ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC SESSION

Thursday, October 24, 2013
2:00 p.m.

Location
Evans House
1100 West Washington Boulevard
Phoenix, Arizona 85007

Attending
Colleen C. Mathis, Chair (via teleconference)
Cid R. Kallen, Vice Chair (via teleconference)
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner (via teleconference)
Richard P. Stertz, Commissioner (via teleconference)

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director

Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel
Beau Roysden, Legal Counsel
Kristin Windtberg, Legal Counsel

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162
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PROCEEDINGS

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Great. Then we'll go ahead and get started.

Good afternoon. This meeting of the Arizona Independent Redistricting Commission will now come to order. Today is Thursday, October 24th, and the time is 2:01 p.m.

If everyone would please rise, I'd like to ask Vice-Chair Freeman to lead us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Great. Thank you.

Did somebody just --

ANDREW DRESCHLER: Hi. It's Andrew from Strategic Telemetry.

CHAIRPERSON MATHIS: Oh, great. Okay. Hi, Andrew. This is Colleen. We just had the Pledge of Allegiance.

We're go through roll call.

Vice-Chair Freeman.

COMMISSIONER FREEMAN: Here.
CHAIRPERSON MATHIS: Commissioner Kallen.

COMMISSIONER KALLEN: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other participants in today's meeting include our executive director Ray Bladine, our deputy executive director, Kristina Gomez, legal counsel Joe Kanefield and Mary O'Grady.

And our court reporter, Marty Herder, is there. And any staff there, any other staff?

COMMISSIONER FREEMAN: Not in the room with us.

CHAIRPERSON MATHIS: Okay. And Andrew Drechsler from Strategic Telemetry is on the line.

Anybody else that I've missed?

COMMISSIONER FREEMAN: No.

CHAIRPERSON MATHIS: Okay. So, let me see the agenda. The call to order, we're done.

Number two, discussion and possible action regarding the burglary of September 16th, 2013, at the Evans House.

The Commission may vote to go into executive session, which will not be open to the public, for the
purpose of obtaining legal advice.

So I'll just tee this up. Sometime between 3:00 p.m. Friday the 13th of September and Monday morning the 16th at 7:50, 7-5-0, in the morning, the Evans House where the IRC offices are was broken into.

A number of laptops were taken including the one issued to me, which I used for IRC purposes.

And currently this investigation -- the investigation into this burglary is being handled by the major crimes division in the general investigation unit at the Arizona Department of Public Safety.

And I tried to have the lead investigator come today and present the latest. That would have been my preference. But I was told that because this is still an active investigation they can't present in a public meeting.

So what happened instead is Ray, Kristina, and I had a meeting with the lead investigator, and he gave us a rundown of kind of what happened, which you have in the police report that was sent out to everybody.

And then kind of gave us some update of what's happened since then.

And, yeah, there are some troubling details associated with the whole thing, and it's unfortunate.

Because it's an active investigation, I can't really talk a lot about the different things that they've
learned, but they're going to continue to follow up. And as long as we keep coming in they will consider it an active investigation.

So I know that I intend to continue to follow up, and I'm sure staff will as well.

And that's really kind of the story.

I don't know if, Ray, do you want to add anything from our meeting?

RAY BLADINE: Madam Chair, I think you really covered it.

I do believe that listening to the sergeant in charge that they are going to follow up until they can't follow -- they don't have any more leads to follow up on.

So I think you covered it.

CHAIRPERSON MATHIS: Yeah, I wish I could say -- I didn't ask of the sergeant if there was a reward for any additional information, but if anybody has any details, if they learn anything, definitely pass them along to DPS.

Any questions from commissioners or comments about the break-in?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: You had used the word troubling. Could you explore that, please?

CHAIRPERSON MATHIS: Unfortunately I can't.
COMMISSIONER STERTZ: Then why did you use the word?

CHAIRPERSON MATHIS: Because there are troubling details, that they are personally troubling to me. I don't know if they would be to you or to Commissioner Kallen or anybody else on the Commission, but they were to me.

COMMISSIONER STERTZ: Doesn't that leave an open thought to anybody listening to this conversation that -- or in the audience that might want to interpret that in a way that it could also be considered troubling?

CHAIRPERSON MATHIS: Um, I don't know how anyone else wants to interpret it.

But that's my interpretation. And I am the one who had the meeting, and so did Ray and Kristina were there. They may not have found it troubling, so --

COMMISSIONER STERTZ: How did the break-in take place? Was it a break-in or was it an error in judgment?

CHAIRPERSON MATHIS: Well, first I requested that the sergeant, I don't know had his official title, come to the meeting, as I said, and actually brief everybody in public.

And then we were notified by DPS that that's not possible, because it's an active investigation. And so they said they could though, you know, talk to me or to Ray. So
both of us got on a -- we had the meeting with him and --
and Kristina was there too.

And that's how it happened.

COMMISSIONER STERTZ: So was it a breaking and
entering or was it an error in judgment?

CHAIRPERSON MATHIS: I don't understand your
question.

COMMISSIONER STERTZ: Well, I'm trying to -- is
the police report public knowledge?

CHAIRPERSON MATHIS: Oh, yeah. The police report
is public.

Right, Mary and Joe?

RAY BLADINE: Yes, it is. In fact, the copy we
got, we got from the press.

COMMISSIONER STERTZ: So do you want to explain to
the audience what had happened?

COMMISSIONER McNULTY: Well, it's in our packet,
Isn't it? I think it's part of what was submitted for this
meeting, so it's probably public report.

CHAIRPERSON MATHIS: Yeah.

COMMISSIONER STERTZ: Okay.

COMMISSIONER FREEMAN: Madam Chair. Scott
Freeman.

CHAIRPERSON MATHIS: Commissioner Freeman.

COMMISSIONER FREEMAN: What steps have we
undertaken to make sure the Evans House is secure and safe for everyone that works here?

CHAIRPERSON MATHIS: That's an excellent question. Mr. Bladine, I'm going to ask you to answer that.

RAY BLADINE: The -- part of the -- let me go back.

The entry into the building was made through an unlocked window.

And what we have found is that even after the police came and had secured the building, there was an unlocked window.

These are the old casement-type windows that slide up and down.

And if the top window isn't all the way up, then you can't lock the bottom window to it. So it's very easy to think the window is locked when it isn't.

