ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC MEETING

Date: March 31, 2011
Time: 9:30 a.m.

Location: The Carnegie Center, Main Hall
1101 West Washington Street
Phoenix, Arizona

MEMBERS PRESENT:
Colleen Coyle Mathis, Chairperson
Scott Day Freeman, Vice Chairperson
Jose M. Herrera, Vice Chairperson
Linda McNulty, Commissioner
Richard Stertz, Commissioner

Also present: James Barton and Christopher Munns
Assistant Arizona Attorneys General

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TRANSCRIPT OF PROCEEDINGS

CHAIRPERSON MATHIS: The meeting of the Arizona Independent Redistricting Commission will come to order. Today is Thursday, March 31st, and the time is about 9:32.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)
CHAIRPERSON MATHIS: So I'd like to remind everyone who would like to speak during the public comment period to be sure to fill out a Request to Speak form, which is at the podium here. And you can submit those to me.

And I'd also like to note we have a court reporter today, Meri, who's transcribing this meeting, and as always, we should be mindful of speaking one at a time and clearly, so that she can get an accurate record.

So I'd like to begin now with roll call.

Vice Chairman Freeman?

VICE CHAIRPERSON FREEMAN: Here.

CHAIRPERSON MATHIS: Vice Chairman Herrera?

VICE CHAIRPERSON HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty?

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz?

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

I'd also like to welcome back fresh from D.C. and a U.S. Supreme Court hearing Assistant Attorney General James Barton, who's assisting us today. And I would like to thank Christopher Munns, Assistant Attorney General, as well, who's been standing in his place while he's been away. Thank you.

So that brings us to item II on the agenda, approval of the March 9, '11, minutes, which are in the form of a transcript. Did everyone receive and have a chance to review those?

COMMISSIONER STERTZ: Yes.
CHAIRPERSON MATHIS: Okay. Do we have any comments on corrections to that transcript?

COMMISSIONER MCNULTY: I have several minor corrections, Madam Chair.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER MCNULTY: On page 18, line 7, it reads in the transcript "or whether they appoint us or whatever." I think what I would have said is "or whether they alternate or whatever."

CHAIRPERSON MATHIS: Okay.

COMMISSIONER MCNULTY: On page 39, line 13, need to remove the word "or."

On page 42, line 23, after the word "find," we should insert the words "an independent."

Those are all my changes.

CHAIRPERSON MATHIS: Thank you, Commissioner McNulty.

Did anyone else have other changes to the transcript?

Okay. Hearing none -- At our last meeting, I think we motioned and -- well, agreed to having those -- that transcript substitute as the official minutes for the meeting. So if I could hear a motion to approve the transcript as amended.

COMMISSIONER STERTZ: So moved.

CHAIRPERSON MATHIS: A second?

VICE CHAIRPERSON FREEMAN: Second.

CHAIRPERSON MATHIS: All in favor?

VOICE VOTES: Aye.
CHAIRPERSON MATHIS: Any opposed?

(No verbal response.)

CHAIRPERSON MATHIS: Okay. The motion carries. So those -- that transcript serves as the official record for the March 9th meeting.

That takes us to item III on the agenda, discussion and possible action on the preferred format of minutes. So we discussed this a little bit last time that we could just have a transcript every time. We have a court reporter. They take very accurate accounting, by nature what they do, of exactly what occurred during the meeting. We also can do audio recordings and video recordings of our meeting. And we can also have a minute taker. And today we have a minute taker as well. So there are multiple ways to do this, and I don't want it to be overkill, but we talked about last time how the transcript is really the best accounting of exactly what occurred. But I guess there can be times, from a public accessibility standpoint and even for our own reference, when we want to look back at what occurred in a meeting, sometimes having a minutes -- having the minutes is a nice summary of what occurred, and it gives you some context for the way in which a decision was made, different from the transcript in that regard. So I just wanted to raise that and see if the Commission is open to discussing how we would like to proceed with this going forward. Do we always want to have a minute taker and a court reporter and an audio/video recording if possible or any of the above? So if we can talk about that.

COMMISSIONER McNULTY: Madam Chair, if I
may, I think they each serve important purposes, and I would support doing all three. I think the audio does provide an immediately available record of the meeting.

The transcript provides a full and accurate record. And the minutes, if they are done well, do provide us a summary of each meeting that make them more accessible to the public and give us sort of an index that we can refer back to. So I would support that, if we can find a minute taker who prepares minutes that are adequate.

CHAIRPERSON MATHIS: Okay. Any other comments?

COMMISSIONER STERTZ: Agreed.

VICE CHAIRPERSON FREEMAN: Madam Chair, I would agree.

CHAIRPERSON MATHIS: Okay. So going forward, to the extent possible we're going to try to go for all three, have a transcript, an audio/video recording, and also a minute taker. So -- And we'll get into this a little later, but one day we'll have a website where those items will then be posted so that people can access them and follow our progress.

So thank you for that. I'm glad we have some clarity.

So item IV on the agenda, call for public comment. This is the time for the public to address the Commission. And members of the Commission may not discuss items that are not specifically identified on the agenda. And today I only have one request to speak so far. Are
there any others?

So today, first person requesting to speak is Steve Muratore. He's the publisher for The Arizona Eagletarian.

MR. MURATORE: Thank you, Madam Chairman, Members of the Commission.

Okay. A couple of things very briefly. I wanted to note that from where I'm sitting in the back, Ms. Mathis, I can hear you fine, but the other people, for some reason -- if you could speak louder into the mics, that would be wonderful.

Also I wanted to mention on the agenda, talk about the website is here. You probably know, but from the perspective of the public, the azredistricting.org is where people already look for information about this Commission, even though there's nothing about the current situation up there yet. So I urge you to just make that transition, whatever it takes, to use the azredistricting.org.

Also regarding public notice, I had mentioned to a couple of Commissioners last time that I didn't know about the March 9th meeting because nobody knew where to look for the public notice. I knew to look for the public notice and the agenda this time, but I still had to dig around to find it. So if the notice could be sent out to people that there are contacts already available, sent out to the press, and posted, hopefully as soon as possible, on a website like azredistricting.org or someplace that search engines are
going to pick it up, that would be very helpful.
That's all I've got right now.

CHAIRPERSON MATHIS: Thank you,
Mr. Muratore.

Our next speaker is Ms. Marcia Busching.
And, Marcia, can you state who you're representing?

MS. BUSCHING: I am representing myself.

CHAIRPERSON MATHIS: Okay. Thank you.

MS. BUSCHING: Madam Chairman, members of the Commission, I am here because I am a citizen and interested very much in redistricting because I've seen how it's impacted the state during the last 10 years and feel that it's very important that the next 10 years be done in a -- in the way that the statute requires it to be done and go forward.

There's some things on the agenda that I wanted to comment about today. First of all, legal counsel. I saw that you passed out the budget -- or the expenditures from last time. And if you notice in 2001, there was only 61,000 spent on legal services. And the increase in legal services, undoubtedly as a result of litigation, really didn't start until 2002. I would suggest to you that perhaps at this point when you hire legal services, you hire legal counsel with the notion that their qualifications be in giving advice and counsel as opposed to litigation, because at some point, you want to hire counsel -- or at least have counsel on standby for litigation, but I don't think that you necessarily need to
hire litigation counsel up front.

Second point I want to make is on the other staffing. Your agenda says that there is the possibility of a public information officer and a community outreach officer. I know that those two positions were there the last -- the last Redistricting Commission. With the decrease in funding and the overall change in the use of the Internet and alternative media, I suggest to you that those two positions may not be necessary this time, and that I would suggest to you that you defer that, and to the extent that you're going to spend money, put the money into software and -- and the technology person. Because I think those -- those two areas are absolutely critical in this day and age.

Which leads me into my third and last point that I want to make, and that is the software. The software, obviously, is going to be incredibly important going forward. It's what allows you to do the mapping, the drawing of the lines, everything, and I would urge you, absolutely urge you, to spend the money to allow the public to provide input as well. Allow the public to be able to draw the lines themselves and suggest to you maps. The Maricopa County has done that. If you live in Maricopa County, there's a website you can access. You can draw your own maps, you can submit them, and they will review them. And I think that that is equally important, if not more so, on a state level because there's so many more people and so many more variables that to allow the public to do that is paramount.

Thank you.
CHAIRPERSON MATHIS: Thank you.
VICE CHAIRPERSON HERRERA: Thank you.
CHAIRPERSON MATHIS: Our final request to
speak comes from Judith Dworkin. She's representing the
Navajo Nation.
MS. DWORKIN: Good morning, Madam Chairman,
Commissioners. My name is Judith Dworkin. I'm from the
law firm of Sacks Tierney, and I represent the Navajo
Nation in these proceedings.
The Navajo Nation was an active participant
in the proceedings 10 years ago in redistricting and
intends to be an active participant this time as well.

The Navajo Nation is, in fact, a community of interest,
and, of course, we would expect you to find that in these
proceedings. It's located currently in Congressional
District 1 and Legislative District 2. As to Legislative
District 2, it is the only majority-minority Native
American district within the state of Arizona. It
benchmarks a 68 percent Native American population,
62 percent voting age population. And those -- That
would be the benchmark with respect to any retrogression
analysis that you would have to do to determine whether
you have endangered the ability of Navajo Nation voters to
elect candidates of their choice.
The Navajo Nation government is charged with
ensuring that its Navajo members, who are residents of the
state of Arizona and voters in the state of Arizona --
providing them all of their rights under the U.S.
Constitution and the Voting Rights Act. And the Navajo
Nation will see that the compliance with section 2 and
section 5 of the Voting Rights Act is complied with in
these proceedings.

We look forward to participating with you in
your endeavors over the next year, and we are here to
ensure that the Native American voters, particularly
Navajo voters, get to elect and participate fully in their
electoral franchise.

Thank you very much. I appreciate it.

CHAIRPERSON MATHIS: Thank you.

We actually have one more request to speak.

Karen Wigglesworth from the company ESRI, E-S-R-I.

MS. WIGGLESWORTH: Thank you, Madam Chairman, Commissioners.

I appreciate the opportunity to speak. I wanted to introduce myself. I am with ESRI. We are a GIS consulting services software vendor. I would like the opportunity at some point to share more information with you about our redistricting solution. This is very relevant to the comment made previously about investing in software and public websites, such as the Maricopa County site. The Maricopa County site is actually built on our technology. And I have some information I can share with you, if you wish, about our solution. It includes everything from the mapping component, involves all of the census data for 2000 to 2010, sets up a way you can review Department of Justice standards, and also allows for public comment via the website.

Thank you.

CHAIRPERSON MATHIS: Thank you.
Okay. Any more public comments?

Okay. Hearing none, we'll be moving on to agenda item V, discussion and possible action on hiring process for executive director, executive assistant, public information officer, information technology support, and community outreach officer and other administrative support positions. So this is a hefty agenda item in that all these other positions are listed, and those are the positions that we know the Commission hired last time for it and filled. So we, though, as a Commission have started out to at least agree upon getting an executive director on board, so most of the focus -- all the focus, really, has been there up to date. And some good progress has been made on this front thanks to some help from the HR folks, Ron Loyd and Susan Laurence. Susan Laurence is actually managing this process for us. They're from ADOA. She's in charge of executive recruitment.

So you all have a copy of the job description that did get posted. As we discussed last time, we approved the PDQ, and job description was then written and posted on azstatejobs.gov, I believe is the site, yes. That started March 25th, and it will remain there until the position is filled. It was also posted, due to the direction of the Commissioners, in a few other areas, in the Arizona Republic and also on Monster. So yes.

So if I could, I'd like to ask Susan to
update us on the recruiting process so far and where we stand and what some of our next steps are, so we can begin to plan what those would be.

MS. LAURENCE: Okay. I hope everyone can hear me.

We're making very good progress. We are receiving resumes daily. I'm forwarding those on to Megan so she can, in turn, forward those on to you. On the 6th of April close of business, I'm going to do my first review of resumes and send those on to Megan to pass on to all of you. The next step would be then to identify final candidates. At that point, I will do a prescreen to see if the candidate is still interested in the position, what their salary requirements are, and ask them to provide at least three professional references. At that point, I will begin the reference check process, collecting those, and then we -- the Commission will let me know when they want to do an interview -- at least a first interview. We'll look at dates and times and location and do that first round of interviews. Normally, and I say typically, there is a second interview process that follows that you narrow down to maybe two final candidates. And then after that occurs, it's the offer process and looking at a start date. So it's pretty simple.

CHAIRPERSON MATHIS: Thank you.

Does anyone have any questions for Susan on the hiring process, the timeline?

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes.
COMMISSIONER STERTZ: The criteria that you use in your prescreening process is the typical process that we've already been delivered. How many -- how many shortlisted candidates do you anticipate bringing forward to the Commission?

MS. LAURENCE: You know, typically, I think it's not necessary to interview any more than between 8 and 10 final candidates because -- just for time, and, you know, it can be overkill at that point. So I think 8 or 10 top candidates is normally what we do.

Oh, I also -- I forgot to mention I do have sample questions that I have used in prior executive recruitments I would want to send to all of you to look at and tweak if necessary. And they're very good questions. And we'll be happy to do that.

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: Susan, would the candidates that you would be bringing forward -- will there be an opportunity for any of the Commissioners that may have reviewed any of the materials for submittal to add to that list?

