		
Madame [21] make [7] 6/1 11/2 14/4 14/18 16/15 16/19 18/7 makes [1] 17/1 Maledon [3] 1/19 1/20 12/24 mapping [1] 3/18 Marine [2] 4/23 5/3 Mary [4] 1/19 3/17 6/1 14/24 Mathis [1] 1/14 matter [1] 20/10 may [4] 4/2 9/22 10/1 15/24 McNulty [8] 1/15 3/7 6/15 8/3 11/11 11/12 13/19 18/12 McNulty's [1] 18/7 me [1] 6/3 mean [1] 17/23 meeting [7] 2/6 3/12 10/1 10/20 10/25 19/19 19/23		
	necessarily [1] 7/9 necessary [1] 7/21 need [6] 8/6 8/15 10/5 14/10 14/10 19/4 needed [1] 7/8 needs [1] 12/14 next [3] 7/15 7/18 9/18 nice [1] 19/3 no [9] 1/24 4/21 7/7 7/20 16/7 17/1 18/16 20/7 20/19 no amend [1] 16/7 none [6] 8/23 9/8 13/25 16/3 19/13 19/19 Nor [1] 18/3 not [7] 9/23 12/13 17/3 17/5 18/9 19/14 19/14 noted [1] 5/2 nothing [1] 5/23 now [4] 2/8 5/10 7/16 14/2 number [1] 9/19 numerous [1] 4/23	
<b>O</b>		
O'Grady [6] 1/19 3/17 6/1	pages [1] 20/8 participants [1] 3/12 participate [1] 19/15 particularly [1] 5/1 passes [1] 9/9 passion [1] 4/8 pause [1] 2/19 people [2] 5/20 13/16 perhaps [1] 11/2 permission [1] 14/21 person [2] 4/15 4/16 perspective [1] 18/4 pertain [1] 16/17 pertaining [2] 15/6 15/7 pertains [1] 5/2 pertinent [1] 15/5 Phoenix [2] 1/10 2/1 place [1] 6/4 plaintiffs [1] 16/19 please [2] 2/11 14/24 Pledge [2] 2/13 2/14 point [4] 5/1 6/13 16/15 17/20 possible [4] 6/20 9/19 9/21 14/6 post [1] 5/14 predated [1] 17/19 prepared [2] 1/22 8/17 preparing [1] 8/14 Prescott [1] 2/20 printed [1] 20/8 privilege [2] 15/22 17/3 probably [1] 18/20 problem [1] 5/7 problem-solving [1] 5/7 proceed [4] 11/6 13/17	
	<b>P</b>	