Up until the break-in, we had had a lot of contact with the general facilities office of the state about the fact the alarm would work, not work, would not connect.

Anna had a number of calls with the alarm people.

After the break-in, Bill Hernandez, who is a deputy director of the Department of Administration, took it upon himself to directly work with us to make sure that a alarm system that properly functioned would be installed.

They replaced, as I understand it, the main board
for the alarm system.

They came out, fixed door locks.

And at this time, from everything we can tell, the alarm system does work, and it does ring to DPS, either at the capital police building or DPS directly.

I'm not sure which one of those.

We did have an incident here last week, where someone was hit out in the street.

We got rather concerned since it didn't seem anybody was coming to help the gentleman.

So we used our panic button, and it worked.

So we know that our panic button works, so we assume our alarm is working.

It's kind of closing the barn door after the horse has left, but it is the best we can do. And right now we do think we've got the building secured.

Part of the problem, of course, that we can't do much about is this location.

And we do have a lot of transients that hang around the building, will come up on the porch, and on the weekend it's kind of a tough place to be.

We also try and make sure that we don't leave at night one person here, or during the day. Try to make sure that our staffing is so that there's at least two people here.
And I think at this point, unless Kristina can think of anything, that's pretty much what we've done to make sure the building is secured and to protect the staff.

CHAIRPERSON MATHIS: Any other comments or questions?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Ms. Gomez and Mr. Bladine, thank you very much. That was exactly what I was hoping to hear was the more extrapolated discussion about what had happened and why.

And it wasn't a lack of judgment. It was that this was a window problem that we didn't -- that they -- as it says -- as it's described in the police report, it makes it sound like we left a window open.

And what we was actually not a lack of judgment or leaving a window open, it was a problem that some folks decided to take advantage of.

So thank you, Mr. Bladine.

RAY BLADINE: You're welcome, Mr. Stertz.

CHAIRPERSON MATHIS: Any other comments or questions on the break-in?

Okay. I just have one, and that's that I want to acknowledge Buck Forst, formerly known as our chief technology officer. I don't know if Buck is there today.
But, anyway, he's currently on contract to help the Commission still with its IT needs. And I understand he was pretty instrumental in getting the Commission back up and running after the break-in. And I just want to thank him for his help.

So that concludes agenda item two.

Number three, discussion and possible action on Leach discovery requests including possible executive session transcript release.

We've got another possible executive session transcript -- I mean, executive session that could happen with the next agenda item too.

I don't -- and we probably just want to go in once.

So I don't know how many members of the public we have there today.

Anybody want to let me know?

RAY BLADINE: We have three members of the press here, Jeremy Duda, Mary Jo Pitzi, and Howie Fischer.

And that is our audience.

CHAIRPERSON MATHIS: Okay. Yes, so it probably would be good to have just one executive session, if we could.

Mary and Joe, did you have any thoughts on how to proceed? Do you want to just go in order or do you want to
try to lump these together so that we do it in one executive session?

JOSEPH KANEFIELD: Madam Chair, this is Joe Kanefield.

One suggestion that we would have as counsel is if Ray and Kristina could give at least a portion of their executive director's report that deals with the budget prior to our discussion on agenda items three and four. That way the public would have the benefit of that information before we went into executive session. It would also be helpful for those agenda items.

CHAIRPERSON MATHIS: So take number four now, and then three, and then executive session.

JOSEPH KANEFIELD: I'm sorry, Madam Chair. Yes, that's correct. It would be agenda item four ahead of agenda item three.

CHAIRPERSON MATHIS: Okay.

Let's do discussion and possible action then on regarding obtaining the necessary appropriation to fund litigation regarding the defense of the maps. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel.

So everyone should have gotten a pretty detailed memo that Ray and Kristina put together.
Not only on our budget, but on just kind of -- the subject is supplemental appropriation required. Dated October 18th, a four-page memo.

And then I think today they also kind of sent out a budget outline that's a one-pager that's pretty helpful, just kind of a snapshot of where things are as of today.

RAY BLADINE: Madam Chair, would you like me to briefly summarize the report and highlight those parts of it that seem most important?

CHAIRPERSON MATHIS: That would be great. Thanks, Mr. Bladine.

RAY BLADINE: I think in presenting this report, our plan would be to break it into three parts. I'll talk about some of the history getting up to our current situation with regard to what staff has done. Then I'll ask Kristina to go over the details of how we came up with the revised budget that's in your packet, which is summarized by the one-sheet handout that we just completed.

And then ask Joe Kanefield to talk about the status of litigation.

And then finally have just a summary and open it up for discussion of alternatives with the Commission.

With that, I think everyone's aware that there's been an ongoing struggle for funds for the Commission since
It was created.

We've had many supplemental requests. We've had many times that we've had to go back to the Legislature for assistance.

Originally the Department of Administration had recommended a $10.2 million appropriation for the life of the Commission. The initial year, that was reduced to 500,000 for fiscal '11, and 3,000,000 for fiscal '12.

To date, we've spent -- we've been appropriated 7,900,000.

So I just would point out that we're not far off of what was thought to be a reasonable appropriation back when the Commission started.

The last Commission spent about 9,400,000. For inflation, it wouldn't appear that we're extremely outside of what would be a reasonable amount for the Commission to be spending.

This year we requested $2.26 million, based upon the estimated work that would be done in defending the maps. That's the primary activity that the Commission's involved in.

We've received an appropriation of 1,115,000.

The governor had recommended 1.4.

As you all are aware, the Legislature had a very tumultuous session last year.
At one point we heard the Senate was going to recommend an appropriation of 800,000.

We got in contact with senate leadership and told them that 800,000 probably wouldn't get us out of the summer.

They came back with 1.4 -- I mean, I'm sorry, 1.1. We told them based on past experience, it would be lucky we would make it to when they got into session.

We tried to work to get a minimum of the 1.4 the governor recommended. But frankly in the last days of the legislative session, I don't think we were the highest priority for them to be working on.

On August 2nd when we realized that we really were not going to be able to make it to the end of the fiscal year, we sent a letter to John Arnold, who's head of the Office of Strategic Planning and Budgeting, telling him that we need a $1.25 million supplemental.

We also then went and met with Senator Biggs, Senate President Biggs and his staff, and talked to him about the possibility of a special session and what our financial situation was.