MS. LAURENCE: Oh, absolutely. Absolutely.

COMMISSIONER STERTZ: So what would the timing process need to be for you to get any particular comments on specific applicants delivered to you to integrate into your process?

MS. LAURENCE: You know, I'm open. I'm pretty flexible that way. It's whatever is going to work
CHAIRPERSON MATHIS: And I will -- Excuse me. I will note that any expressions of interest any of us Commissioners receive from the public from anyone regarding these positions, we should forward that to Susan, and she can respond directly to that person. Everyone has her contact information to do that.

MS. LAURENCE: I'm happy to do that.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER STERTZ: Madam Commissioner, lastly, our target we originally set forth was mid-April for a hiring date. What do you think our target should be now based on the April 6th closing date for applications?

MS. LAURENCE: Well, I don't want to cut short any quality processes. And the reference check process is key, I believe. References normally take about two weeks, so I'll be honest with you, because the references that individuals provide, that's not one of their top priorities and they're normally working people, so I have found that they're not always too quick to get back with me. And usually I will follow up. I have a form that makes it a lot easier that sometimes I just send through e-mail, because people are a little -- able to do that and send that back to me a little quicker. But I would say give it about two weeks for reference checks.

So I don't know if I'm being unrealistic, but I think probably that the end of April would be a little more in line, just so we don't cut short any of the processes.

COMMISSIONER STERTZ: So Madam Chair, if my math is correct, it would be Thursday following, the 20th,
which would give you two weeks subsequent to the 6th, would be a date to schedule for the agenda, for interview? Is that correct?

MS. LAURENCE: I believe -- I don't have a calendar in front of me, but I believe that that might be just fine because if we have the first review on the 6th and if the Commission can meet, then, at that point and decide -- make a decision, then I will begin the reference checks and that prescreen questions, to collect references, verify salary requirements, et cetera, and then two weeks. But I won't begin reference checks until I know the ones that you do want to interview.

COMMISSIONER STERTZ: Madam Chair, I bring that up because we're also going to be speaking about the interviewing process for the consulting services, and I don't want to overlap both of equal merit and equal priority, and we also have legal counsel interviews to take place as well, so we want to be as judicious with our time as possible and as fair and clear with our time as possible.

CHAIRPERSON MATHIS: Agreed. Thank you, Commissioner Stertz.

And thank you, Susan.

Are there other comments for Susan or questions?

COMMISSIONER McNULTY: Madam Chair, fellow Commissioners, I have one question. If one of us does have input into your list and would like you to add someone who hasn't already been on the prescreened list,
what will be the process that we follow to ensure that all
the Commissioners have the benefit of that information
from the particular Commissioner?

    MS. LAURENCE: I think that's great that
people have people that they've identified as
possibilities. If they would like to contact me, they
can, and I, you know, would be happy to direct them to
the -- to azstatejobs, or you can do that. You know,
either, I'm happy to follow up with them and just tell
them hello or whatever, but I would definitely be
directing them to the website. So you can do that or I,
either.

    COMMISSIONER McNULTY: And my question is
for my fellow Commissioners. What process will be
followed to ensure that if I have, for example, requested
that you add someone to the list that isn't on your
prescreened list, that that information is provided to my
fellow Commissioners that I've made that request? And the
attributes that I see in the candidate that I find
important? I think that's important that we agree upon as
a group.

    CHAIRPERSON MATHIS: So I would guess that
what we would be doing in that situation is you would be
forwarding that to Megan, the interim executive director,
and she would then copy counsel, send that to all
Commissioners. Is that correct?

    Mr. Barton?

    MR. BARTON: Yes, that would work. If --
So, for example, you wanted to say, "I want to add Joe
Smith to the list," send it to Megan, Megan can
communicate to Susan, "Please make Joe Smith one of the
finalists," and then we could also send out an e-mail to
each of the Commissioners just to make them aware that Joe
Smith has been added to the list of finalists. That --

It probably makes sense to say, you know, "based upon
nomination from Commissioner McNulty," something to that
effect.

CHAIRPERSON MATHIS: Okay. Does that sound
reasonable?

COMMISSIONER McNULTY: Yes.

CHAIRPERSON MATHIS: So I would only add,

Susan, that to the extent possible, I would love to
accelerate the process. So -- And I know we don't have
any certain requirement for posting this position in terms
of the amount of time it needs to stay posted, but we
agreed as a Commission that it would be up for seven days
in some of these other locations, and then as you noted,
it would be on the azstatejobs website until it's filled.
But if there's a way to begin some of that prescreening
work of candidates ahead of time, I would be open and
loving that.

MS. LAURENCE: I'll tell you, I certainly
appreciate the fact that you're under a time crunch.
However -- and I'll tell you why I won't do that until we
have identified those final candidates, because sometimes
the people that you send that prescreen question, they
sometimes read it to mean that they are being considered
as a finalist in the process, and then when maybe that
they're not, they become very disappointed, and we don't want to give anybody that false hope, so I really would like to look at the final candidates before I do a prescreen.

CHAIRPERSON MATHIS: Okay.

MS. LAURENCE: Can you understand that, I hope?

CHAIRPERSON MATHIS: I'm trying.

MS. LAURENCE: Okay. What I would recommend, and what normally happens, is once we look at that first date of resumes, is the Commission get together, meet and make that decision. And as soon as that decision is made, I send out the forms, and then, you know, we get the reference checks. We can eliminate that process, but I highly recommend that we don't, because reference checks are very important. It's a good quality check.

CHAIRPERSON MATHIS: So that first review will take place April 6th, because I was -- what I was hoping is maybe we could meet as a Commission the 14th or 15th to even begin to address, and Commissioner Stertz noted that if we follow the two weeks, it would be April 20th before we have our first crack at interviews. But I was just hoping if we could move that into the week prior or the end of the week, if that is at all possible.

And I guess you won't know until the 6th.

MS. LAURENCE: You know, as far as I'm concerned, I move fast, but it's the other people that you really don't have a lot of control over sometimes.
CHAIRPERSON MATHIS: Reference check.

MS. LAURENCE: I can follow -- I'm a good nagger. I can do that very well.

CHAIRPERSON MATHIS: Okay.

MS. LAURENCE: But still a lot of things are out of my control due to references.

CHAIRPERSON MATHIS: I appreciate that.

Thank you. But anything you can do to help --

MS. LAURENCE: Oh, I will.

CHAIRPERSON MATHIS: -- we appreciate.

Thank you.

MS. LAURENCE: Sure.

CHAIRPERSON MATHIS: Good.

MS. LAURENCE: Any additional questions or anything?

CHAIRPERSON MATHIS: Thank you.

MS. LAURENCE: You're welcome.

CHAIRPERSON MATHIS: So the next part of this agenda item is just all the other positions. And Ron Loyd will be managing that process for us for all those other positions. And we all have copies from the previous Commission of those position description questionnaires. Those went out a couple weeks -- two meetings ago, I think. So you all have copies of what the duties were from those positions for the last Commission. And we haven't decided as a Commission whether or not we're going to be staffing in a similar manner or not.

So I did want to, though, bring this position up because we've talked about it in previous
03-31-11 AZ Independent Redistricting Commission.txt meetings. And that's this idea of having an outreach/web
guru who can handle both public outreach-type work but
also be technologically savvy to be able to handle
webstreaming and setting up our meetings with all the
audio/visual equipment that's needed. And we've talked
about this last meeting. And given how long it does take
to move through the HR process -- and granted the
executive director position may take a little longer than
some of these other ones -- I'm just wondering if we would
want to begin talking about other positions so that they
can be moving down the track concurrently, at least -- or
a little bit behind.

And one of the things that went out to all
of you was this -- it was a draft of -- it was a public
information officer position that is in the system, so to
speak, of the ADOA. And what was interesting about that
and the reason you got that is because it actually is --

if you read the duties, it has some of that hybrid
approach of being both web/tech savvy with also the
ability to deal with the public. So I thought it was
interesting and worth sending around, and it may be the
route of maybe how we go forward, of tweaking that to make
something that's suitable for our needs and what we've
discussed as a Commission that we want.

So I just wanted to bring that up because
I'm sensitive to how long the HR process takes, and if we
could begin to be contemplating some of these other
decisions on other positions, I would think that would be
helpful. But I would open that for discussion, if anyone
has thoughts.
COMMISSIONER STERTZ: Madam Commissioner, my understanding is that going outside of the box is a much more timely -- time-consuming matter, and the more that we can stay within the rules of organizational structure of DOA as it currently exists, it's going to be to our benefit. If we can make subtle modifications to an existing position as it currently exists, it'll streamline the process. Am I correct?

MR. LOYD: That's correct.

COMMISSIONER STERTZ: Okay. As we've just been instructed and just been informed that there are additional layers of just reality of the hiring process that are going to come into play, and our deadlines don't change as a commission.

CHAIRPERSON MATHIS: Right.

COMMISSIONER STERTZ: And as we are going through the -- all these mechanical functions, we want to be cognizant of hiring the best and the brightest, but we also want to do as much as we can to work within the brackets, so to speak, as to -- to fill the needs as quickly as possible. So I'm going to highly recommend that we move forward with starting to fill this position simultaneously with our filling of the ED position, because this position is going to require a lot of -- A lot of attention takes place right here with this individual.

CHAIRPERSON MATHIS: Okay. Thank you, Commissioner Stertz.

Other Commissioners?
COMMISSIONER McNULTY: Madam Chair, fellow Commissioners, I agree with that. I would suggest that we all review that closely and provide our input in a short period of time. I would see this person as not only doing outreach but also helping us to interface with our mapping consultants, helping us to make decisions about software that we will need to do our jobs and helping to train us to do that.

CHAIRPERSON MATHIS: And this person would also be in charge of our website, getting that up and running, or is that -- because I think I was thinking that this would be kind of a web/outreach person. I'm open to --

COMMISSIONER McNULTY: I don't think I know the answer to that. And I think that's a question we need to ask ourselves and ask people who are qualified to do the tech work, because I think that they're both equally important. I think it's important that we have a web outreach, but I think it's equally important that we, as Commissioners, have the tools that we need and know how to use the tools that are necessary to do the maps we need to do.

CHAIRPERSON MATHIS: Okay.

Ron, if you could help us address this issue, I would appreciate it.

This is Ron Loyd.

MR. LOYD: I'm Ron Loyd from the Department of Administration, Human Resources. I'm the staffing and the classification and compensation manager.

I'm the classification and compensation manager.
23 manager for the Department of Administration, Human
24 Resources. My name is Ron Loyd.
25
26 As Commissioner Stertz said, you've already
27 got several positions, and it's easier to tweak those
28 positions than it is to establish a new position. Public
29 information officer III is one of the positions that is
30 available. Public information officer III could be
31 tweaked easily because part of the duties of a public
32 information officer could be to set up websites and things
33 like that, what you've been talking about. So that would
34 be one of the alternatives that you would have as opposed
35 to a new position.
36
37 You could alter the PDQ, establish a new
38 PDQ. Those are very easily done. Doesn't take long, less
39 than a week normally.
40
41 And we do have a -- still have a hiring
42 freeze on in the State of Arizona, so you would have to
43 still go through a justification to hire, but that is a
44 very simple process as well. It's a form, indicates what
45 you need, and you went through it with the executive
46 director. I think it would take less than -- it took less
47 than a week.
48
49 CHAIRPERSON MATHIS: Very quick.
50
51 MR. LOYD: We could tweak that PDQ, if you
52 wanted to do that, with the additional requirements that
53 the Commission would like and get that process running at
54 the same time.
55
56 Normally, as you know, one of the -- looking
at the PDQ from the last meeting, one of the duties of the
executive director is also to hire and direct staff, so
once you've got that on board, maybe the executive
director would assist in the process of hiring the rest of
the staff.

    CHAIRPERSON MATHIS: Right.
    MR. LOYD: That would make that process
easier for the Commission.

    COMMISSIONER STERTZ: Madam Chair?
    CHAIRPERSON MATHIS: Yes.
    COMMISSIONER STERTZ: Ron, may I ask a
question? This is the PIO II, correct?

    MR. LOYD: The PDQ that was sent around was
a PIO II.

    COMMISSIONER STERTZ: Correct. Okay.
    MR. LOYD: But I believe you have a PIO III
on -- that you were given, that's already established.

    CHAIRPERSON MATHIS: We do. That's what the
previous Commission had?

    MR. LOYD: Yes. I believe they had a PIO
III, a grade 21.

    CHAIRPERSON MATHIS: We do have that from
past meetings, so yes.

    MR. LOYD: And that PIO position, that's
just a -- I believe what Susan passed around to the

Commission was the PIO II --

    CHAIRPERSON MATHIS: That's the one --
    MR. LOYD: -- PDQ for some -- it was a class
spec, I believe, for that particular PIO. But a PIO is a
PIO. That's just a higher rated PIO that you already have on staff, so that individual -- we could add that. I don't believe it's in the PDQ currently, but we could add those duties and use those for hiring.

COMMISSIONER STERTZ: Perfect.

CHAIRPERSON MATHIS: Okay.

MR. LOYD: Any other questions?

COMMISSIONER MCNULTY: I have one question. Do we have the RFP for the information technology support position that's described in our agenda?