<b>P</b>		
proceed... [2]	13/22 14/1	
proceedings [1]	20/10	
process [2]	4/10 4/12	
procurement [1]	7/13	
proposed [2]	16/2 16/8	
proposing [1]	7/6	
provided [1]	7/12	
providing [2]	9/24 19/16	
public [10]	4/21 9/23 12/11 12/14 13/4 13/9 13/11 14/11 16/22 17/10	
publicly [2]	4/2 6/6	
purpose [4]	9/23 11/14 15/4 17/24	
pursue [2]	10/12 10/21	
<b>Q</b>		
qualified [1]	4/13	
question [1]	14/8	
questions [2]	7/24 19/18	
quorum [1]	3/11	
quote [1]	5/7	
<b>R</b>		
rate [2]	7/5 7/15	
rates [2]	7/11 7/18	
Ray [4]	3/13 6/2 6/23 6/25	
Raymond [1]	1/17	
readiness [1]	5/11	
really [3]	5/21 5/25 6/2	
reason [2]	7/8 17/5	
recall [1]	18/7	
recap [1]	10/8	
received [1]	6/22	
recessed [1]	13/4	
recited [1]	2/14	
recognize [1]	2/20	
recommending [1]	7/17	
record [1]	14/11	
redacted [1]	18/11	
REDISTRICTING [3]	1/1 2/7 4/4	
regard [1]	14/11	
regarding [1]	14/5	
regulations [1]	7/13	
regulatory [1]	5/8	
relationship [1]	9/15	
release [7]	9/21 10/14 10/22 14/7 14/22 16/16 18/8	
relevance [1]	17/4	
relevant [1]	5/1	
remove [1]	17/2	
removing [1]	15/21	
repeatedly [1]	16/22	
replacement [1]	4/12	
replacing [1]	4/10	
reporter [6]	1/24 3/20 8/9 11/23 20/6 20/19	
representation [1]	3/18	
requests [2]	9/20 14/6	
requirements [1]	7/13	
research [1]	17/1	
residing [1]	4/20	
resignation [1]	4/9	
resigned [1]	4/1	
resigning [1]	4/16	
resolution [1]	5/7	
respect [2]	5/23 15/5	
responsibilities [1]	4/24	
resume [1]	5/2	
resumes [1]	13/9	
revealed [1]	16/23	
review [2]	4/25 17/11	
Richard [1]	1/16	
right [3]	6/19 14/1 18/15	
rise [1]	2/11	
roles [1]	4/24	
roll [2]	2/16 3/2	
room [1]	12/13	
<b>S</b>		
sacrifices [1]	2/23	
said [1]	13/15	
same [2]	4/15 7/12	
say [4]	5/14 6/12 10/3 10/17	
Scott [3]	1/14 15/16 17/8	
second [12]	3/23 8/19 8/21 11/16 11/22 11/25 15/10 15/13 16/1 16/9 16/11 18/21	
section [1]	12/25	
see [2]	10/12 10/12	
seek [3]	14/21 14/22 15/21	
selection [1]	10/23	
sense [2]	11/2 17/1	
serve [1]	5/19	
served [1]	4/6	
service [4]	4/3 4/21 5/11 6/17	
serviced [1]	4/22	
services [3]	5/3 7/7 7/20	
session [21]		
sessions [4]	15/22 15/25 16/24 17/18	
set [1]	4/9	
sham [1]	16/20	
she'll [1]	12/24	
She's [1]	13/2	
should [2]	6/22 10/13	
Sid [1]	4/18	
significant [1]	18/4	
silence [1]	2/25	
simple [2]	8/5 8/14	
since [2]	2/17 10/20	
sincere [1]	2/23	
situation [2]	6/24 10/4	
skill [1]	20/11	
slate [1]	4/13	
solely [1]	17/24	
solving [1]	5/7	
some [4]	5/1 6/5 11/1 16/24	
somehow [1]	16/21	
something [2]	8/6 8/15	
soon [1]	13/15	
sorry [2]	8/10 18/5	
Spahr [1]	1/19	
Specialist [1]	1/18	
specifically [2]	10/24 18/8	
Squadron [1]	5/4	
staff [3]	5/24 8/4 8/12	
start [1]	8/11	
state [3]	2/18 7/13 20/7	
States [1]	4/22	
staying [1]	12/25	
Stertz [6]	1/16 3/9 13/13 14/1 19/3 19/14	
straightforward [2]	8/6 8/13	
stranger [1]	4/21	
Strasma [2]	3/19 12/19	
Strategic [6]	6/21 7/4	
10/23 15/6 15/8 17/19		
Street [1]	1/10	
successor [1]	4/15	
such [2]	7/7 7/19	
suggest [2]	13/16 13/22	
supervisor [1]	5/5	
supply [1]	10/7	
support [2]	1/23 17/5	
supporting [1]	5/25	
suppose [1]	17/18	
sure [4]	6/5 7/1 12/13 18/7	
surrounding [1]	16/18	
sworn [1]	4/19	
<b>T</b>		
table [3]	11/22 11/25 16/13	
tail [1]	13/14	
take [1]	17/13	
taking [2]	6/4 9/18	
talk [1]	6/5	
Technology [1]	1/18	
tee [1]	6/24	
Telemetry [6]	6/21 7/4 10/23 15/7 15/8 17/19	
telephonically [5]	1/14 1/15 1/15 1/16 1/17	
term [1]	7/19	
terrible [1]	2/18	
than [1]	16/21	
thank [23]		
thanks [3]	4/10 6/10 19/16	
that [61]		
that's [7]	5/24 6/4 7/22 8/17 11/22 11/25 16/5	
their [4]	2/21 2/22 2/23 6/7	
them [1]	6/7	
then [1]	11/4	
there [14]	6/3 8/19 11/16 14/3 15/10 16/1 17/14 17/18 17/20 17/22 17/24 17/25 18/1 18/3	
there's [3]	12/13 16/7 17/17	
these [2]	10/14 13/2	
they [7]	7/12 9/14 10/8 10/16 16/17 17/11 17/12	
things [3]	5/6 16/21 17/2	
think [12]	6/19 6/22 8/6 8/14 11/2 14/13 17/16 17/17 17/25 18/13 18/18 19/4	
this [26]		
those [4]	9/17 15/24 18/10 18/10	
thoughts [1]	13/23	
three [1]	4/13	
through [3]	2/16 7/5 10/5	
time [11]	2/9 2/17 6/7 7/7 7/15 7/19 12/12 13/12 19/6 19/15 19/21	
today [3]	2/9 3/20 10/8	
today's [1]	3/12	
transcript [4]	9/21 10/4 14/7 20/9	
transcripts [7]	10/14 10/22 14/23 16/16 17/2 17/12 18/9	
translate [1]	5/10	
true [1]	20/9	