He basically indicated that he didn't see that a special session would be feasible, requested we see what we could do to make it to January when the Legislature would be in session, and at that time a supplemental appropriation
could be made.

He also acknowledged that he was fully aware of the constitutional requirement that the Legislature must provide adequate funds and reminded us that in the past they have provided supplemental appropriations when we have requested them.

He also suggested that we hold off on paying some of the attorney bills, but keep the litigation moving.

Following that, we informed House Speaker Tobin of the same situation. He asked us to meet with his staff.

We did meet with Mr. -- Speaker Tobin's staff, and they also indicated a special session did not seem likely, and try to go as long as we could to get to January when the Legislature is back in session.

At the same time we asked the Office of Strategic Planning and Budget to reallocate our fourth quarter funding to the current quarter.

As you recall, the past several years we've had allotments that break out what we can spend by quarters. We've had discussion in the past as to whether that should apply to us or not, when we have a lump sum appropriation. And up until this year that, the fact that we had allotments was sticky.

However, they had indicated they may be willing to do that, but under their understanding of -- or budget
analyst's understanding we could not transfer salaries and related operating costs that are related to salaries to any other category.

So that door at that point was closed to us.

Then we worked with the Joint Legislative Budget Committee to provide financial projections in the format requested and answered their questions about how we got our estimates and provided them detail.

We also talked to JLBC about transferring salary and other costs to fund outside consulting and legal. They believed that we should be able to do so since we had a lump sum appropriation.

Recently, the Office of Strategic Planning and Budgeting confirmed in writing that we could transfer funds.

So, I want to mention that, that part of what Kristina will present, we have proposed taking what funding we can from activity passed for legal activity up until January and for other operating costs to March, anything but that we've transferred forward to be used to pay legal bills as much as we can between now and January.

We also met with the state controller to discuss how -- what he might think we could do. He reaffirmed that without an appropriation that he can't pay bills.

So at that point we asked our attorneys to, one, review all of our budget estimates for timing as to
the most recent information from court cases, is our
timing still right in terms of the monthly expenditures;
and, second, to take what action they could to defer all of
the possible costs that could be deferred until after
January.

We really at the same time notified all of the
attorneys that we had that they needed to stop work due to a
lack of your appropriation. That state law requires
agencies to stay within the current appropriation. And
informed them that if they were to do any other work, they
would be doing that at their own risk.

That then, taking those actions, the delaying of
legal work costs, which we’re calling a lockdown approach of
trying to minimize what we need to do without jeopardizing
our defense of the maps, resulted in reduced legal costs for
the last two months. And that helped provide us an
additional amount of money that could help get us to the
possibility of January.

As I mentioned, we transferred all of the
available funding that we thought reasonable to transfer to
professional and outside legal services, and maintained
budgetary salary and operating costs to March.

I guess I could say that as we get closer to March
and we see the possibility of a supplemental activity
happening in January, February, some more of those funds
could be transferred.

But in the past March seemed to be about the time we actually got action.

I know we're not the highest priority in the Legislature when they come back in session, so it's hard to know if they could really meet a January deadline.

The spreadsheet that Kristina will present also presumes no significant unexpected legal costs, that there wouldn't be a decision on Harris, and that we would be able to maintain this reduced level of activity.

All of those things, of course, or those activities in particular are outside our ability to control, so I think it's sketchy as to whether or not we can make it to January.

It could be possible, but it's not necessarily something that I can say, yeah, we will.

I'd like to ask Kristina to just run over how we developed our estimates because I think it's important for everybody to know the kinds of things we've done to try to get to January and the assumptions behind that.

And then when Kristina is done, if Joe could just summarize the court cases. And then I'll be glad to kind of make a conclusion and open it up for the chair to have discussion.

So with that, Kristina, would you like to go ahead
and present the budget findings?

KRISTINA GOMEZ: Sure.

Madam Chair, commission members, if I can have you all look at Exhibit 3, along with the budget outline, which is in a blue table.

Now, this format is the same format that we used in January of 2013 when JLBC re-requested additional information regarding our first supplemental request last legislative session.

So they asked us to go ahead and to continue using this format and to revise our estimates for fiscal year '14.

So we're going to start off in the orange column.

It's fiscal year 2014, actual, July through September.

Now, first of all, our appropriation is $1,115,100.

If you take the columns from July through September, that will give you a sum of $518,204.

If you subtract that sum from our starting appropriation, that will leave us with a remaining balance of $596,896.

Next is the gray column, which is October. And the reason why this is separate is because these are pretty firm estimates. However, they're not final yet. They won't be final until November 1st.

So if you sum up the October column, that's
If you subtract that from the remaining balance above of the $596,896, we're left with a remaining balance of $445,247.

Next, if we go ahead and we sum up the November estimates for -- I'm sorry, if we go ahead and sum the November and December estimates, that's a total of $289,200.

Once again, we would subtract that from the remaining balance above, and that would leave us with a new balance of $196,047.

Next, we went ahead and we summed up salaries and other operating expenses for January through March. That's a total of 99,500.

Once again, you would subtract that from the previous remaining balance, and that would leave us a balance of $96,547.

And, finally, if we sum the column that says professional and outside services, January through March, that's a sum of $37,500.

Once again, if you subtract that from the previous remaining balance, that would leave us exactly roughly, $59,047.

The reason why we did this was because, as you have seen from the reading material, we are trying to -- we are complying with A.R.S. 1-254.
So we are working within our appropriation that has been allotted for this fiscal year '14.

This approach right here may work if we continue with our lockdown approach until January, March -- or, I'm sorry, until January.

Now, if I could go ahead and have you look at the legal services for November and December, you'll notice that if you add up the legal services in November, that's exactly $100,000.

And then December, that's 100,000 as well.

So in November -- in October right now, currently, we have budgeted $100,000 for legal services.

Those bills will actually be billed to us in November.

And legal services done in -- next month in November will be billed in December.

So that's why we're able to cover those expenses for now.

However, in the month of December, we have roughly 59,000 for legal activity, which would be billed in January.

And also the reason why we left money, and Ray mentioned this as well, the reason we left money for salaries and other operating expenses in January and March, is because we need money to go and approach the Legislature for a supplemental.
So we need to have available funds to pay someone, Ray, to go down and to try to seek a supplemental.

Also we do need money to keep our phones going and to keep the regular operations of this office going.