CHAIRPERSON MATHIS: I think so, Commissioner McNulty.

COMMISSIONER MCNULTY: Okay.

CHAIRPERSON MATHIS: It would be from the previous -- one of the previous meetings when we passed those out. Let me just make sure.

Administrative services officer, statewide community outreach coordinator, executive director, public information officer -- No, we don't. I do not have a PDQ. We were given five.

MR. LOYD: The positions that were established by the previous commission were executive director, the admin services officer III, public information officer III, the executive staff assistant, and the community outreach coordinator.

CHAIRPERSON MATHIS: I think that is -- that was just put in the agenda, information technology support, as a place holder to allow for discussion of the fact that we mentioned in the past that we want to have
COMMISSIONER McNULTY: If you have something like that, could you provide it to us to review?

MR. LOYD: I wasn't aware that there was, but I can research that, certainly.

CHAIRPERSON MATHIS: That would be great, Ron. Thanks.

So yeah, an IT support. And what you had mentioned earlier was interesting, just being able to relate to consultants with the mapping software and GIS, et cetera, any of the technical software so we all can understand that well.

So thank you.

COMMISSIONER McNULTY: Thank you.

CHAIRPERSON MATHIS: Any other comments?

MR. LOYD: Thank you.

CHAIRPERSON MATHIS: Thanks very much, Ron.

Okay. I think we're on to the next agenda item, that's VI, discussion and possible action on request for proposal process for securing legal counsel, redistricting consulting services, and other consultative support. So at our last meeting, Commissioner McNulty and Vice Chairman Freeman agreed to work on the scope of work document that's going to provide the basis for generating our RFP should we decide to go that route, and a draft with redline changes was circulated to everyone.

Did everyone receive that and have a chance to review?

COMMISSIONER STERTZ: Yes.

CHAIRPERSON MATHIS: Okay. Do we have any
comments?

    Well, first of all, do Commissioner McNulty or Vice Chairman Freeman have any comments about the draft that was circulated?

    VICE CHAIRPERSON FREEMAN: Madam Chairman, Commissioner McNulty and I -- excuse me -- thought this draft warrants some additional tweaking --

    THE COURT REPORTER: I'm sorry. I can't hear.

    VICE CHAIRPERSON FREEMAN: Commissioner McNulty and I discussed whether this draft would warrant some additional tweaking. I think we agreed that in section 2.1, the last sentence, which begins, "As revised, based on the Arizona open meeting laws," et cetera, is superfluous, and we can strike that entire sentence.

    And then there are a couple other issues, I can give my thoughts, like caps. I can give my thoughts now. We discussed whether we wanted to write a term putting a cap of the hourly rates, and my thought was that we probably didn't want to do that at this point.

    We had -- we discussed another issue that's perhaps a question for counsel in that if we issued this RFP and we end up going down the road where we were going to hire two counsel, a Republican and Democrat, and both have submitted different responses to the RFP with different rate proposals, can we at that point negotiate with counsel so we can end up with one rate structure? Does that require action of the Commission?

    MR. BARTON: So I understand your question
is, if -- say you've got the two candidates that you want to -- basically you're ready to hire and you're at the place of establishing the rate, can you then negotiate so that you have the same rate between the two? And I don't have an answer for that off the top of my head. I can look into that and I can send you all an e-mail with my response to it. I mean, intuitively, it seems like something that should be okay, but I don't know because --

you know, because of wanting to make sure that the process, evaluation, is fair about how that would be sort of changing the discussion about the rate negotiation in that -- at that point, so I'll have to take that as an action item and then research that for you.

VICE CHAIRPERSON FREEMAN: And very simply, if one counsel --

MR. BARTON: Actually, you know, Jean Clark's here from the procurement office. And maybe she can answer that question.

MS. CLARK: Madam Chairman, members of the Commission, I do want to just set the stage that the procurement process is different than the hiring process, and so I know the ultimate is, is you are going to have, you know, legal counsel that will be working for the Commission. But the process is different, and you need to be able to maintain, you know, the fact that those are different processes.

However, answering your question, we do need to go through an evaluation process, but underneath the code -- if we're following procurement code -- we do have a right to discussions, negotiations, you know, of the
hourly rates along with any other incidental items that they may have included in their proposals, terms and conditions and anything like that that we want to negotiate.

I would have to say that I would definitely caution us that the negotiations wouldn't be based on trying to drive towards agreement and same hourly rate from both -- you know, from the offerors. I mean, we're really trying to negotiate independently the best offers, you know, to be able to meet your needs based upon the evaluation criteria.

CHAIRPERSON MATHIS: Any questions? Comments?

COMMISSIONER McNULTY: Thank you, Madam Chair.

Ms. Clark, one question. That's built into the process and we would not need to make any disclosure in this RFP that proposals would be subject to, you know, review and negotiation by the Commission, or was that a given?

MS. CLARK: That's a given. Let me -- I would like to just take a moment, if I could, and just kind of highlight some of the key factors for you, because I think it might help as you go -- as we go through the process. You might understand a little bit when we kind of talk the timing. Scope of work is definitely critical. How you're crafting the scope of work, because I haven't seen, you know, what your final, you know, approach is, so
your thoughts on the requirements and things will impact
the rest of the terms and conditions of the RFP.

But what the process is, is we'll develop
that RFP. I would highly suggest that that draft RFP be
reviewed, you know, by the Commission prior to us issuing
it. And then we will receive responses from those that
are interested. There will be an evaluation process,
which that evaluation criteria is identified in the RFP.
And then in that evaluation process, then that's basically
similar to the hiring process. You come down to a short
list, so to speak, and then we can negotiate. We're not
required to negotiate. We can just enter into a contract.
So it really depends on the number of the responses, the
quality of the responses, and, you know, the evaluation
committee and that review of that process.

So, you know, as Susan has indicated, in the
hiring process, some of the unknowns impact the process
and the timelines at times that we can't really articulate
it specifically, you know, what the time period's going to
be on these, because we don't know really how, you know,
the evaluation is going to play out.

But normally, our language in the RFP
document states that we have the right to discussions, and
we legally have a right to discussions underneath the
statute.
able to decide today on finalizing that scope of work that you two have worked on and created the redline for?

VICE CHAIRPERSON FREEMAN: Oh, Madam Chair, was there anything else?

COMMISSIONER McNULTY: I only have one other small issue that Commissioner Freeman and I had discussed briefly. In section 2.2, our draft provides the proposal should provide for assistance by other attorneys or paralegals as appropriate, with the goal of providing the Commission with the most cost-effective representation. And we didn't, by stating that, intend to disadvantage sole proprietors, single lawyers, and thought that perhaps we should clarify the proposals from multilawyer firms -- that this is applicable to proposals from multilawyer firms. So I would propose to change that sentence to say something to the effect of "proposals from multilawyer firms should provide for," and continue as it's written. I also agree with Mr. Freeman's thoughts on the cap. I don't think we're prepared to do that today.

CHAIRPERSON MATHIS: Okay. Sounds like there's agreement so far.

VICE CHAIRPERSON FREEMAN: Madam Chairman, one last thing.

CHAIRPERSON MATHIS: Okay.

VICE CHAIRPERSON FREEMAN: Paragraph 2.4, at least in my copy, looks to be a typo.

CHAIRPERSON MATHIS: Right.

VICE CHAIRPERSON FREEMAN: This RFP contains principally two.
CHAIRPERSON MATHIS: Yes. Yeah.

VICE CHAIRPERSON FREEMAN: So I guess with Commissioner McNulty's amendment, correcting that typo, and deleting the sentence in paragraph 2.1, I would think this RFP is in good shape.

CHAIRPERSON MATHIS: And just for clarification, Commissioner Freeman, in 2.1, is it the last sentence that starts "Based on the Arizona open meeting laws"?

VICE CHAIRPERSON FREEMAN: Correct.

CHAIRPERSON MATHIS: Okay. That's --

VICE CHAIRPERSON FREEMAN: And our thoughts there was the open meeting laws are what they are.

CHAIRPERSON MATHIS: Right.

VICE CHAIRPERSON FREEMAN: We have to abide by them. There's no reason for us to characterize them in this document.

CHAIRPERSON MATHIS: Great.

Any other comments from Commissioners?

VICE CHAIRPERSON HERRERA: No.

CHAIRPERSON MATHIS: Do I hear a motion to approve this draft of the scope of work for legal counsel as amended?

COMMISSIONER STERTZ: So moved.

VICE CHAIRPERSON HERRERA: I second that.

CHAIRPERSON MATHIS: Any discussion?

All in favor?

VOICE VOTE: Aye.

CHAIRPERSON MATHIS: Any opposed?

(No verbal response.)
CHAIRPERSON MATHIS: Great. The motion carries. And so this scope of work, as drafted by and reviewed by all of us, is what we're going to be moving forward with. I wanted to thank Commissioner McNulty and Vice Chairman Freeman for their work on providing some leadership there.

So, I guess, I have a question for Jean Clark, if that's possible, Jean. Well, you can probably -- This gets into the other part of this agenda which -- I mean this agenda item, and that is that legal counsel was going to look into this issue of us as a constitutional agency and what kind of authority we have with regards to following state procurement procedures or if we can proceed as we like, so -- And so I wondered if Mr. Barton had a chance to review that.

MR. BARTON: I have had a chance to look at it.

And Jean, I don't want to leave you hanging up there at the podium. I think probably you can sit back down.

MS. CLARK: All right.

MR. BARTON: Before I do that, I want to -- I do want to clear the record on something that -- just clear to the record on the position of the attorney general's office. You know, the attorney general's office hopes to facilitate this Commission in the work it's doing. You know, as we know, we haven't lobbied strongly to ask you to continue on to keep us as your counsel going forward, but I do just want to make clear that the office
is willing and able to act as the attorney for the Commission going forward, if that's what the Commission decides to do. We have the capabilities to do it. And we also strongly believe that we can provide nonpartisan, neutral advice to the Commission.

Now, I know that we sometimes talk about an issue of the appearance of partisanship because the attorney general is an elected position, and I'm not a politician, I'm not in a position to comment on that, but I just wanted the record to reflect that the attorney general's office is available and is willing and it's able to provide those services if that's what the Commission wants to do.

CHAIRPERSON MATHIS: I appreciate that clarification. We've discussed this at past meetings that it's not a foregone conclusion that we wouldn't choose the attorney general's office, and if we did, we -- you've told us, I think, in the past that we would be entering into an intergovernmental agency agreement of some sort. And that regardless of whatever path we choose, a statement of work that we all agree on is kind of the first step, and so we all agreed that yes, we need to get that going so then we can make that next decision as to which path to choose.

MR. BARTON: That's correct.

CHAIRPERSON MATHIS: Thank you.

MR. BARTON: As for the question you asked me, which was about whether or not the body is required to follow the procurement procedures, we've done some looking into this, and frankly, it's not even clear after doing
some more legal research on whether it is absolutely required.

However, the Commission, obviously, has a fiduciary responsibility to follow appropriate hiring procedures and to, you know, may -- be good stewards of the Commission's money, the money that's allotted to the Commission. And so in other words, there would have to be some process created that would ensure that the Commission was meeting its fiduciary responsibility and it was being honest stewards of the public money. And the procurement process that the state has is, frankly, a good process to do that, and so it's my advice that the Commission follow the procurement process.

You know, as far as the interpretations of the Constitution, some that would lead you to say that we don't need to and some that would lead you to say that we do, I'd rather not go into that in public session simply because, you know, some of these things, if you choose not to use the process, could, obviously, lead to litigation at some point, and there's no reason for us to discuss what could be potential weaknesses in our position in public meeting.

But I don't think we need to go into executive session to discuss that unless others do, because I think there's just such a good reason to follow the procurement process given the fact that the Commission, like I said, does have fiduciary responsibilities and has to be a good steward of the
public money.

I know that a concern we had is about the
timing of the procurement process, and I talked with,
actually, Ms. Clark just before the meeting, and, you
know, if the Commission staff works well with the
procurement office and we have good lines of
communication, we can shorten down the time to make this
procurement happen, considerably. For example, I think
we're -- you know, we have a scope of work already. I
mean, that's -- you know, that was a big part of it. Some
of the time that the procurement office considers is the
deliberation on the part of the body. So, for example,
right now we're very anxious to get someone on the books,
but, you know, maybe we have several applications and it
takes longer for us -- for the Commission, rather, to
decide than you might think. So those are all types of
things that get added into the estimate.

So, I guess the long and short of it is it's
my recommendation that a certain amount of prudence -- the
Commission follow the procurement process, and that we
work -- the Commission staff particularly work with the
procurement office to sort of make things go smoothly and
see if we can get the time down much smaller than eight
weeks.

CHAIRPERSON MATHIS: Any questions or

COMMISSIONER MCNULTY: Madam Chair, only
that I believe our main concern was the timing and that to
the extent that we could expedite the timing on all of
these fronts, it would be very, very helpful to all of us.

CHAIRPERSON MATHIS: Agreed. Okay.

Did you and Jean discuss what kind of timing could be expected if we followed that? I remember it was, like, 8 to 10 weeks that was mentioned last week.

