ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Monday, December 14, 2015
5:15 p.m.

Location

4000 North Central Avenue, Suite 1150
Phoenix, Arizona 85012

Attending

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

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Eric Schenefield, Information Technology Specialist
Ana Garcia
Lisa Schmelling

Mary O'Grady, Legal Counsel (via teleconference)
Kristin Windtberg, Legal Counsel
Joe Kanefield, Legal Counsel

Reported By:
Kate E. Roundy, RPR
Certified Court Reporter, No. 50582
www.CourtReportersAz.com
Phoenix, Arizona
December 14, 2015
5:15 p.m.

PROCEEDINGS

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good evening, I guess, since it's 5:15. This meeting of the Arizona Independent Redistricting Commission will now come to order. Today is Monday, December 14, 2015, and the time is 5:15 p.m.

If everyone would please rise, I would 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. If we could go ahead with roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Commissioner Kallen.

COMMISSIONER KALLEN: Present.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER MCNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

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COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other participants in today's meeting I understand include our sitting director, Ray Bladine.

RAY BLADINE: Yes.

CHAIRPERSON MATHIS: Kristina Gomez, our deputy executive director.

We have legal counsel, participating in the room, Joe Kanefield and Kristin Windtberg, and then on the phone Mary O'Grady.

And then we also have other staff for the IRC, Ana Garcia and Lisa Schmelling.

Our court reporter today is Kate Roundy.

And we have video being taken by Eric Schenefield.

Anybody else? Is there anyone else on the staff that I missed or on the phone?

VICE-CHAIR FREEMAN: Colleen, it's Scott. Nobody else on the staff.

We do have four members of the public here as well, and if you want to consider that and where we sort of slot the anticipated executive session.

CHAIRPERSON MATHIS: Okay. Great. Thanks.

This brings us then to the second item on the agenda.
Looking at the agenda, I guess, you know, if we wanted to, I don't know if it makes sense for Mr. Bladine or Ms. Garcia to give their executive director's report, because we do have a legal briefing as the second item, which will likely mean the Commission going into executive session.

Mr. Bladine, do you have any thoughts on that?

RAY BLADINE: I think it would be nice for the public to go ahead and take the executive director's report. Vice-Chair Freeman had suggested that earlier, too, and it won't take us very long, and Kristina will present it.

CHAIRPERSON MATHIS: Okay. Great.

Everyone should have received a number of attachments that were sent out to the Commissioners, so I assume you will be going by those.

KRISTINA GOMEZ: Yes.

CHAIRPERSON MATHIS: Great. Thanks, Kristina.

KRISTINA GOMEZ: Sure.

Madam Chair, Commission members, first of all, I would like to go through the budget.

This is the spreadsheet that's titled Fiscal Year 2016. And this is the monthly expenditure report that is forwarded to the Commission each month.

So in November, you can see we spent a total of
$167,098.

Two items in December, the item for $9 and for $70, those were accidentally taken from the wrong fiscal year. Those were two FY '15 bills that came in at the very last minute. So the State Board's Office went ahead and they made those adjustments. So you will see next month that those two bills will be taken out of FY '15.

And also, too, you will also notice in June, under Professional and Outside Services, the remaining balance there is $1.6 million. That's just the projection that's left over from the combined FY '16 appropriation and the supplemental as well.

And the second spreadsheet, it just shows the adjustments for FY '15. So once again, those are bills that came in at the very last minute from fiscal year '15.

Next, our office staff, we still have Ana Garcia and Lisa Schmelling still with the office.

The big news with our office is we are finally in our new office space. So it looks pretty nice. There's no more rats, no more mice, no more mold, so we are happy about that. And so far so good. We are still trying to unpack some boxes, but we are doing well here.

The next item is technology. Buck has taken another job in the private sector, so he won't be able to join us as often. So Eric was nice enough to help us out
with this meeting. But Buck will still help with website, website postings, and any other technology issues with our agency.

And finally, the 2001 and 2010 records are back with Library and Archives. So they were happy to have their records back, and we were happy to give them back. And the current files for this Commission, they are all boxed up, and they are in Ray's office right now.

RAY BLADINE: No, they are in Kristina's office.

KRISTINA GOMEZ: But they are with us, so...

Any questions?

CHAIRPERSON MATHIS: Thank you, Ms. Garcia. I just want to give a shout out to the Evans House and thank it for its service. I understand the State Historic Preservation Office is now taking over, but I am still a big fan of that place, and I'm glad that it served us well, rodents included.