If we don't have money, then we have to close down shop.

And furthermore, for professional and outside services, we also need money to be able to pay for our court reporter whenever we do have our meetings, we need money to pay for our IT services, and we also need to have some funds available to pay our mapping consultant as well.

And I believe that covers the budget for now.

CHAIRPERSON MATHIS: Well, thank you, Ms. Gomez, and for all the work you did to pull all this stuff together, we really appreciate it.

I'm curious to know, are we still -- does Clark Partridge, the state comptroller, still monthly check in on us and do a review of all of our expenditures?

RAY BLADINE: Yes. Yes, we did get a letter yesterday perhaps that -- pardon me?

KRISTINA GOMEZ: This past week.

RAY BLADINE: This past week we got a letter indicating they reviewed our expenditures and didn't find anything that was inappropriate or improper.

CHAIRPERSON MATHIS: Yeah, well, I have in front
of me the letter. I don't have that one, but I have the September 12th one that he sent to the Honorable Don Shooter and the Honorable John Cavanagh at the state appropriations -- I'm sorry, the Senate Appropriations Committee and House Appropriations Committee, respectively.

And I've seen a lot of these. Every month we get one. And it says during the course of our review of the expenditures no matters came to our attention that appear to be either unlawful or unnecessary.

And I also want to state for the record in that letter it says all expenditure data for the Commission is available on the State of Arizona transparency website, which is Open Book, this says .AZ.gov. So it's Open Books, plural, .AZ.gov.

You know, it's no surprise when you hear someone like Kristina present all this information to us that, you know, we're getting these good checkups every month.

I think they've done a pretty stupendous job of keeping us informed and also everyone else informed.

So it's certainly not easy.

And it's -- the 59,000 that's showing up now as the bottom line that's remaining, I guess I'll be interested to hear what folks have to say about what our alternatives are.

I know you guys have kept a great record also of
your attempts to engage in good faith with a lot of folks in
the Legislature. And so far there's, you know, no
appropriation forthcoming.

RAY BLADINE: Madam Chair, would you like to,
before we go on to a discussion of this, let Joe talk about
the status of the current cases?

CHAIRPERSON MATHIS: Is that this agenda item?

RAY BLADINE: It's a part of our report just to
give the status.

CHAIRPERSON MATHIS: Oh, yeah. Okay. We can.

RAY BLADINE: Okay. Then we can come -- then if
you like I can summarize and we can come back to talking
about the alternatives and what the Commission would like to
have us do.

CHAIRPERSON MATHIS: Sure. Sounds good.

JOSEPH KANEFIELD: Thank you, Madam Chair, members
of the Commission.

I'll briefly go through the three -- status of the
three lawsuits.

The first lawsuit to discuss is Harris versus the
Redistricting Commission. And this is -- the summary is set
forth in the materials. It's Exhibit 2.

I believe that was also made available to the
public.

This, the Harris lawsuit, as you recall, is the
Federal District Court lawsuit challenging the population deviations in the legislative map as being unconstitutional, allegedly because of partisan bias.

We have an expedited trial in March, the end of, on March 29th.

There was some post-trial briefing after that.

And then the court took the matter under advisement.

At some point over the summer the court asked us for additional briefing as a result of the United States Supreme Court's decision in Shelby County is the decision that struck down the coverage formula under the Voting Rights Act, Section 4 of the Voting Rights Act, which was done.

So at this point we are still waiting for the court's decision. And as a result of that, we have not incurred many legal fees, if any at all, while we wait to hear from the court.

That, of course, could change, as soon as the court opinion comes out. And we would expect that any day.

Of course, we've been saying for that some time, so it's hard to predict when the court is going to rule.

The next case is the Leach versus Redistricting Commission case. This is the case that was filed in Maricopa County Superior Court.
This suit challenges the congressional lines based on various state constitutional theories, which are all set forth in the summary. I won't go through unless you would like me to.

We moved to dismiss several of those claims. Three of the claims in the original complaint were dismissed.

The plaintiffs filed an amended complaint resurrecting two of the dismissed claims.

We are now -- on August 19th, we moved -- we had moved to dismiss the individual commissioners in their official capacity, and that motion was granted.

And now we are in the process of discovery. Which the plaintiff was served a number of discovery requests asking for various documents we've been gathering, and we're moving that process along.

After the discovery is complete, we anticipate that there would likely be summary judgment briefing. But at this point in time no trial date has been scheduled in the case.

The last case that's ongoing is this Arizona State Legislature versus the Redistricting Commission case. You may recall this is the lawsuit filed in federal court in front of a three-judge panel that claims that are provision in Proposition 106 that creates the Commission in the
Arizona Constitution violates the election clause to the extent it removes the authority to draw the congressional maps from the Arizona Legislature.

    The provision in the United States Constitution that the Legislature cites is what we call the election clause. And, as I mentioned, the matter's pending before a three-judge panel.

    We long ago filed a motion to dismiss that was responded to by the Legislature, replied to that briefing, that briefing was complete, and the court hasn't set oral argument or obviously decided that motion.

    Recently on September 20th the Commission -- I'm sorry, the Legislature moved for preliminary injunction of the law, which essentially is a motion asking for the court to stop the law from going into effect or continuing in effect until the court can resolve the merits of the case.

    We have responded to that motion, which I believe we filed last Friday.

    The Legislature will have another week or so to reply to that motion.

    And we anticipate at some point that the court will schedule oral argument likely on both the Commission's motion to dismiss and the preliminary injunction motion.

    I should note that in the preliminary injunction motion, the first factor that you have to argue is
likelihood of success on the merits.

So the issue of whether the United States Constitution preempts the State of Arizona from -- and the citizens from empowering this Commission to draw congressional lines was briefed both in the motion to dismiss and the motion for preliminary injunction, was the same -- essentially the same legal arguments in terms of the Legislature's theories and the defense offered by the Commission.

So, with that, we would recommend as counsel that in light of the budget situation that we -- that the Commission go into executive session to receive legal advice on that situation. And also we'd be happy to answer questions in open session about the case status or any other appropriate discussions you might have to us.

CHAIRPERSON MATHIS: Okay. Thanks, Mr. Kanefield.

Any questions or comments from commissioners?

COMMISSIONER McNULTY: This is Linda.