MR. BARTON: We didn't talk about specifics. I don't know if Jean is at a place to talk about specifics now or not. I think that the problem -- And this, you know, this is sounding like a broken record, I know. But the problem is that we go forward with the scope of work now, and then you start -- you know, once you start into the process, you can run into delays in sort of getting requirements back and getting -- So I just think it's very difficult to say whether it can be done, you know, in four weeks versus six weeks, you know. I don't know. I don't know if Jean has more to say on that.

MS. CLARK: I would have to add to that, I mean, we'll do everything we can to expedite it, but, you know, there are unknowns. The other thing is if we have to expedite, we would have to have some discussions on some other key components of the RFP to get the final RFP document finalized. If you choose that you wish to review that document before you issue it, you know, obviously, your schedule of your next public meeting, you know, drives us to get that done. And what's that timing?

So --

CHAIRPERSON MATHIS: And you've recommended that we do that?

MS. CLARK: I would recommend that you do,
but, you know, that's your decision. That's not mine --
you know, my decision at all.

CHAIRPERSON MATHIS: Okay.

MS. CLARK: But we'll work as -- you know, as fast as we can on it, but obviously, you know, we can't
guarantee an exact time because we don't know the schedule
of all your meetings, we don't know the number quality --
you know, submittals that we might get, you know, those
kind of things. But, I mean, we will work to expedite it.

CHAIRPERSON MATHIS: Thank you. We
appreciate that.

So, Jean, next steps, we would forward -- I
would -- or actually, Megan Darian would forward the
approved scope of work once it's amended to Don, I assume?
Don Ellwanger from your office?

MS. CLARK: Well, Megan and I will work
through that.

CHAIRPERSON MATHIS: Okay.

MS. CLARK: If Megan has it, we will work
through as to, you know, who we're going to specifically
assign to it because of the expedited schedule, but we'll
get that from Megan.

We would draft the entire RFP document, and
then we could -- right then we can issue it or if you'd
like to, you know, review it prior to that, then maybe
have it ready for your next meeting.

CHAIRPERSON MATHIS: Okay. Thank you.

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: Jean, what is the time
frame? Would it be ready in a day? Would it be ready prior to next Thursday's hearing?

MS. CLARK: If we get -- you know, if we have the scope of work today --

COMMISSIONER STERTZ: Yes.

MS. CLARK: -- I mean, we'll have it by early next week. I mean, we'll work it into our schedule that we would have the draft RFP, you know, ready for early next week, so we could get it to you, so you could review it, so you could discuss it at your meeting next --

COMMISSIONER STERTZ: So worst-case scenario would be that we'd be making approval on the final -- on a final reviewed RFP by a week from today?

MS. CLARK: Uh-huh.

COMMISSIONER STERTZ: Okay.

CHAIRPERSON MATHIS: Jean, where does the RFP get posted once it's finalized?

MS. CLARK: What'll happen is we're going to -- we will post it on our electronic site, which is our Procure Arizona. It's called ProcureAZ. So anyone that is registered for legal services would receive an electronic notification. We'll also be ensured that we will be contacting via, you know, e-mail, notifying those that have already identified their statement of interest, saying that it is posted when it -- you know, when we finally -- when we do issue it, so that they're notified. But they -- everyone will have to register on ProcureAZ to be able to submit their response, because we are doing everything electronically.
straightforward registration process?

MS. CLARK: Yes. Yes.

CHAIRPERSON MATHIS: Great.

Any other questions?

Thank you very much, Jean.

COMMISSIONER STERTZ: Thanks, Jean.

CHAIRPERSON MATHIS: Okay. And then in this agenda item, there's other consultative services, particularly redistricting specifically mentioned. And I believe that Commissioners Herrera and -- Vice Chairman Herrera and Commissioner Stertz agreed last time to take the leadership on the scope of work for the redistricting consultation services. We do have the RFP that was issued last time by the previous Commission for mapping services. And I wanted to get an update from them on what they did in the past week.

VICE CHAIRPERSON HERRERA: Madam Chair, what we did, I -- Well, thank you. I think it was Lisa Hauser who found the PDF (sic), so thank you to Lisa for finding that, because it made the work a little easier.

I was able to look over the scope of work, make some changes, forward them over to Rick and Megan, I think, Chris, and then Rick made his changes, and I looked over the information, and I have no changes to make.

COMMISSIONER STERTZ: So as the sequence of documents that were presented to the Commissioners today, the sequence is the one titled "Scope of Work Without Any Amendments," that is actually the 2001 scope of work document that I re-created in an effort so that we would
have an editing stream.

Vice Chair Herrera forwarded to me his comments. I integrated them into the document which does not have a draft title. It just says "Scope of Work," with the first change being the item on the right column saying "Deleted April 15, 2001." I integrated those comments to -- into -- into the original scope and forwarded it back to Vice Chair Herrera. And then I took those comments and I integrated and expanded upon them. And most specifically, when we were speaking about two key things in the additional requirements, that I want to make note to the rest of the Commission that I have added -- of which Vice Chair Herrera does not have any issue with, which I'm glad -- which were really in holding the -- it was the contractor's responsibility to -- which is item -- bullet point 6 on page 3, which is "The Commission staff and the contractor will work as directed by the Commission to expeditiously develop and make accessible an interlinked website, social media, and other such open and accessible Internet communications data as may by deemed appropriate to maximize the opportunity for public input and access to the activities and actions of the Commission. These sites may include audio, video, podcast, Skype, and other such links as to not limit the Commission's goal for data and input collection."

I added that as a line item so that a contractor would be working in concert with the staff position that would be added, so that there would be a
marrying of the contractor's responsibilities as well as
the staff member's responsibilities.
And then at the top of the last page, page
4, I've also added this comment, which deals with our
mutual concern about archiving data, which is that "The
contractor shall develop archival-level research materials
as directed by the Commission and will deliver these to
the Commission at scheduled times to allow the archive of
this process to be timely and orderly. The term
'archival' shall refer to both electronic and paper
documents and other such medium as may be deemed
applicable. It is the intent of this Commission to have
all of the public data that is collected to be available
electronically for both the benefit of the current and
future commissions as well as the general public."
And I've added those to -- they're both salient,
they are both substantively different than the prior RFP,
and I believe that they are both relevant to and answer
the concerns and discussions we have had at the Commission
level.

CHAIRPERSON MATHIS: May I ask if Lisa Reib
is in the room, by chance? And if I'm mispronouncing your
name, I'm sorry.

MS. MAXWELL: There's Linda Reib and Lisa
Maxwell.

CHAIRPERSON MATHIS: Oh, okay. Linda Reib
and Lisa Maxwell. Linda Reib. If -- She is the state's
electronic records archivist. I just wondered --

Yeah, thank you. So you're Linda?
MS. REIB: Yes.

CHAIRPERSON MATHIS: Could -- Would you mind, I just want to make sure that what -- since this does get into an area that we're going to talk about in a later agenda item, but it's pertinent to what Commissioner Stertz has suggested for this scope of work, and I wondered if there were any comments on your part.

MS. REIB: Correct. It's the content of the material that matters whether or not it's permanent and what records retention you follow for that particular material. It's content of the material, not the format. But you do have to look at the format because preservation of electronic records is quite difficult and expensive to do. As you know, the format changes every three or four years. The hardware that you require, the software required to read the electronic media does change over time, so you do have to keep that into consideration.

CHAIRPERSON MATHIS: I just wanted to make sure, since we're talking about that specifically, it is the intent of this Commission to have all the public data that is collected to be available electronically for the benefit of both the current and future commissions as well as the general public. I have no problem with that language. I just wanted to make sure we're not stepping --

MS. REIB: Okay. If you're looking forward, trying -- records, it's better to have a printed copy, a paper copy, or a microfilm copy of that data as well to move forward over time because in 10, 15, 20 years, having
CHAIRPERSON MATHIS: So the permanent record could either consist of paper or microfilm?

MS. REIB: Microfilm.

CHAIRPERSON MATHIS: Okay.

MS. REIB: We can also discuss later --

CHAIRPERSON MATHIS: Yes.

MS. REIB: -- the different formats and how to get them into different --

CHAIRPERSON MATHIS: That will be good.

MS. REIB: -- preservation media.

CHAIRPERSON MATHIS: And do we have any other questions on that?

COMMISSIONER STERTZ: So is the suggestion -- is to -- is the intent to be available both electronically and in paper format?

MS. REIB: Paper format.

CHAIRPERSON MATHIS: Any other questions?

Okay. Thank you, Linda.

Okay. So just for clarification, I wanted to ask Commissioner Stertz and Vice Chair Herrera, this -- I have a Scope of Work document that's redlined and then the Draft B, and I wanted to just find out, what is the distinction between those two?

COMMISSIONER STERTZ: The Scope of Work, there are two -- there are two in your packet that were titled "Scope of Work."

CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: Scope of work that is
redlined was redlined by Vice Chair Herrera. The Scope of Work Draft B is an integration of Vice Chair Herrera's comments and my additions.

CHAIRPERSON MATHIS: Any comments on the draft Scope of Work as redlined?

VICE CHAIRPERSON FREEMAN: Madam Chairman and Commissioner Stertz, I have another document called Scope of Work Draft B where it looks like all the changes have been integrated. Is that perhaps the document we all should be looking at as we get into this?

COMMISSIONER STERTZ: Vice Chair Freeman, the answer is yes, it's easier to read.

VICE CHAIRPERSON FREEMAN: Okay.

CHAIRPERSON MATHIS: So we have a redlined version of the Scope of Work Draft B and then with those changes accepted, just a clean copy?

COMMISSIONER STERTZ: That's correct.

CHAIRPERSON MATHIS: Okay. Any other comments from Commissioners on the Scope of Work as drafted?

COMMISSIONER McNULTY: Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER McNULTY: I do have a comment for Commissioner Stertz. I think it's important that the consultant build into the process at the front end meetings with us, as Commissioners, to explain to us, train us, as you will, give us a full understanding of how the mapping software that that consulting firm will use operates and to make available to us the ability to
understand how to display the census data. And I don't see that here, and I'd like to build that in as a first step. I think it's a -- very critical that the consultant spend as much time with us, helping us to do our constitutional jobs of drawing the maps, as it spends with the public gaining -- gathering input for us.

CHAIRPERSON MATHIS: Okay. Any thoughts?

Other comments?

I would agree. I think that training is a very important component to include. If everyone agrees, maybe we could craft some language that we could insert right now.

COMMISSIONER STERTZ: Madam Chairman, Commissioner McNulty, if I'm hearing you correctly, what you'd like to do is to include, under additional requirements, that a training session or sessions of the standing Commission be made prior to the engagement of the process.

COMMISSIONER McNULTY: Well, and during the process. I think that --

COMMISSIONER STERTZ: And continuing during the process?

COMMISSIONER McNULTY: Yes. I think that our interaction with the -- Our ability to ensure that the consultant does what it is that we are charged with doing, on our behalf, will be very dependent on the degree to which we are facile, familiar with how the job is done and the census data and the ability to make various displays of that, so I would want them to build in as their proposal -- I'm not sure "training" was the right
word -- training and meeting with us on a regular basis in an interactive way.

And we may also want to receive from them their suggestions about how we best can make that information available to the public and solicit the public's input in the map drawing, as was suggested in the earlier public comment. There's a lot more interest in that. Technology has advanced a great deal in 10 years, and there's a lot more interest in that now than there was 10 years ago, I think, and we have the opportunity to get some very substantive comments from folks, so that we need to be able to understand those and respond to those, and we also need to get them, and I see this consultant as integral in making all that happen.

COMMISSIONER STERTZ: Madam Chairman, Commissioner McNulty, I think that piece we've got covered in additional requirements, first paragraph, which is the contractor's responsible for compiling and soliciting public interest input as well as providing the public with information as directed by the Commission.

Vice Chair Herrera and I have had infused the phrase "as directed by the Commission" often throughout this document in an effort to allow us the ability to -- that during the course of this, that we can continue to direct the consultant freely in any one of these additional requirements. If you're comfortable with that or -- And in regarding the word "training," I think that the -- we can add the phrase "the company" or "the
Do you have a phrase that you'd like to --
VICE CHAIRPERSON HERRERA: No. What were you saying?
COMMISSIONER STERTZ: Saying you're wanting to make sure that the contractor, from its date of hire, continues to, and throughout the duration of its contract, brings forward data and coordination with the Commission to best enhance the Commission's ability to capture and integrate public data as well as to utilize electronic data collection and mapping materials for the best possible result.
Is that close?
COMMISSIONER McNULTY: Let me try something. I'd like the consultant to, on an ongoing basis, provide detailed training and have regular meetings with the Commission on operation of the mapping software and display of the census data -- methods for developing displays of the census data.
VICE CHAIRPERSON HERRERA: Madam Chair?
CHAIRPERSON MATHIS: Yes.
VICE CHAIRPERSON HERRERA: Yeah, I really do believe that the first bullet point under additional requirements to me does say that. I mean, it doesn't say it in those words. I think it's a little wordy, but I think that this is implied. And maybe we need to get legal counsel to chime in on the first bullet point on page 3. That -- without having to be too wordy and lengthy, does this get at what we want?
CHAIRPERSON MATHIS: Counsel?

MR. BARTON: Well, I think -- I, you know, actually don't have my copy right in front of me. May I borrow yours?