Did anyone have any questions for Kristina?

(No oral response.)

CHAIRPERSON MATHIS: Okay. I'm not hearing any. Anything from Mr. Bladine?

RAY BLADINE: I might just comment briefly. I think Kristina covered the budget in great detail, but, as you know, all of our legal expenses are starting to come in again. Kristina and I have reviewed
where we are. We believe that we will be fine this year. We have enough appropriation with the supplemental and this year's appropriation.

It's hard to know what will happen in the next fiscal year. It depends on timing, if Harris ends up being still a case, and how fast things are proceeding in Leach. But I think that sometime probably in February we could see whether the -- normally we would get about 1.1 million a year. And it may be sufficient or it may not, but clearly right now we are fine. So I would just add that.

CHAIRPERSON MATHIS: Okay. Thank you. Any questions for Mr. Bladine or on this agenda item before we move on?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Hearing none, thank you very much, Ms. Garcia and Mr. Bladine, for all your work and for getting us moved into the new space. We appreciate it.

KRISTINA GOMEZ: Thank you.

CHAIRPERSON MATHIS: Okay. So we will go back -- oh, I guess we could do public comment now too.

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

I just sort of whispered to everyone who was here
and asked them whether they were going to have any comment, and I think everyone said no. So there you have it.

CHAIRPERSON MATHIS: Okay. Thank you for doing that.

Then we will go ahead and go back to agenda item 2, which is legal briefing, discussion and possible action relating to pending litigation in Leach versus Arizona Independent Redistricting Commission, including authorization of the expenditures pursuant to A.R.S. 38-431.07(B). 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.

And with that, I apologize to the public in advance, but we will be likely doing this. But we will first see, I guess, if the Commission votes to do so. But I'm not sure how long we will be in. We have an estimated time of 30 minutes, and so people are welcome to stay in the vicinity if they would like to.

But can I first get a motion to go into executive session?

COMMISSION MCNULTY: I move we go into executive session for the purposes of this agenda item.

COMMISSIONER KALLEN: And I second.
CHAIRPERSON MATHIS: Okay. Thank you. The motion has been seconded.

Any discussion?

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

CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

VICE-CHAIR FREEMAN: The only thing I would ask is whether there would be anything -- any update that could be provided that would pertain to this agenda item that would not be covered by executive session before we go into executive session.

CHAIRPERSON MATHIS: That's a good question.

Mary or Joe or Kristin, is there anything you would like to say there?

JOSEPH KANEFIELD: Madam Chair, this is Joe Kanefield.

CHAIRPERSON MATHIS: Go ahead, Joe.

JOSEPH KANEFIELD: Can everybody hear me okay?

CHAIRPERSON MATHIS: Yes.

JOSEPH KANEFIELD: So we can just give a very quick update on the Leach case and where we are at.

You might recall that this case was stayed during the duration of the U.S. Supreme Court proceedings in the Arizona Legislature case. When that case was decided in favor of the Commission, the stay was lifted and the case
So at this point we are actively in the middle of discovery, and that is where we are, unless there are any questions.

CHAIRPERSON MATHIS: Questions for Mr. Kanefield?

KRISTINE WINDTBERG: Madam Chair, this is Kristin Windtberg.

Before you do that, just for purposes of our record, if everyone on the phone could say their names before they start speaking, I think we are just having a little bit of trouble hearing making sure that the record is clear.

CHAIRPERSON MATHIS: Great. Will do.

KRISTIN WINDTBERG: Thank you.

CHAIRMAN MCNULTY: For the record, I made the motion -- this is Linda McNulty. I made the motion to go into executive session.

COMMISSIONER KALLEN: And for the record, Commissioner Kallen, and I seconded the motion to go into executive session.

CHAIRPERSON MATHIS: Any other discussion on this motion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER MCNULTY: Aye.
COMMISSIONER KALLEN: Aye.

VICE-CHAIR FREEMAN: Aye.

CHAIRPERSON MATHIS: Aye.

COMMISSIONER STERTZ: Aye.


(No oral response.)

CHAIRPERSON MATHIS: Okay. Not hearing any, with that, we will exit out of the public session.

The time is 5:28 p.m.

And I'm not sure what the arrangements are there, Mr. Bladine, if you want to let me know when the public has cleared.

RAY BLADINE: Certainly.

(Whereupon, the public session recessed.)

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(Whereupon, the public session resumes.)