Mr. Kanefield, given that the Legislature is suing us, have we talked to them about putting their lawsuit on hold given that they have been unable to address the appropriations issue?

JOSEPH KANEFIELD: Madam Chair,

Commissioner McNulty, yes, we have talked to counsel for the Legislature.
They are very much aware of the Commission's budget situation. And the message we got back was that they wanted to keep -- want to keep the case moving forward, but also referenced the conversations that the Legislature leadership has had with Ray and Kristina about working to accommodate the Commission and get the Commission a supplemental appropriation, but at the same time noting that that likely won't happen until the Legislature goes back into session in January.

CHAIRPERSON MATHIS: Other questions or comments?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: This is for Mr. Bladine and Ms. Gomez.

In looking at the contemplation for what your discussion would be with the state legislature when they come back into session the second Monday of January, it looks like based on your budget projections versus what your -- how you've been able to reallocate, in the document you distributed today, you've got about 300,000 that you are deferring from what your anticipated expense was projected for October, November, December.

Is that number about right?

RAY BLADINE: I guess I'd have to look at the table.
But what we did is I think most of the deferred legal costs went into the January estimate.

We moved them over, saying that, okay, they haven't gone away. They've just been delayed.

Glancing at it, it looks like you're probably in the ballpark, 300,000.

COMMISSIONER STERTZ: Okay.

So, in your estimation, in your conversations with leadership and the House and Senate, did you find -- do you feel that you were comfortable that they were going wait until the beginning of the January session to bring up your budget so that you could have it refunded.

RAY BLADINE: I think that in the discussions -- I think, Commissioner Stertz, I can answer it this way.

Both the House and Senate leadership acknowledge that there's a constitutional responsibility to provide adequate funding for the Commission.

And they have always indicated they'll provide the funding.

But they have said that they did not see a special session possible, but that they would be willing to take this up early in January.

So, all I can say is that they have in the past followed up and provided the appropriations. Sometimes not as quickly as we want or as large as we want, but they have
followed through to keep us having minimum funding.

COMMISSIONER STERTZ: Again, Madam Chair, as a follow-up to Commissioner McNulty's comment that it probably would behoove the Legislature in an effort to not throw in gas on spark regarding the lawsuits, that perception of the lawsuit not filing -- or not funding the opposition of a lawsuit that they placed on the Commission would not be good politics or good practice, or they would take -- that that would be a method to utilize when they -- so they hear this and get this funded out of their first action in the second week of January.

Is that, is that -- would that, would that ring true, Mr. Bladine?

RAY BLADINE: Madam Chair, Commissioner Stertz, I would think that that's a possibility, but I honestly can't say what the Legislature is going to do. And I fully believe that what the leadership told us is their intent. But I also know that they also have things thrown at them at the start of the year that can, in their mind, be things that they have to meet before us.

But I think your theory is a plausible one.

VICE-CHAIR FREEMAN: Madam Chair, it's Scott Freeman.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I just want to sort of
summarize the status again of the three lawsuits.

So, the Legislature lawsuit against the Commission, basically all we're looking to receive now is a reply brief from the Legislature. Then we're sitting and waiting for a hearing on the pending motions, which could be set, I would think -- I guess it's possible it could be set in December, but we're probably looking at sometime next year.

Do you agree with that?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, I think that's accurate. The only change I mentioned is Legislature wants quick resolution. They -- the motion to dismiss briefing was completed a year ago.

One of the -- and they have been trying to get the court's attention to resolve the matter. I think a preliminary injunction suggests that they feel that this needs to be resolved sooner rather than later, so it doesn't impact the 2014 election cycle as they desire.

So, it could push off the work if they were willing to do so, but my guess would be that they will want quicker resolution.

VICE-CHAIR FREEMAN: Did they ask for an expedited hearing date, or you're just waiting to hear from the three-judge panel?
JOSEPH KANEFIELD: Madam Chair. Commissioner Freeman, they haven't asked for any expedited. I suppose they could ask at that point.

VICE-CHAIR FREEMAN: But essentially all that's been briefed. We're just waiting on a hearing. If there's a hearing there will be an oral argument. And we should be equipped to deal with that.

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, yes.

VICE-CHAIR FREEMAN: The Harris case, a post-trial briefing is completed. We're sitting back waiting for the decision. If the Commission should prevail, and they get this decision over the next month, there's nothing for us to do except to sit back and wait to see if the plaintiffs appeal; right?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, I believe that's correct if we prevail.

Anything to add, Mary?

MARY O'GRADY: No, that's right.

VICE-CHAIR FREEMAN: So, and even if they were to appeal, the Commission really wouldn't have anything to do in that case probably until the first part of next year, the way that works; is that fair?

JOSEPH KANEFIELD: Madam Chair,
Commissioner Freeman, it depends on when we get the
decision, I suppose, but, yes, it's very possible that every
week that goes by we don't have the decision pushes off the
Commission.

COMMISSIONER FREEMAN: They've got a certain time
to file a notice of an appeal, a briefing schedule, and they
would go first, and we would go second. So we're probably
not doing something until the first quarter of next year, at
the earliest; is that right?

JOSEPH KANEFIELD: Madam Chair,
Commissioner Freeman, that's the scenario.

COMMISSIONER FREEMAN: So then we have the Leach
case, which is in the state court. We're in the middle of
discovery. The Commission has responded to written
discovery request. I understand there has been supplemental
responses going out. But I'm not aware of any
communications from the plaintiffs that they're dissatisfied
with the discovery responses, they're going to move to
compel, or they're going to notice anyone's deposition. I'm
just not aware of anything else going on that in that case.

JOSEPH KANEFIELD: Madam Chair,
Commissioner Freeman, yes, I think that's an accurate
characterization of the status of discovery.

We have communicated to counsel for the plaintiffs
about the budget situation, and we've asked them to consider
working with us to address the situation to keep our costs
down, to keep costs for the individual commissioner counsel
down.

That could be done through possibly agreeing to
the stay.

But you're right, there hasn't been any motions
filed by the plaintiffs with respect to discovery at this
point.

But we are having to incur costs gathering
discovery, a significant amount of documents that they've
requested. It takes a lot of legal time, as you know, going
through those documents.

So that's the current status.

VICE-CHAIR FREEMAN: I know that for sure.

And I know things can change as well.