You know, I guess I don't know that this is a -- and this is really a legal question. I do think that you could draw this from where you're at in the document as it is. If Commissioner McNulty is more comfortable with that in the language, that also is -- I guess I don't know how to answer your question. I think that it's a matter of taste, I think is the answer to your question.

CHAIRPERSON MATHIS: Right. If we want to specify this as an additional requirement, another bullet, we could.

COMMISSIONER STERTZ: Okay.

CHAIRPERSON MATHIS: It doesn't -- I guess bullet one doesn't really specify training and regular meetings.

VICE CHAIRPERSON HERRERA: No. So the -- Madam Chair, on the first, "The contractor shall support the Commission in holding a number of public meetings and trainings." Can we add that? Does that help?

CHAIRPERSON MATHIS: So you're saying add "and training"?

VICE CHAIRPERSON HERRERA: Because I do want the -- If that's okay with the Chair McNulty, any of the trainings that we get, I want them to be open to the public and for the public to be able to understand what
COMMISSIONER McNULTY: I think if we have a quorum, that would be necessary.

VICE CHAIRPERSON HERRERA: Okay.

CHAIRPERSON MATHIS: Yes.

Commissioner McNulty, does that work, to add the clause "and training" to that first sentence in that first bullet?

COMMISSIONER McNULTY: My preference would be to be specific. I think this is one of the most important things that we will do.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER McNULTY: And I would like it to be spelled out explicitly that the consultant will be obligated to train us and meet with us regularly in the mapping software and in understanding and displaying the census data. I think that's at the heart of what our job is. And I'd like a -- And the consultants are going to be very important in helping us to do that job. It doesn't need to be a complicated statement, but --

VICE CHAIRPERSON HERRERA: That's fine.

COMMISSIONER McNULTY: -- I would like to include it.

VICE CHAIRPERSON HERRERA: Madam Chair and Commissioner McNulty, would you add that as a new bullet point, then, as probably the first bullet point on page 3? And then move --

COMMISSIONER McNULTY: Sounds good.

VICE CHAIRPERSON HERRERA: Okay. I'm okay with that.
CHAIRPERSON MATHIS: Okay. Commissioner Freeman?
VICE CHAIRPERSON FREEMAN: Madam Chair, I like what Commissioner McNulty came up with. I just added that.
CHAIRPERSON MATHIS: Wonderful. Okay. Thanks for that input.

Any other thoughts on the other edits and suggestions that Commissioner Stertz and Vice Chairman Herrera have proposed?
VICE CHAIRPERSON HERRERA: And Madam Chair?
CHAIRPERSON MATHIS: Yes.

VICE CHAIRPERSON HERRERA: I don't have a change. I just have a strong recommendation. When we're looking at the last bullet point on page 4, the scope of work, where it starts, "The contractor may be required, as directed by the Commission and the Commission's discretion, to disclose to the Commission the contractor's political's affiliations" and so on. I know the word "may be required" -- but I would hope that we ask. I have no problem with keeping the wording the way it is, but I really -- I felt pretty strongly about the people that apply, they should be providing this information. And maybe we should change it. But I -- If everyone's okay with the "may be" --
CHAIRPERSON MATHIS: Any thoughts on Commissioner -- Vice Chairman Herrera's suggestion?
VICE CHAIRPERSON FREEMAN: Madam Chair, I'm comfortable with the way it's worded. I agree with
Commissioner Herrera. I think it's a question we ought to be asking.

Chairperson Mathis: Okay.

Vice Chairperson Freeman: I'm not too concerned about it.

Chairperson Mathis: Okay. Any other thoughts or comments on the draft?

Commissioner McNulty: Madam Chair?

Chairperson Mathis: Yes.

Commissioner McNulty: Last time, as I look through the record, they apparently hired four consultants as a result of this RFP, some of whom subcontracted to the main consultant. And given that that process evolved from this RFP without any specific reference to it, it's probably not necessary that we refer to it in the RFP. But I did wonder whether it made any sense to ask the consultants in their proposals to advise us whether they would be using subcontractors or would propose to use subcontractors to provide any of the services, and to say that the same criteria would apply to the subcontractors as applied to the contractor.

Commissioner Stertz: Madam Chair?

Chairperson Mathis: Yes.

Commissioner Stertz: I guess that this would be a question for procurement. Is that not handled in the solicitation to bid?

MS. CLARK: Not seeing your scope of work and some of the information that you have in there, but the -- our uniform terms and conditions, for example, require that if they are to utilize any subcontractors,
they have to identify them and they also have to have our authority to do that, so they would be putting their offers in.

COMMISSIONER STERTZ: Thank you.

CHAIRPERSON MATHIS: Any other thoughts?

COMMISSIONER McNULTY: One more. I really appreciate that Mr. Stertz and Vice Chair Herrera have included in several places that the Commission will direct the consultant, and I'd like to add it in one more place.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: Where did I miss it?

COMMISSIONER McNULTY: On page 2. After the recitation of the constitutional criteria, there are two paragraphs, and the last line in the second paragraph where it says, "to draft maps and request changes as necessary," I would like to change that to "and direct changes as necessary."

CHAIRPERSON MATHIS: So that's changing the word "request" to "direct"?

COMMISSIONER McNULTY: Yes.

CHAIRPERSON MATHIS: Okay. Okay. Any other comments on the scope of work?

Do I need to -- This is a question for counsel. Do we need to probably lay out exactly what that bullet is that Ms. -- Commissioner McNulty is suggesting that we add, that beginning? Because I don't have the exact language. I can probably get it from the audio recording, but I just wondered if that should be --
THE WITNESS: Madam Chair, yes, I think it makes sense to read the exact language that you want to use, just clarification in the transcript.

CHAIRPERSON MATHIS: Okay. I was writing as fast as I could. But I don't --

So it's going to be bullet number 1, under additional requirements. This will be inserted, that the contractor --

COMMISSIONER MCNULTY: It looks like Mr. Freeman wrote it down.

CHAIRPERSON MATHIS: Did he? I would love it. Please go ahead. I can barely even read my own writing.

VICE CHAIRPERSON FREEMAN: Could we have our court reporter read back the transcript? Is that possible?

(The record was read by the court reporter as follows: The consultant to, on an ongoing basis, provide detailed training and have regular meetings with the Commission on operation of the mapping software and display of the census data -- methods for developing displays of the census data.)

COMMISSIONER MCNULTY: Would you repeat that last phrase?

THE COURT REPORTER: Methods for developing displays of the census data.

COMMISSIONER MCNULTY: Thank you.

CHAIRPERSON MATHIS: So does that capture that bullet as we would like it to?
Thank you, Meri.

COMMISSIONER McNULTY: To the best of my ability right now.

COMMISSIONER STERTZ: Madam Chair, Commissioner McNulty, for the purposes of clarification, if we could change "consultant" to "contractor," for consistency. Other than that, I think that --

CHAIRPERSON MATHIS: So it's "contractor"?

COMMISSIONER STERTZ: Commissioner Herrera and I are fine with that language being included as the first bullet point. Maybe you can handle that as that -- and the one change on page 2 as an amendment to your motion.

CHAIRPERSON MATHIS: Great. We don't have a motion on the floor right now, do we?

COMMISSIONER STERTZ: No.

CHAIRPERSON MATHIS: No?

So do I hear a motion to approve this draft Scope of Work for retaining consultative services with regards to redistricting?

VICE CHAIRPERSON FREEMAN: Madam Chair, there was one change, I thought, in paragraph number 2, the citation to the constitutional provision. I think that's a typo that keeps coming up in all these documents. I think we should eliminate one of the sections that was -- eliminate the comma and number 2. It's just section 19.

And then at other places in this document, I noticed there were a couple periods that -- they were just
simply typos. There was a period missing. There was an
apostrophe missing.

CHAIRPERSON MATHIS: Right. The first --
also the first bullet, which is now the second bullet, but
it needs a period after the first sentence. I noticed
that.

VICE CHAIRPERSON FREEMAN: There was
something else on the second page, second paragraph from
the bottom, the last sentence of that paragraph talks
about -- states, "The Independent Redistricting Commission
by memorial or minority report." It may very well be that
"memorial report" is a term of art, of which I am
ignorant. It just seems like, to me, that should be
"majority or minority report."

And as for the other sort of typographical
issues, is that something that we really need to go
through, or can we trust that when the final RFP is

issued, those will be cleaned up? They're not really
substantive matters, I guess, is my question.

MR. BARTON: I agree that they're not
substantive. And you're right. I think that you can --
that sort of stuff will be cleaned up as they go through
when they issue the final RFP. Yes.

CHAIRPERSON MATHIS: Thank you.

Any other edits or comments on this draft
Scope of Work?

Do I hear a motion to approve this draft
Scope of Work as amended?

VICE CHAIRPERSON FREEMAN: So moved.

VICE CHAIRPERSON HERRERA: I second that.
CHAIRPERSON MATHIS: All in favor?

VOICE VOTE: Aye.

CHAIRPERSON MATHIS: Any opposed?

(No verbal response.)

CHAIRPERSON MATHIS: Hearing none, the motion carries.

So we have a draft Scope of Work, as amended, that we will work to get cleaned up and submitted, then, to whoever it's determined at state procurement will be helping us with this process. Great.

Before we leave this agenda item, because I think this is where this should be brought up -- you could argue maybe that it could be brought up later under website information, but it pertains to the GIS software that was used by the previous commission. And that was ESRI, the company E-S-R-I. And they contacted us to let us know that it's up for renewal, and apparently the Commission owned it -- the last Commission owned this software, and they wish to provide a quote. And I believe Buck Forst, if he's in the room -- yes -- was communicating with them to find out the details.

MR. FORST: Sure. They did provide a quote to me, yes.

CHAIRPERSON MATHIS: They provided a quote to you for renewal of the software?

MR. FORST: Yes.

CHAIRPERSON MATHIS: Okay. And so, I guess, that's something that the Commission is going to need to decide, is do we want to renew that software, this GIS
software, which we -- we're not even familiar with. We haven't seen it, so it's too early to say yes or no. But if you could provide details of what they said, I would just like it for the record.

MR. FORST: Sure.

CHAIRPERSON MATHIS: And how long the quote is good for.

MR. FORST: Good question. Let's see. The quote was roughly $2,600.

THE COURT REPORTER: I'm sorry. If you could put -- speak into the mic.

MR. FORST: The quote was roughly for $2,600.

CHAIRPERSON MATHIS: And that is for -- that's renewing the software.

MR. FORST: Yeah. The maintenance renewal. ArcGIS Server Standard Work Group One Core Additional Migrated. I'm not prepared to go over the terms. I haven't had a chance to look at the existing website of that GIS either, so --

CHAIRPERSON MATHIS: Do we know where the software resides now?

MR. FORST: It's on a stand-alone server over at the 1510 building for Information Services Division. The OSPB is currently paying for that server to be hosted there.

CHAIRPERSON MATHIS: OSB?

MR. FORST: OSPB.

CHAIRPERSON MATHIS: Oh, what is that?

MR. FORST: Office of Strategic Planning and...
Chairperson Mathis: Planning and Budget.

Thank you.

Vice Chairperson Herrera: Madam Chair?

Chairperson Mathis: Yes.

Vice Chairperson Herrera: Since -- This is not an agenda -- item that's been agendized. Can we -- Is there any way we can table it for next meeting? Because I have no clue what's going on.

Chairperson Mathis: Right.

Vice Chairperson Herrera: And I -- I mean, I have an idea what the company is, but I really don't know much about it, and I don't --

Chairperson Mathis: Exactly. And we won't be making --

I appreciate your comment, Vice Chairman Herrera. But I did want to raise it because this has just came to us from this company saying we have this renewal situation that we have to deal with, and it does pertain to software that was used last time by that previous Commission. And it's --

Vice Chairperson Herrera: Sure.

Chairperson Mathis: But you're totally right; we cannot make a decision today. We need to get information on exactly what the capabilities are of that GIS mapping software and what it was used for, what it is used for.

Mr. Forst: Correct.
CHAIRPERSON MATHIS: And -- But I did want
to notice that Buck has this quote and we're going to have
to deal with it, so it will be a future agenda item.

Thank a lot, Buck.

It's 11:00. And I wanted to see if we
wanted to do a short recess to provide people a break,
since it's been an hour and a half. Okay. So we'll go
ahead and move.

Do we need a motion for a recess?

MR. BARTON: No. You don't need a motion
for a recess.

CHAIRPERSON MATHIS: We're going to take a
recess. Let's plan to be back, though, in 10 minutes, at
11:10.

(A recess ensued.)

CHAIRPERSON MATHIS: Great. I think recess
is over. It's a little bit longer than we intended. It's
almost 11:20.

Before we move on to the next agenda item, I
just want to revisit agenda item 6 with regards to the RFP
process for securing legal counsel, to confirm what our
steps are going forward, because it wasn't clear in my
mind, so I talked to Jean Clark at the break. And my
understanding is the scope of work that we finalize today,
those edits will be incorporated into a final scope of

work by our interim executive director, Megan, and she
will then send that to the appropriate person designated
by the state procurement office to generate the RFP that
gets crafted around that scope of work. And they, I
think, thought — assuming they get that quickly from Megan, they could move forward, possibly Monday, and send Megan a draft RFP that she would then distribute to all of the Commissioners. So I think that's where that is.