**U**  
unless [1] 17/11  
until [2] 7/7 7/19  
up [1] 6/24  
update [1] 6/4  
us [9] 2/12 3/23 7/5 9/13  
9/18 10/21 11/3 11/5 11/6  
usual [1] 9/14

**V**  
variety [1] 5/6  
very [4] 6/8 10/2 10/3  
13/14  
vice [3] 1/14 2/12 3/3  
vote [3] 8/24 9/22 19/6  
voted [1] 10/10  
voting [1] 19/14

**W**  
wait [1] 13/17  
want [4] 5/1 6/1 10/7  
18/21  
wanted [4] 6/6 9/12 14/4  
18/6  
was [8] 2/14 2/25 4/16  
4/19 6/2 14/3 16/20 17/22  
Washington [1] 1/10  
wasn't [1] 17/20  
way [1] 16/24  
we [34]  
we'll [4] 6/5 8/23 12/10  
13/10  
we're [2] 6/11 16/6  
we've [1] 3/16  
week [2] 4/20 6/3  
welcome [2] 5/13 6/16  
well [11] 4/5 5/18 5/24  
6/2 6/19 13/25 14/17 16/6  
17/17 19/3 19/4  
were [5] 10/13 14/4 16/21  
17/18 17/23  
weren't [1] 17/25  
West [1] 1/10  
what [6] 5/11 5/22 10/12  
14/10 15/5 17/14  
when [1] 13/18  
whereupon [2] 13/4 13/9  
which [3] 4/4 5/2 9/23  
who [4] 2/21 3/15 3/25  
4/15  
will [10] 2/7 4/7 7/16  
9/23 10/15 11/21 11/24  
13/18 14/1 17/5  
Windtberg [2] 1/20 12/24  
wish [1] 4/2  
within [1] 13/19  
without [1] 14/1  
WITNESS [1] 20/13  
won't [1] 4/25  
word [1] 17/13  
words [2] 5/15 10/17  
work [1] 5/6  
working [2] 9/13 9/15  
would [34]  
wouldn't [1] 17/11

**Y**  
Yeah [1] 14/16  
year [6] 7/3 7/9 7/12 7/14  
7/16 7/19  
years [1] 4/23  
Yes [2] 12/18 16/14

you [25]  
you're [1] 14/18  
your [1] 18/13  
Yuma [1] 4/21