But, at least right now there's not a whole lot
going on in the three cases, at least that strikes me, and
I'm open to be educated on this, but there's a shot at least
we could get it into January.

JOSEPH KANEFIELD: Madam Chair,
Commissioner Freeman, yeah, I think that's possible. And
that's a result of -- a result of the good fiscal management
of staff, as well as the lawyers, doing their best to keep
costs down and a somewhat fortuitous timing in terms of the
case status.
So, yes, there is certainly a possibility.

The problem would be if something comes up in litigation, there could be some motion filed, or a decision, anything that could require a significant amount of legal work in a very short amount of time.

That's really the underlying issue.

VICE-CHAIR FREEMAN: Yeah, and I understand that too.

And in Leach, the Leach case, in state court, do we have a scheduling order in place? And if we do, you know, when is the discovery cutoff? When is the next deadline of any significance?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, we do not have any hard deadlines. We're working obviously hard to accommodate the opposing counsel's discovery request in accordance with the rules of civil procedure.

VICE-CHAIR FREEMAN: Thank you.

CHAIRPERSON MATHIS: Any other questions or comments?

COMMISSIONER McNULTY: This is Linda. I'd like to hear a little discussion, maybe from counsel, about the statute that precludes us from incurring costs if they haven't been appropriated, and whether we -- who it would, who it would be to enforce that, and
whether -- you know, what's the likelihood of that becoming an issue, if what we're trying to do is just have a bridge to January.

JOSEPH KANEFIELD: Madam Chair,

Commissioner McNulty, what we would as counsel advise is that we have that conversation in executive session, because it does involve legal advice in terms of Commission's rights and potential legal action with respect to the Commission's resources. So, and perhaps after we provide you advice and come out of session, you can direct us or discuss the matter, but not until you've received our advice.

CHAIRPERSON MATHIS: Joe, I'm having -- this is Colleen. I'm having a hard time hearing you. You're dropping -- cutting out, kind of.

JOSEPH KANEFIELD: I'm sorry, Madam Chair, I'll try to talk directly into the microphone.

My response to Commissioner McNulty was suggesting that the Commission consider going into executive session to receive advice on the issue involving the Commission's resources and the legal rights of the Commission should the appropriation be exhausted prior to a supplement appropriation being passed by the Legislature.

And then after you receive our advice, then in open session you can deliberate as appropriate.

VICE-CHAIR FREEMAN: Madam Chair, it's Scott
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Counsel, would -- if the Commission were to file an action as suggested in the document that was Exhibit 2, I think, to the packet, would it be taking the same position the Commission did ten years ago when it filed a special action, same legal, same arguments, same legal position?

JOSEPH KANEFIELD: Well, Madam Chair, Commissioner Freeman, those are issues we'd like to give you advice.

Obviously if the Commission would like to receive that advice in open session, we will accommodate. But our recommendation is that in terms of legal strategy, legal theories, arguments made by the last Commission versus what this Commission decides to do, would be issues, legal issues that we would suggest we have an opportunity to advise you on as counsel and then we can.

VICE-CHAIR FREEMAN: Okay. Fair enough.

But the last Commission's position, I think, was -- and really the Legislature and the governor had nothing to do with it. It was a lawsuit brought against the treasurer and DOA, I believe. Saying, arguing that the Commission has independent constitutional authority to basically have unfettered access to the fist, in essence,
and should be appropriated directly to those entities whatever money it needed to carry out it's function.

JOSEPH KANEFIELD: Madam Chair,

Commissioner Freeman, I believe that's correct. It was a special action filed at the Arizona Supreme Court when the last Commission exhausted its appropriation and no supplemental appropriation was forthcoming.

But as I also recall, Mary knows better than I, the issue was never addressed by the court, because the Legislature did provide supplemental appropriation and mooted the question.

But as I recall, and I have the lawsuit saved on my iPad somewhere. I can pull it up. That it was a special action brought against the treasurer, the director of the Department of Administration, the -- both obviously have a role with respect to the resources of the state, and on the theory that under the Arizona Constitution and provisions governing this Commission that the Commission must be provided the resources it needs to do its work.

And without a appropriation from the Legislature or in the absence of an appropriation, the Commission has standing under the Arizona Constitution to bring a legal action regarding the sufficiency of its resources in what really amounted to, you could call it, constitutional appropriation of sorts.
So these are obviously issues that we know what the counsel for the last Commission, what their position was, what their legal theories were.

Perhaps theories we would advise on may be the same or may not be the same, may have evolved in light of other more recent precedent, those kind of things.

But those are the kinds of things the Commission would be well advised to have that discussion as counsel in executive session.

CHAIRPERSON MATHIS: I'm sorry, this is Colleen again.

It's -- there's kind of a weird echo thing happening.

I don't know where it's coming from, if others that on the line hear it as well.

VICE-CHAIR FREEMAN: Colleen, I think it's the AC unit snapped on here, and it's making a blowing noise.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER McNULTY: And Joe's mic is really problematic.

CHAIRPERSON MATHIS: Yeah, I agree.

JOSEPH KANEFIELD: Madam Chair --

COMMISSIONER STERTZ: Madam Chair --

CHAIRPERSON MATHIS: I think I heard Joe first.

JOSEPH KANEFIELD: Madam Chair, I'm just
apologizing again. I'm doing my best to talk into the microphone, but there may be an issue for everyone on the phone. So I apologize if you can't hear me.

CHAIRPERSON MATHIS: Thanks.
Mr. Stertz.

COMMISSIONER STERTZ: Okay. Let me see if I can do a recap.

In my -- and please correct me if I'm wrong.

I just heard from Commissioner Freeman, going through this with Joe Kanefield and I believe with Ray Bladine, that unless something extraordinary happens between now and the end of the year, the money that we are able to move from one category to another, based on the latest okay from the governor's office telling us that it's appropriate to do so from the Office of Strategic Planning and Budget, that we can move the money around for our own needs because it's a lump sum appropriation, that we have found a way to get to the end of the year with our expenditures, knowing that there will be some potentially deferred expenses that will be moved into the January and February needs request from an additional appropriation that we would go to the Legislature in January to request it.

Is that a good summary, Mr. Kanefield and Mr. Bladine?

JOSEPH KANEFIELD: Madam Chair,
Commissioner Stertz, I think that's a good summary.

The only thing I would mention is I just -- that was certainly -- I think I categorize it as a likely scenario, but my only concern is that things could heat up very quickly.