What I was wondering — just because I — we're constantly wanting to be as expeditious as possible with all of these things, and sometimes that's possible and sometimes it isn't, but I wondered, is there a way before the next meeting — I guess we could ask counsel — to — once that RFP — draft RFP is distributed to all the Commissioners, they're given a deadline to review it.

Could we — If we don't hear from them, for instance, if people don't weigh in, can we assume that they — you know, by stating in an e-mail, we'll assume that if we don't hear from you by close of business Wednesday, that you are okay with the drafts of — the draft RFP as it came to you and that it wouldn't even need to be an agenda item next time, in which case it would just go to state procurement and they could issue that RFP? Or how does that need to flow?

MR. BARTON: Madam Chair, that would not be appropriate. The decision we have to make now is if we want to delegate final approval to either the executive director — I'm sorry — if the Commission wants to delegate final approval to the executive director or delegate final approval to someone else. If the Commission wants to do that, then — that hasn't been done yet, but you could do that in this meeting, then you could possibly just sort of let that — whoever you designate to
make the final changes and certify it as the document and
go forward from here.

When you say things like, "I'm going to
assume if you don't make any changes, that you're happy
with it," what you're effectively doing is you're
effectively having a vote on the final draft via e-mail
and outside of the public meeting process, so you can't do
it that way.

What you can do -- Particularly, it sounds
like -- I believe the Commission is planning to meet next
week. And what you can do is you can ask the
Commissioners to provide their responses to the RFP to the
executive director ahead of the meeting and then the
executive director can bring a draft that incorporates
those changes or points out things that need to be, you
know, sort of hammered out at the meeting, and then you
would have a discussion and final approval of it at a

meeting, which I think that that seems to me to be the
course that the Commission was in or where we're set to go
right now if the Commission doesn't take any other action.
But, you know, it either has to be delegated
to someone else, or it has to be approved in a meeting.
You can't do a thing where you sort of basically approve
it by e-mail.

CHAIRPERSON MATHIS: Okay. Any
Commissioners, do you have any thoughts on that? Are you
comfortable with that approach?

VICE CHAIRPERSON FREEMAN: With which?
CHAIRPERSON MATHIS: I know.

VICE CHAIRPERSON FREEMAN: Good question,
 Commissioner -- or Vice Chair.

VICE CHAIRPERSON HERRERA: Madam Chair, I was comfortable with the approach that I thought we were taking, which was to final---- you know, make the changes to the scope of work that we agreed on, incorporate that into the RFP, and for us to get a draft and approve it on -- in next week's meeting. Because I don't think there's going to be that much of a gap between when they actually finish everything and for us to approve, because it might be early next week when they forward that information over to Megan, and then she'll have to make her changes or whatever she's making and then send it to us. I don't think we're saving that much time -- or wasting that much time by waiting.

CHAIRPERSON MATHIS: Yeah. It sounds like state procurement will have this draft, assuming Megan's able to get the finalized scope of work to them very quickly.

VICE CHAIRPERSON HERRERA: Sure.

CHAIRPERSON MATHIS: They can do that Monday -- as early as Monday.

And then I don't think Megan will be making changes to that. She'll then just distribute that to us. And I was just wondering if there's any way to expedite it so that we could -- if the RFP looked good to us, that we could move forward to have state procurement issue that RFP, but it's sounding like unless we delegate the authority to Megan to make that final call, or --

MR. BARTON: That's correct. You can
delegate it to Megan if you'd like. Or you can make a final decision in the next public meeting. Right.

COMMISSIONER MCNULTY: Madam Chair, I think our mic's off. Yours may be working, but I think ours are off. I'll speak loudly.

What kind of changes would be more than likely to be made? Is there a -- Are they formatting changes that we could be provided with right now so that we might have a comfort level that we could just sign off? Or are they substantive changes?

CHAIRPERSON MATHIS: I don't -- I don't know what the RFP looks like. And Jean isn't here, so I don't think we can ask her.

MR. BARTON: Madam Chair, I think it's more than formatting, because the scope of work -- that might just be minor formatting changes, but scope of work is only one part of the RFP. So I think it's -- it would be more than minor changes. It might not be particularly controversial, but I think there will be more to decide than just sort of formatting changes or correcting typos.

CHAIRPERSON MATHIS: Well -- Go ahead.

VICE CHAIRPERSON FREEMAN: Madam Chairman, as Commissioner Herrera suggested, let's take a look at it and approve it at the next meeting.

CHAIRPERSON MATHIS: Okay. And that provides great motivation to have a meeting next week so that we can keep these things all moving forward.

Any other thoughts or comments on this?

VICE CHAIRPERSON HERRERA: Madam Chair, the only thing is I -- I'm assuming we'll get everything ahead
of the time before the meeting, so at the meeting we'll make the final approval and really not spend a lot of time, because I think we did that today.

CHAIRPERSON MATHIS: Exactly. Thank you. I appreciate that.

COMMISSIONER STERTZ: Yeah. Madam Chairman, we're looking at 42 percent of the overall budget based on the previous expenditure. I think that it merits the moment of time to review completely the RFP an extra couple of days, then we'll ratify it without changes or with minor changes next week.

CHAIRPERSON MATHIS: Great. I appreciate that.

Any other thoughts or comments?

Okay. Thank you for entertaining that with me.

I wanted to also mention that it's very difficult to hear in this room. The acoustics aren't so great, and so if we could all be mindful of speaking into the microphone as clearly and loudly as possible, that would help our court reporter greatly and all of the public too.

So moving to item VII, discussion and possible action on office space options. And we have -- Fortunately, Nola Barnes and Buck Forst have been point on helping the Commission find suitable office space that also accommodates the necessary phone and networking and data infrastructure that we need for a small office staff.
And at our last meeting, the Commission generally agreed that it makes sense, particularly from an administrative standpoint, to be close to the capitol mall area in Phoenix, so -- And in doing that, it also gives us a lot of options for meeting space. We don't necessarily have to have meeting space where the office is located. So this provides us a wide variety of options where we can go for meetings, being located up here. So I think so far the Commission's met now in four different spaces, so -- in our short tenure. We're getting a great tour, though, of the options.

So at our last meeting, the Commission generally agreed that the Evans House, which is across the street from this location today, as a potential office space because it is close to a variety of public meeting spaces, there's parking, but we needed to ensure a number of things are suitable for our Commission to use as office space. So Nola and Buck, thankfully, were going to look into some of that for us this past week. I was hoping they could come up and address us and tell us what they've learned.

MS. BARNES: Well, that -- I think I mentioned at the last meeting that the Evans House is not going to be completely titled to accessible from an ADA perspective for public accessibility, which may not -- so you are not going to want to have public meetings and so forth there. And it's not designed that way anyway.

CHAIRPERSON MATHIS: Right.

MS. BARNES: And you -- Since the
Commission doesn't provide what we call program services, it probably won't be much of an issue, but in the event you are asked to make facilities-relating accommodations, those are going to be very limited in terms of physical alterations to the building, so if you had to make an accommodation, more than likely it would have to be off-site or some alternative format.

Title I of the ADA is employment-related. Again, there -- in the event we were asked to make an accommodation-- facilities-related accommodation based on the employee-employer relationship, the limitations there physically are going to be present as well.

I think there's seven rooms. One of them is a lobby. One of them is break room that you're going to have on the first floor. I anticipate you're only talking about the first floor.

CHAIRPERSON MATHIS: Right. First floor only.

MS. BARNES: The balance, you know, would be five rooms. And, again, they're not set up like offices, so if you're going to go to the bathroom facilities at the back of the space, you will have to walk through other people's offices because it's not going to have your typical lobbies, hallway, and common areas that a, you know, typical office space would have.

There don't appear to be a lot of maintenance-related issues chronically, such as the air conditioning. There's been, like, four or five calls in the last -- since 2007. There were a couple issues with
bees in the attic, but the bees were sent away. So other
than that, from that perspective, there don't appear to be
any chronic problems.

CHAIRPERSON MATHIS: Okay. That's good to
know.

MS. BARNES: As far as file load, though, I
don't think you guys are going to have tons of filing
needs. If you're going to have a lot of filing, that's --
that would be something to consider in this space, because
it's not structurally suitable for storing large amounts
of files in one area. It's the --

THE COURT REPORTER: I'm sorry. What was
the last sentence?

MS. BARNES: As far as floor loads or files,
you'd have to make sure that you spread the file load out
across the floor.

In terms of rent for the first floor, the

legislature establishes the rent rates that DOA charges
for its state-owned space. The current rate is 21.02. We
anticipate that it will be -- Right now the budget bill
has it at 15.08 a square foot for office space. The bill
right now says usable square feet, so depending on the
little details, the usable square feet, rental square
feet, so based on the first floor at a 1937 at 15.08, the
rent would be 29,200.

CHAIRPERSON MATHIS: 29,200 for the year?

MS. BARNES: Yes.

CHAIRPERSON MATHIS: And it's my
understanding that of all the options, that the rate's the
same no matter where we choose, correct?
MS. BARNES: Yes, any state-owned space is, yes.

CHAIRPERSON MATHIS: Okay. Any other --

Any questions for Nola on the space -- the Evans House space? Your -- As you'll note in the agenda, there is an opportunity to see the space, which, I think, is the best way to determine this, and if Commissioners could go two at a time over to see it, that will allow us to comply with the open meeting law.

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes, Mr. Stertz.

COMMISSIONER STERTZ: What was the square footage again, please?

MS. BARNES: The first floor is 1,937.

COMMISSIONER STERTZ: At 29,000 a year, we had -- the previous Commission -- we're going to burn that in the first three years, we'll equal their entire burn for the -- for their rent. They had a total burn of $79,170 for the duration of the Commission.

CHAIRPERSON MATHIS: For 10 years?

COMMISSIONER STERTZ: 10 years.

CHAIRPERSON MATHIS: Do we know if the previous Commission had the same space all 10 years? I don't know.

MS. BARNES: I believe they did. They were in 1400. And the rates fluctuated over those 10 years. At one time, they were as low as 15 and then at the high point, the current rate is 21.02. So from year to year, that may change.
CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: Last question, Madam Chair, is this -- is that a triple net, or is that a gross lease?

MS. BARNES: That’s a gross lease. Includes the janitorial, all your maintenance, your operations, any building renewal.

CHAIRPERSON MATHIS: Lawn mowing?

MS. BARNES: Pardon?

CHAIRPERSON MATHIS: Lawn mowing?

MS. BARNES: It includes the lawn mowing as well.

CHAIRPERSON MATHIS: Great. There is grass out there.

MS. BARNES: Yes.

COMMISSIONER STERTZ: And last question, regarding the technology that’s currently in the space, do each one of the offices have appropriate --

MS. BARNES: I’ll have to defer to Buck on that. I just put up the walls.

MR. FORST: It really depends on which space you’re referring to. The Evans House in particular?

COMMISSIONER STERTZ: Yes.

MR. FORST: I’m finding out that it might not necessarily have a connection to the State of Arizona as we suspected it might. It’s got a high-speed fiber optical, but I think it goes straight back to Qwest central office. And I’m currently working with the department to figure out what the cost associated with that getting back over on the State magnet is, so we can
get you on the shared source there.

COMMISSIONER STERTZ: If we were going to look at --

Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: If we were to look at this inventory of buildings that you have here that would be specifically on the capitol mall, which is the -- which building will accommodate the greatest flexibility of expansion and contraction, and, second, which has the greatest ability to -- that current -- that currently has either tenant improvements complete, office space, partitions, chairs, and the highest level of technology as it currently exists today?

MR. FORST: I would have to say the 1400 building. Do you think that that would be -- I mean, it's already got the office space there. It's already got the network connection to the magnet. It will already have all of the networking equipment necessary for you to be put on the Internet.

MS. BARNES: That's correct. 1400 would probably be the --

MR. FORST: Best suited.

MS. BARNES: -- best suited in terms of office space.

The boardroom space isn't as updated as some of the other spaces, but that's -- you know, that space is available.
CHAIRPERSON MATHIS: And is 1400 where the previous Commission was?

MS. BARNES: It is.

CHAIRPERSON MATHIS: In the basement? Okay.

MS. BARNES: So the space that -- at 1400 that we would consider the backfill option for you all would be the space that's currently occupied by the Deaf and Hard of Hearing Commission. And they are going to leave all their furnishings there, so purchasing furnishings is taken care of. Whereas at the Evans House, you do have that expense of acquiring furnishings.

COMMISSIONER STERTZ: And in regards to the 1400 space, Madam Chair, what suite would that be or what floor would that be?

MS. BARNES: It's on the first floor.

COMMISSIONER STERTZ: First floor?

CHAIRPERSON MATHIS: It's very large too, isn't it, Nola or Buck?

MR. FORST: Yes, it is. There's a lot of space in there, yeah. You don't necessarily have to take --

MS. BARNES: It's about --

MR. FORST: -- the whole thing.

MS. BARNES: It's about 3,300 square feet.

CHAIRPERSON MATHIS: Okay.

MS. BARNES: But you might want to -- I don't know in terms of your consultants, if your consultants are going to be housed with you or if they're going to require maybe itinerant space at, you know, your
administrative office, so it does have the ability to, you know --

CHAIRPERSON MATHIS: Extra space.