CHAIRPERSON MATHIS: We will enter back into
public session now. The time is 5:57 p.m.

Do we have any members of the public that stayed
with us? Just curious.

VICE-CHAIR FREEMAN: We have two.

CHAIRPERSON MATHIS: Oh, great. I'm glad.

Are there any motions that any commissioners
would like to propose coming out of executive session?

COMMISSIONER KALLEN: Yes, Madam Chair. This is
Commissioner Kallen.

At this time I would like to move to authorize
the expenditure to defend the claim of violation of the
Statutory Open Meeting Law as raised in Leach v. IRC.

CHAIRPERSON MATHIS: Is there a second?

COMMISSIONER MCNULTY: I would second it.

Can I make just a clarification?

CHAIRPERSON MATHIS: Sure.

COMMISSIONER MCNULTY: That we authorize defense
of the Commission and its -- any of its officers or any of
its members.

COMMISSIONER KALLEN: I would amend my motion to
reflect that we were asking that it would be as a -- the
Commission as a body and the officer -- its officers, the Commissioners as individuals as well.

CHAIRPERSON MATHIS: Okay. Thank you for that amended motion.

VICE-CHAIR FREEMAN: And, Madam Chair, Scott Freeman, just a point of clarification.

Its officers or its member, its commissioners, that is all inclusive. That would include all five commissioners; correct?

CHAIRPERSON MATHIS: That's my understanding. Legal counsel, or I guess we can ask the people who made the motion.

COMMISSIONER KALLEN: Yes, Madam Chair. This is Commissioner Kallen.

And, yes, it is intended that it would include all five commissioners.

CHAIRPERSON MATHIS: Any discussion?

JOSEPH KANEFIELD: Madam Chair, this is Joe Kanefield.

I just want to clarify that this motion, as I understand it, is being made in accordance with the requirement in the Open Meeting Law, specifically A.R.S. 38-431.07(B).

CHAIRPERSON MATHIS: Okay. Is that accurate, Mr. Kallen?
COMMISSIONER KALLEN: Yes, it is.

CHAIRPERSON MATHIS: Okay. Any other discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER MCNULTY: Aye.

COMMISSIONER KALLEN: Aye.

CHAIRPERSON MATHIS: Aye.

VICE-CHAIR FREEMAN: Aye.

COMMISSIONER STERTZ: Aye.

CHAIRPERSON MATHIS: Any opposed?

(No oral response.)

CHAIRPERSON MATHIS: Okay. The motion carries unanimously.

Are there any other motions coming out of executive session that anyone wants to propose?

COMMISSIONER MCNULTY: This is Linda. I would move that we authorize counsel to proceed with the motions that they specifically described to us in executive session in accordance with their recommendations.

CHAIRPERSON MATHIS: Is there a second?

COMMISSIONER KALLEN: Madam Chair, this is Commissioner Kallen. I would second that motion.

CHAIRPERSON MATHIS: Any discussion?

(No oral response.)
CHAIRPERSON MATHIS: Well, hearing none, I guess we will take a vote.

All in favor?

COMMISSIONER McNULTY: Aye.

COMMISSIONER KALLEN: Aye.

CHAIRPERSON MATHIS: Aye.

COMMISSIONER STERTZ: Aye.

CHAIRPERSON MATHIS: Any opposed?

VICE-CHAIR FREEMAN: Nay.

CHAIRPERSON MATHIS: Okay. So it sounds like we have four ayes and one opposed by Vice-Chair Freeman.

Are there any other motions coming out of executive session that anyone wants to propose?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Well, hearing none, I believe that takes us to the end of the agenda.

Is anyone waving their arms or anything?

VICE-CHAIR FREEMAN: I think we are good.

CHAIRPERSON MATHIS: Wow. This is great.

Okay. Well, I hope everyone has a great holiday season. And thanks for being here tonight.

And thank you, Kate, for being willing to stick with us through this, and for all the staff's work tonight and throughout the year. We really appreciate it.

With that, I will declare this meeting adjourned.

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(The hearing adjourned at 6:02 p.m.)
BE IT KNOWN that the foregoing proceeding was taken before me, Kate E. Roundy, a Certified Court Reporter, CCR No. 50582, State of Arizona; that the foregoing 17 pages constitute a true and accurate transcript of all proceedings had upon the taking of said executive session, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 21st day of December, 2015.

________________________________
Kate E. Roundy, RPR
Certified Reporter
Certificate No. 50582