We could get a lengthy decision from the federal district court, three-judge panel tomorrow, or the plaintiffs in the Leach case could file motions.

So there is always a possibility that the legal work could increase significantly in the next three months.

But what you summarized is a, you know, a possible scenario if things sort of continued on the status quo.

My only -- again, my only concern is just the unknowns that come with when you have three active lawsuits that any one of them could erupt with a lot of legal work at any moment.

COMMISSIONER STERTZ: Okay.

Madam Chair, let's follow up on that. If, let's say one, two, or three all erupt, and we know that there's going to be a massive need for costs, that sort of extraordinary condition, in my opinion, would be a legitimate reason to request the governor to call a special session for bringing appropriation.

Because it is the constitutional -- Legislature's constitutional requirement to make appropriation by the
majority vote to fund this Commission's needs, including
defense of these lawsuits.

But as it stands right now, it would be -- we'd be
asking for 90 people to come back and their staff to come
back for a vote on something that we're not sure but we just
want to make sure that if in case, that maybe if it
happens -- do you follow what I'm saying?

RAY BLADINE: Commissioner Stertz, is that
directed to me to try to answer?

COMMISSIONER STERTZ: Sure. Please.

RAY BLADINE: I think that as Kristina and I tried
to pull together this report, and be as fair and balanced as
we could about what can we do and what couldn't we do, our
goal was to comply, and she mentioned it, with the state law
that says when you know you've got a budget problem, you got
to try to take every action you can to stay within your
appropriation.

And that's what the spreadsheet we developed shows
you.

It anticipates two things with regard to the
legal. One, we don't spend more than 100,000 a month on
legal expenses.

And that's clearly a possibility.

So to that extent, that would take care of

October, November.
It would show then for December activity, we'd have about $59,000 that we could spend in January for December billing.

Will we need 100,000 in December? I don't know. Could we find a few more dollars as we get closer to December? Yes, that's a possibility.

So, that's what we struggle with.

Because on the one side if you ask do we have an adequate appropriation, well, right now I guess we do.

But tomorrow, we may not.

Clearly there is the possibility, and that's what we tried to do was to get us to January, at this point we're maybe a little short of doing that. But it's all based on our best projections.

And I can't tell you that we're 100 percent accurate.

So your earlier comment is it possible to make it to January, I'd say, yes, it is.

But I guess that's all I have to say on it.

COMMISSIONER STERTZ: Well, Madam Chair, the follow-up to that, here's my, here's my bigger, broader statement.

I know that we'll talk about the specifics and get legal recommendations in executive session, but let's just play this out.
Let's say the Commission decides we're going to sue the Legislature. And that then we're going to have some reason to compel these folks to come back.

We're going to bring 90 folks back here in the next 45 days between now and the holiday season to come back to give us an appropriation on something that we may or may not need to get to January.

How do you think January is going to turn out?

If we can find a way to have an event take place that would require the recalling back of the -- I think that -- you know, listen, my crystal ball is broken, but I believe that the leadership as well as the governor's office would have an understanding that if all three cases hammered down next Monday morning and we needed to throw $250,000 a week of resources at it, or whatever the number would be it would be, that they would understand that we can't make a legal allocation to engage our legal team to defend these lawsuits without the appropriation being put in place.

So something extraordinary I think that they would understand why we would want to call -- you know, request the governor to call back the Legislature for this appropriation.

If we call -- if we're going to sue them to try to force them to come back on what we think may happen, or might possibly happen because we're not quite sure, even
though we got enough money that we've already shown on a
document that's being presented in public session that we
can make it to the end of the year without something
extraordinary happening, I would be hard pressed to find
favor that that make prudent sense.

COMMISSIONER FREEMAN: Madam Chair, Scott Freeman.

CHAIRPERSON MATHIS: Mr. Freeman.

COMMISSIONER FREEMAN: Well, if the Commission
were to decide to institute a special action, then I think
we're all in.

Because now we're diverting resources to the
prosecution of this lawsuit.

Has anyone done an estimate, prepared a budget as
to how much it would cost to file a special action and take
it up on the Supreme Court, get an order, follow through on
the relief, whatever relief is ordered, what time frame, how quickly that could be expected to be accomplished?

Because once we go down that road, we're
committed. We're no way we're making it to January, because
now we're funding this third lawsuit brought by the
Commission.

RAY BLADINE: Madam Chair, I can't answer the
whole question there, but I think in the discussions that
I've had with legal counsel that if we were to file some
action, the chances of us getting any decision before
January is very unlikely.

I do recall we had talked last time we needed to do this about some possible budget costs, but we didn't really -- we had not really addressed those in terms of whether that's realistic, and I would have to ask the attorneys to talk to it.

But, yes, the problem is that we would have to reallocate resources to file that lawsuit. And we can only do that with your direction, of course.

CHAIRPERSON MATHIS: Okay.

Any other comments or questions?

Okay. Hearing none, was there anything else -- have we essentially covered everything in agenda item three as well with regard to each discovery request?

RAY BLADINE: Madam Chair, I don't believe so. I think that there was a need for a discussion on that with attorneys on Leach in executive session.

CHAIRPERSON MATHIS: Okay. So there's nothing in public that we want to talk about now on number three.

RAY BLADINE: I think that's correct. Both attorneys are shaking their heads now, so.

CHAIRPERSON MATHIS: Okay.

Okay. Well, I'd entertain a motion to go into executive session to obtain legal advice on both agenda items three and four.
COMMISSIONER McNULTY: So moved.

COMMISSIONER KALLEN: Second.

CHAIRPERSON MATHIS: Any discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

So I've heard two ayes.

COMMISSIONER STERTZ: Madam Chair, was there a second to the motion?

CHAIRPERSON MATHIS: I thought there was.

COMMISSIONER KALLEN: There was.

CHAIRPERSON MATHIS: Is that Commissioner Kallen?

I can't hear you.

COMMISSIONER KALLEN: Yes, Madam Chair.

Commissioner Kallen. I seconded the motion.

CHAIRPERSON MATHIS: Okay. Good.

And then all in favor?

COMMISSIONER STERTZ: Aye.

COMMISSIONER KALLEN: Aye.

CHAIRPERSON MATHIS: So I think I've heard four ayes.

Any opposed?