MS. BARNES: -- expand if you do need, you know, temporary housing for consultants.

VICE CHAIRPERSON HERRERA: Madam Chair?

CHAIRPERSON MATHIS: Yes.

VICE CHAIRPERSON HERRERA: What about parking?

MS. BARNES: Parking at Evans House is available in the --

VICE CHAIRPERSON HERRERA: No. At the 1400. Excuse me.

MS. BARNES: 1400 is -- the parking is the service lot parking, and it's on the north side of the building.

VICE CHAIRPERSON HERRERA: I'm thinking, is that the building across the street from the -- that museum -- the rocks and minerals museum? Is that the one?

MS. BARNES: It is.

MR. FORST: East of the museum.

VICE CHAIRPERSON HERRERA: It's east of -- Correct. I'm familiar with it now. Thank you.

COMMISSIONER McNULTY: Madam Chair?

CHAIRPERSON MATHIS: Yes, Commissioner McNulty.

COMMISSIONER McNULTY: That space is on the first floor or the basement?

MS. BARNES: It's on the first floor. You
wouldn't be backfilling the space that the redistricting had previously. It would be a backfill of some alternative space.

COMMISSIONER McNULTY: And is that space ADA-compliant?

MS. BARNES: It is.

COMMISSIONER McNULTY: Could we look at that space today?

MS. BARNES: Yes, you can.

COMMISSIONER STERTZ: And last question, Madam Chair. The space, when we were talking about leasing for -- initial leasing -- expansion and contraction, the state would -- is very flexible in regards to that. Is that correct?

MS. BARNES: Yes.

COMMISSIONER STERTZ: Okay. You've got lots of space.

MS. BARNES: We have lots of space right now.

COMMISSIONER STERTZ: Okay.

MS. BARNES: Everyone does.

COMMISSIONER STERTZ: Would you --

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER STERTZ: I was going to say last -- Here's my last, last question.

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER STERTZ: Would you consider that the current rates that the state is charging at a gross lease rate to be competitive in the marketplace for -- this would be considered B grade office space?
MS. BARNES: Yes.
COMMISSIONER STERTZ: Okay.
MS. BARNES: At the current rate --
COMMISSIONER STERTZ: Yes.
MS. BARNES: -- of 21.02? It is not competitive with the market.
COMMISSIONER STERTZ: Thank you. At the adjusted rate?
MS. BARNES: The adjusted rate would be competitive in the market.
COMMISSIONER STERTZ: And the adjusted rate is -- goes into effect --

MS. BARNES: I believe it will go into effect on July 1.
COMMISSIONER STERTZ: Would there be a -- And that is based on the count -- based upon the budget year for the legislature?
MS. BARNES: Yes. Fiscal year '12.
COMMISSIONER STERTZ: Would there be an opportunity, if we were going to occupy prior to July 1, for there to be any concessions of space utilization without having to pay above-market rent for below-market space?
MS. BARNES: We could ask the Joint Committee on Capital Review --
COMMISSIONER STERTZ: Thank you.
MS. BARNES: -- who tells me whether or not I can.
COMMISSIONER STERTZ: Thank you.
CHAIRPERSON MATHIS: Nola, can I ask a quick question on ADA compliance --

MS. BARNES: Sure.

CHAIRPERSON MATHIS: -- on Evans House?

There's a chair lift? Is that correct?

MS. BARNES: There is a chair lift.

CHAIRPERSON MATHIS: But that's not considered ADA-compliant?

MS. BARNES: It is ADA-compliant in that it will get someone into the building who is in a wheelchair. As far as the accessible paths through the building, I'm not sure if the doors meet the required clearances. The building clearly was constructed before the ADA went into effect. And there are some historic preservation exemptions, but they're very limited if the program offered in the building isn't an adjunct to historical preservation, so there may be some issues. I can meet -- -- we can make sure that the doors are measured and so forth. But the clearances I don't believe are going to be completely compliant.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER McNULTY: Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER McNULTY: Does that pertain to the bathroom? Is the bathroom wheelchair-accessible or not?

MS. BARNES: It is, I believe, wheelchair-accessible, but only to the 1991 standards, not to the current ADA standards, which change from time to time.
COMMISSIONER McNULTY: What is the practical relevance of that? Do you know?

MS. BARNES: Well, the practical relevance is that some of the older versions, they aren't as accessible as some of the newer versions.

COMMISSIONER McNULTY: But in terms of whether someone with a wheelchair could access the bathroom, the older standards would accommodate that?

MS. BARNES: I really can't answer that right now --

COMMISSIONER McNULTY: Okay.

CHAIRPERSON MATHIS: Okay. Any other questions?

So we're going to probably need to have more discussion. It sounds like some of you will be going to see some of that other space today at 1400 and then also the Evans House.

Any other thoughts on office space that you want to cover here now?

And maybe depending on the outcome of that, we can decide if we can give Nola and Buck some direction. But I think it would be worth knowing just on those ADA-compliance issues like what's required for Evans House, and if it doesn't meet the standard definitively, then we need to look at other options or what other alternatives are. That would be great.

Anything else?

And Buck, you're currently investigating the
data infrastructure.

MR. FORST: Yes. For Evans House and for the BOMEX --

CHAIRPERSON MATHIS: I'm sorry. Can you repeat that?

MR. FORST: I'm investigating the network access at the Evans House to the state network and BOMEX to the state network.

CHAIRPERSON MATHIS: Okay. And what's BOMEX?

MR. FORST: BOMEX, that's the board where we had the last meeting at, just seeing whether -- what the cost would be to have a network set up.

CHAIRPERSON MATHIS: Okay. Great. Thank you both very much for all of your help.

Moving to item VIII on the agenda, discussion and possible action regarding setting up a website for the Commission, including any desired security features, public access features, or other functionality.

So Buck's been wearing a lot of hats for us at the Commission, and I'm going to ask him to come back up to the podium. We really appreciate all his help in this regard.

But as you know, the previous Commission's website is still up. It was raised during the public comment period. And we discussed last time how it's important to maintain and preserve all that information in some way and allow people to still access that. But we also need to think about doing it in a way that isn't
confusing to people who are looking at the current Commission's work. And so we were trying to figure out what are our options for a website. Is it something where we would take over the website of the previous Commission with -- and add new data built on top of it with the same URL? Or do we create a whole new domain and a new site, then just have a link to the old Commission's work or -- So these are the paths that I was hoping Buck could talk about today.

MR. FORST: It would be my recommendation that the IRC take over control of the old Commission's website. And currently, that server is a stand-alone server, called a 1U rack server. It's my suggestion that we take that physical server and turn it into a virtual guest, so we can preserve that website in its entirety. We can take and then give that website a temporary domain name, something like 2001.azredistricting.org. And then we continue with the new website, on azredistricting.org, and build the new website for the Commission. And then we can just simply link to the old Commission's website and preserve it, obviously.

CHAIRPERSON MATHIS: Will that cause a problem for links that are made currently to the azredistricting.org site?

MR. FORST: Shouldn't, no. When people link to the current azredistricting.org, they'll just be presented with the new website. We'll have someplace on the website that says, "For the prior Commission's website, please do this."
And currently, the legislative council, it's my understanding, is hosting --

MR. FORST: OSPB, Yeah. They're covering the cost right now to -- of the server. Yeah, I think it's $56 a month, I think is what they're --

CHAIRPERSON MATHIS: They're covering those costs?

MR. FORST: Correct. $56.75 a month. If we move this physical server to a virtual environment, I think we'll cut that cost down.

CHAIRPERSON MATHIS: Any thoughts from the Commission?

VICE CHAIRPERSON HERRERA: Madam Chair, I -- other than I like that idea of doing that, because I think the website is -- I can't stress how important it is. I've been contacted by people that don't know what we're doing, and they're going to the azredistricting website now and they're not finding any information, so I can't stress how important it is for us to get that website up and running, at a minimum with information on the next meetings. At a minimum, I think we should do that. So let's -- whatever we need to do.

CHAIRPERSON MATHIS: Okay. Other thoughts?

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: We haven't registered names -- any domain names?

MR. FORST: No, not currently.

COMMISSIONER STERTZ: I suggest that we pick a name, get it registered.
MR. FORST: Well, did you want to use the azredistricting.org, the current domain name?

COMMISSIONER STERTZ: That's a smart way to do it, register -- but I'm talking about the secondary domain. If it's the 2001 --

MR. FORST: Yeah, put 2001 on the virtual one. We can just do something with a virtual one.

COMMISSIONER STERTZ: Do something, that.

And then at least create a home page for the current Redistricting Commission, do simple links to agendas, so that issues like -- if we're going to -- that you can have a simple link to agendas that would at least -- the short-term linking us to the Secretary of State's website, and at least create some rudimentary data sources for it.

Because I'm getting the same questions: "Where are you guys?" "What are you doing?" "How is it working?" And I'm going, "We're not posting anything right now."

MR. FORST: Absolutely.

COMMISSIONER STERTZ: And I think that's not in our best interest. So I'm going to suggest highly that we engage -- and if it is the DOA through Buck -- to engage that to make that happen.

CHAIRPERSON MATHIS: Okay. Thank you.

Other comments?

COMMISSIONER MCNULTY: Madam Chair, I agree.

VICE CHAIRPERSON FREEMAN: I agree as well.

CHAIRPERSON MATHIS: Okay. Great. I agree too. So I guess what we'd like to do is proceed with --
CHAIRPERSON MATHIS: -- Buck, if you could begin to do that process, and we're going to agree to use the azredistricting.org site and create a subdomain --

MR. FORST: Sure.

CHAIRPERSON MATHIS: -- to put the previous Commission's work there, preserve that, and then begin to create that home page and start to upload the approved minutes --

MR. FORST: Sure.

CHAIRPERSON MATHIS: -- and different documents that we have from our past four meetings.

MR. FORST: Great.

CHAIRPERSON MATHIS: That would be great.

VICE CHAIRPERSON HERRERA: Madam Chair?

CHAIRPERSON MATHIS: Yes.

VICE CHAIRPERSON HERRERA: Would it be possible to have this up and running or at least the basic information by the next time we meet?

MR. FORST: Yes.

VICE CHAIRPERSON HERRERA: So it'll have the meeting notice, where we're meeting, and also hopefully opportunity for public comment, if they can, added on the website?

MR. FORST: Sure.

VICE CHAIRPERSON HERRERA: Because I think -- for people that can't come.

MR. FORST: I'm sorry. Are you looking for the public to make comments on your website?

VICE CHAIRPERSON HERRERA: Yeah.
MR. FORST: Okay.

VICE CHAIRPERSON HERRERA: Is that possible?

MR. FORST: Sure.

COMMISSIONER STERTZ: It's a blog app.

VICE CHAIRPERSON HERRERA: Yeah.

COMMISSIONER STERTZ: Right.

VICE CHAIRPERSON HERRERA: Perfect.

CHAIRPERSON MATHIS: On that point, do -- is there a charge for this, Buck, in terms of do we -- will the Commission be paying for the services? Or how does that work?

MR. FORST: Yes.

CHAIRPERSON MATHIS: You're not working for free?

MR. FORST: No, right. Like I said, if we go the direction of moving the physical servers to a virtual environment, that will reduce your -- the current cost. Right now we're not charging anything because OSPB is taking care of it, the fees associated with the whole website. So there won't be that fee.

The domain name is less than $20 a year for a .org domain name. I'm not sure exactly on the exact cost on that. I also need to find out who is currently owning that. For some reason, a lookup shows that somebody with a maricopa.gov address owns it, but they were in the 1400 building, which doesn't make any sense, so I'll have to track that down.

And then the -- getting the website set up
with the approved government information technology associations look and feel is going to run about $500. And that will include basic -- all the agenda information, meeting minutes. Well, I can move most of the information over, with the exception of the current GIS mapping information.

COMMISSIONER STERTZ: I'm going to suggest, Madam Chair, at a bare minimum, that we have a list of information on the five Commissioners, if we could get simple bio information over to Megan as quickly as possible, so that she -- that he can start to compile it. E-mail contact information and standard data, so that we can at least start to populate the site so that when it does open, it's populated appropriately.

MR. FORST: Sure.

COMMISSIONER STERTZ: We don't want to open -- we don't want to start out limping our way into this. Let's at least show who we are, what we are, and where we're going.

MR. FORST: Absolutely.

COMMISSIONER STERTZ: Okay. The goal out of this is that we want to get -- we want to be able to expand out of this, and I know that setting up a home page is going to be a no-brainer, and we'll be able to change that out as things move forward.

MR. FORST: Sure.

COMMISSIONER STERTZ: So great. Madam Chair?

CHAIRPERSON MATHIS: Buck, would you be able
to provide just an e-mail outlining just the cost to
Megan, so that we just have an idea of the hosting, domain
name, and then --

MR. FORST: Sure. Absolutely.
CHAIRPERSON MATHIS: -- cost to create this?

That would be just great.
MR. FORST: Not a problem.
CHAIRPERSON MATHIS: Thanks so much for all
your help.
MR. FORST: No problem.
VICE CHAIRPERSON HERRERA: Madam Chair, one
last comment for Buck.
CHAIRPERSON MATHIS: Sure.
VICE CHAIRPERSON HERRERA: The -- Going
forward, when the Commission put the website together,
were they -- they probably weren't thinking long-term of
archiving. So should we be thinking about that now, or
does that -- is that even an issue for us?
MR. FORST: I'm not necessarily sure I
understand your question. We're -- I'm looking at taking
the existing Commissioner -- I'm sorry -- the 2010

Commission's website and preserving it in its entirety.