Okay. Just for the record, can we -- because I can't tell who voted aye, can you state your name and who
said aye.


    COMMISSIONER KALLEN: Kallen. Aye.

    CHAIRPERSON MATHIS: Mathis. Aye.

    And I guess is, Commissioner Freeman, are you abstaining or voting no?

    VICE-CHAIR FREEMAN: I'm voting no.

    CHAIRPERSON MATHIS: Okay.

    So we'll -- the motion carries, and we'll go ahead and go into executive session, which means we'll have to exit out of public session, which means unfortunately the folks on the room and on the call that are not commissioners need to depart. And hopefully we'll come out soon and continue in public session.

    But the time right now is 3:09.

    (Whereupon, the Commission went into executive session.)

    * * * *

    (Whereupon, the public session resumes.)

    CHAIRPERSON MATHIS: The time is 4:52 p.m., and we'll enter back into public session.

    Do we still have members of the public with us?

    COMMISSIONER FREEMAN: No.

    CHAIRPERSON MATHIS: Okay. We scared them off.
COMMISSIONER STERTZ:  Yep.

CHAIRPERSON MATHIS:  All right.  So, do any commissioners have any comments coming out of executive session that they'd like to state?

COMMISSIONER STERTZ:  Madam Chair.

CHAIRPERSON MATHIS:  Mr. Stertz.

COMMISSIONER STERTZ:  I'd like to -- there's no comment.  I'd like to make a motion.

CHAIRPERSON MATHIS:  Go ahead.

COMMISSIONER STERTZ:  I'd like to move that the Commission does not enter into litigation against the Legislature or its funding source, and we do not at this time authorize our legal counsel to prepare for such, pending a significant event, at which time we would make special requests of the Legislature and the Governor's Office to recognize their constitutional requirement to fund the Commission to defend its maps.

CHAIRPERSON MATHIS:  Is there a second?

COMMISSIONER FREEMAN:  I'll second it.

CHAIRPERSON MATHIS:  Any discussion?

COMMISSIONER FREEMAN:  Madam Chair --

COMMISSIONER McNULTY:  I wanted to say I was a Girl Scout and I think you have to be prepared.

So I guess I wouldn't support directing our counsel not to prepare, but...
COMMISSIONER FREEMAN: Madam Chair, it's Scott Freeman.

CHAIRPERSON MATHIS: Mr. Freeman.

COMMISSIONER FREEMAN: I'm thinking maybe it just behooves us to sort of target, depending on comments from staff and counsel, just maybe we should just sort of tentatively plan at this point to be convening in mid December as a status check or perhaps earlier if there's some change in circumstances that we would need to -- nobody leave the country.

Just don't do it the week after Thanksgiving, because I'll be on my hunt.

But that's where I think we should go at this point. And I don't see a reason to direct counsel to take any affirmative action with respect to the funding at this time.

CHAIRPERSON MATHIS: Any other thoughts?

COMMISSIONER McNULTY: This is Linda. I like Commissioner Freeman's idea of being prepared to have a meeting in December.

And otherwise I think counsel should proceed as we discussed in the executive session, that they don't need any particular direction one way or the other.

CHAIRPERSON MATHIS: Okay. So we have a seconded motion on the floor that we need to vote on, unless there's
other discussion.

    Hearing none, all in favor?

COMMISSIONER KALLEN: Aye.

COMMISSIONER STERTZ: Aye.

COMMISSIONER FREEMAN: Aye.

COMMISSIONER McNULTY: No.

CHAIRPERSON MATHIS: And any opposed?

COMMISSIONER McNULTY: This is Linda. I vote no.

CHAIRPERSON MATHIS: Commissioner Kallen, are you --

COMMISSIONER KALLEN: Yes, I'm still here. I voted aye.

CHAIRPERSON MATHIS: Oh, I'm sorry, you voted aye?

COMMISSIONER KALLEN: Yes.

CHAIRPERSON MATHIS: So, wait, we have three ayes and one no.

Is that correct?

COMMISSIONER McNULTY: Sounds right.

Okay.

CHAIRPERSON MATHIS: And I'll vote no too, because I just think -- I agree with Commissioner Freeman's statement that we just plan to meet in December, but I don't want to say that we would, you know, not enter into litigation.

    I think it's incumbent upon the Commission to
defend the maps as necessary. And if there's a need to do so that comes up before January, then we're going to need to be able to rise to the occasion.

So -- but the motion carries, three to two, so that's how the cookie crumbles.

COMMISSIONER KALLEN: Madam Chair, this is Commission Kallen.

CHAIRPERSON MATHIS: Go ahead, Commissioner Kallen.

COMMISSIONER KALLEN: I believe the fact that at least with these instructions for counsel, I don't think that any -- that in any way precludes from -- if there were a significant event that we reconvene and be able to change our decision if necessary. But, again, I think we can still meet and that we're not restricted in any way.

CHAIRPERSON MATHIS: Okay.

Thank you.

Any other comments from commissioners?

(No oral response.)

CHAIRPERSON MATHIS: Any other direction coming out of executive session?

(No oral response.)

CHAIRPERSON MATHIS: Okay. I'm not hearing any. So, it sounds like we will -- no one leaves the country, at least in December, and be available in case we
need to meet again.

And I will just say -- one thing I wanted to say about our court reporter too before we adjourn. Marty Herder was recently named president of Arizona Litigation Support Court Reporters, and I just wanted to congratulate him. I'm sure the other commissioners echo that.

And other than that, thank you, everyone, for your time.

It's now 5:00 p.m. on the nose, so we'll adjourn.

Thank you.

COMMISSIONER FREEMAN: Thanks.

COMMISSIONER STERTZ: Thanks, everybody. And congratulations, Iron Man.

(Whereupon, the meeting was adjourned at 5:00 p.m.)

* * * * *
STATE OF ARIZONA     )
COUNTY OF MARICOPA   )  ss.

BE IT KNOWN that the foregoing proceeding was
taken before me, Marty Herder, a Certified Court Reporter,
CCR No. 50162, State of Arizona; that the foregoing 55 pages
constitute a true and accurate transcript of all proceedings
had upon the taking of said meeting, all done to the best of
my skill and ability.

DATED at Chandler, Arizona, this 5TH day of
November, 2013.

__________________________
C. Martin Herder
Certified Court Reporter
Certificate No. 50162