VICE CHAIRPERSON HERRERA: Sure.
MR. FORST: And is that what you --
THE WITNESS: Not only that one, but the one
we're creating, for future use, when we're long gone, and
is there anything different that we need to do that they
didn't do in 2001?
MR. FORST: I don't --
cover some of that -- if I could just interrupt for a minute, because in a future agenda item, we're going to talk a little bit more about records, and that's a big part of it.

VICE CHAIRPERSON HERRERA: Okay.

CHAIRPERSON MATHIS: My question, I guess, too, along those lines, though, is funding into the future, how that -- you know, who will take over in 10 years?

MR. FORST: That's a good question. I don't know the answer to that right now.

CHAIRPERSON MATHIS: Okay. So we'll have to think about that one. That's great.

VICE CHAIRPERSON HERRERA: Thank you, Buck.

COMMISSIONER MCNULTY: Madam Chair, just one -- two more comments for Buck.

When you look at the record the last time, the Maricopa County elections department, I think, provided the website. So if you go back to that -- the minutes and transcript of that, I think you'll find public contact people who should be able to explain why they're the ones who own that domain name.

MR. FORST: Okay.

COMMISSIONER MCNULTY: I also wonder if -- whether it's possible to purchase that domain name for 10 years, so that the next Commission will be sure that it has it.

MR. FORST: Yeah, I'll be looking into that -- answer to that.
CHAIRPERSON MATHIS: Any other comments?

Going once. Okay.

Thank you very much, Buck. Very helpful.

Very much looking forward to having the website up and running.

VICE CHAIRPERSON HERRERA: Oh, yes.

CHAIRPERSON MATHIS: That will help everyone.

This takes us to agenda item IX, discussion and possible action on public records requirements, options for accessing and storing past and future Commission records, and providing for digital preservation of records from past and future Commissions. We've kind of touched a little bit on this already, but I thought it would be helpful to have some experts talk to us about this. We have three people, I think, with us if they're all still here: Lisa Maxwell, Jerry Kirkpatrick, and they're both from records management, and then Linda Reib, who we just heard from earlier.

So if you three would want to come up or whoever's the most appropriate to speak on this. We just would be -- we want to make sure we're following best practices now and good habits so that as a Commission, anything that we're generating from a public records standpoint, we want to make sure we are doing the right thing.

MS. MAXWELL: All right. Well --

THE COURT REPORTER: I'm sorry. The name?

MS. MAXWELL: -- I'd like to tell you a
little bit about what we do. We're part of the Arizona State --

CHAIRPERSON MATHIS: Can you state your name? I'm sorry.

MS. MAXWELL: Oh, I'm sorry. I'm Lisa Maxwell, director of the Records Management Division at the Arizona State Library, Archives and Public Records. And Jerry Kirkpatrick also works at the Records Management Division. And Linda Reib works at the State Archives, which is also part of our agency, but is a separate part of -- She's not a part of Records Management.

So records management, what we do is we help you manage your records. We want to make sure that you know what the laws are in regards to your records so that you'll have the things that you need, that you're keeping your records for the appropriate amount of time, that you're keeping them in the format that the law says you need to keep them in.

And we provide storage for records in our records center. The records that we store there are active records. They are records that still belong to you. We're like a commercial records facility. When they come to us, if somebody wants a copy, you have to request it; we don't provide access to the public. Once the records have -- they're no longer active, like once the Commission is gone, then the records transfer to the state archives, and the archives are the people responsible for the historical records of the state. Like once the previous Commission ended from 2001, their records
transferred to the state archives, and they're -- they now
have legal custody of those records, and they do provide
access to the public.

One of the things that we do in our office
that I strongly encourage you to take advantage of is we
provide training. We talk about what the records laws
are. Like you were just talking about your website and
how you would like to provide public comment on your
website, websites are wonderful places for you to put
information so that you can have access to the public.
But when you start having the public comment on your
website, you're now creating unique records that only
exist in this one place. And part of the problem we have
is how are you going to capture those records so that
they're going to be here forever? Because if things are
permanent, they have to be here forever, and websites
aren't the best place to do that. And there's a law that
right now says permanent records have to be in paper or
microfilm, so if you're creating permanent records on the
website, how are those going to be captured so that you're
compliant with the law? So we cover laws in our classes.

We talk about records retention. We have
records retention schedules for all State agencies,
boards, and commissions. They tell how long your records
have to be kept, like how long financial records are kept,
how long contracts, human resources, minutes, and things
like that. We cover electronic records and how you deal
with those in best practices. We talk about websites.
And a lot of people now are getting into Facebook and Twitter. What do you do with those records? How do you capture those? And e-mail, your e-mail's going to be public records too that can be accessible. So we try to cover all that in our training. And I encourage you, once you have your staff hired, if we could -- we would be glad to come down and provide training for you and your staff where we can cover all that.

CHAIRPERSON MATHIS: Great. Yeah. I welcome that.

MS. MAXWELL: All right. Anything?

CHAIRPERSON MATHIS: Any questions or comments regarding public records and what Linda just said?

VICE CHAIRPERSON HERRERA: No. Other than -- Madam Chair, other than I'm glad that we're doing this before and not after the fact. Because I think we're being proactive with this, and I appreciate that.

CHAIRPERSON MATHIS: I agree.

And your comments regarding this -- the website and taking in public comment on our website are very timely, and maybe that's something we want to revisit as a Commission in terms of actually having Buck moving forward to do that right now until we know better -- more about records laws. What do you think?

VICE CHAIRPERSON HERRERA: Sure.

COMMISSIONER STERTZ: Madam Chair, I have just two schools of thoughts. One is the developing of the website is going to continue to evolve based on data
and information that we are going to obtain. And second, I would love to volunteer to liaise between our Commission and the technological development on this, including archival development, to be able to be most efficient and timely. This is something that is very -- I've got a great passion for, and I would love to be able to actively participate in that.

CHAIRPERSON MATHIS: Great.

Any comments from other Commissioners?

VICE CHAIRPERSON HERRERA: Madam Chair, the reason I brought up the topic about the public being able to make comments on the web, I just -- I appreciate that because I do go and look at people's blogs to see what they're talking about, and it gives me good -- just a good feeling about what people -- are actually involved -- they care about the whole process, one. For those individuals that don't have their own blog, to be able to comment on our website about what their feelings are going forward about this Commission. If it's -- if we can make it work where we can make those records permanent, it'd be great.

MS. MAXWELL: If you can just figure out how to capture it --

VICE CHAIRPERSON HERRERA: Sure.

MS. MAXWELL: -- before you start doing it, because that's what happens. A lot of times people don't think about it beforehand, so I think it's great that you want to do that and you're willing to figure out how best to do that --

VICE CHAIRPERSON HERRERA: Sure.
MS. MAXWELL: -- before you start.

VICE CHAIRPERSON HERRERA: Sure. And we can -- I think we should wait until we can figure that out.

CHAIRPERSON MATHIS: Okay. Great.

Okay. I think no further questions. Is that correct?

Okay. Thank you very much --

VICE CHAIRPERSON HERRERA: Thank you.

CHAIRPERSON MATHIS: -- all of you for coming. We appreciate your help.

So this takes us to item X on the agenda, discussion and possible action on budget and appropriations. This has been a recurring item -- agenda item since our March 9th meeting when we all received a copy of the 2005 expenditures -- the Commission -- the previous Commission's expenditures through 2005. You all recall that spreadsheet. And had we talked about then how it'd be so great if we had some of the earlier year's records. And fortunately with us today is the controller from ADOA, Joe Whitmer, who has agreed to join us. And he also was able to find out some information from some of those earlier years of the Commission -- the previous Commission.

So Joe, if I could ask you to come to the podium. And just -- If you wanted to walk us through maybe the spreadsheet that you sent us or mention anything else that you think is pertinent to those records, I would appreciate it.

MR. WHITMER: Madam Chair, I had to go back
to different sources to get the information because there
are actually two different units that were keeping the
financial information. And there are some -- Early on,
the classifications of how they categorized the
expenditures were a little bit different than they were
later on, so if you notice on there that one line it talks
about miscellaneous expenditures, early on they were
combining the postage, printing, and -- postage, printing,
and office supplies all into one, and they weren't really
breaking them out, so I had to add a couple categories.
And -- But I think one thing that you'll want to
notice -- that you've noticed already is the large amount
of expenditures on consulting and the legal fees and
your -- that's the one thing that you're going to have to
look at, especially in the first year, because I've
noticed that the appropriation proposal for this coming
year in 2012 is only $3 million, and the first year of
operations in 2002, the Commission spent $3.3 million, so
I think that's something you're going to need to take a
look at as you go forward with the contracting and how
much you use the consultants and try to look at places
that maybe you could cut costs maybe in other areas for
the first year, just because of the discrepancy between
what you're appropriated this time and what they had
last -- what they spent last time.

COMMISSIONER STERTZ: Madam Chair?
CHAIRPERSON MATHIS: Yes.
COMMISSIONER STERTZ: I've got -- There's a
question for both counsel and Joe Padilla. The amount of
money that we currently have available to us in fiscal year 2011 is a half a million, of which we're barely chipping away at any expenses on. I've heard contradictory answers on whether or not that money carries forward into FY '11-'12. If it does not -- if it does -- I'm -- I've heard it both ways. I've heard that it doesn't and it also exhausts itself at the end of '10-'11.

MR. BARTON: Madam Chair, Commissioners, the money does carry forward into 2000 -- into the next fiscal year. The money will revert back to the general fund once the Commission is done with all of its work. But from this year to the next year, it carries forward. I don't have my notes in front of me, but I did speak to some folks at the -- that dealt with the legislative budgeting groups and sort of talked to people that passed -- you know, that were involved in writing the legislation, you know, that gave the appropriations to the Commission. And there is -- It is a little bit unclear because it's set up to revert back to the general fund at the end of the Commission's time. But from year to year, it does roll forward. Like I said, I don't have my notes on that in front of me, but I think I sent you all an e-mail with that as legal advice asserting the appropriate citations.

COMMISSIONER STERTZ: You did, but there was also a question of whether or not it rolled into the value of the upcoming budget or whether or not it added to. In other words, if there's $3 million set aside for '11-'12, does whatever is left over add to the 3 or be absorbed into the 3? I can't -- couldn't -- I've gotten mixed responses.
MR. BARTON: Well, I can confirm that it adds to. If it doesn't add to, then it's not rolled forward, right? I mean, that's -- In other words, it vanishes. And so I can follow up with that, I think, probably, if you want me to. But I believe you can -- you know, like I said, if it's just absorbed, then the 3 million doesn't roll forward.

COMMISSIONER STERTZ: Right. Okay.

CHAIRPERSON MATHIS: Great.

Any other questions for Joe or counsel?

Commissioner McNulty?

COMMISSIONER MCNULTY: Is it possible to see a breakout of these expenses for FY 2001-2002?

COMMISSIONER STERTZ: The detail.

MR. WHITMER: How much detail do you want?

COMMISSIONER MCNULTY: Well --

MR. WHITMER: There were tabs on the spreadsheet that I sent out that had each year and each year by month. If you wanted the detail as far as each transaction, I think we might have that, but I would have to go back and look and see.

COMMISSIONER MCNULTY: I think if we started with the months for that fiscal year, that will be helpful.

MR. WHITMER: Yes. And I have that on a spreadsheet, and I believe I can -- I think I sent it to Megan. There was one change that I needed to make to it, though. And I can resend her a new one and she can send
that out to you.

COMMISSIONER MCNULTY: Thank you.

COMMISSIONER STERTZ: Madam Chair, I want to just --

I am so jazzed that -- since we all met three weeks ago that you've been able to compile this level of data. It is -- I know that it was a challenging task for you to do so, so thank you very much for you and your staff to do so.

MR. WHITMER: You're welcome.

VICE CHAIRPERSON HERRERA: Thank you.

CHAIRPERSON MATHIS: Great.

Any other comments or questions?

COMMISSIONER STERTZ: No.

CHAIRPERSON MATHIS: Thank you very much, Mr. Whitmer. Appreciate your time and help.

So this will help us develop our own budget, of course. And that's going to be a big responsibility of the executive director that ultimately gets hired. But it's great to get some of these documents from the past to help us guide what we can expect.

So the next item, then. We're moving to item XI, discussion and possible action on request for a Commissioner to address a meeting of council -- the county Farm Bureau presidents on April 6th. That is a Wednesday.

And I received this offer to present to them, and, unfortunately, have a conflict, so I myself cannot make this, but they are requesting that one of us come and speak to their group. It's six to eight county Farm
Bureau presidents from the state. So it's a smaller group. But they represent a lot of area, and it's going to be in Phoenix at noon at the Department of Agriculture, which is on Adams Street. And I wanted to see if any of the Commissioners might be available to address them.

What they're requesting is just information on our mission and progress to date that we've made, and then I'm sure they'll want to provide input too and just get their thoughts on the IRC's work. And I just thought it would be a nice opportunity if we had someone available to possibly address them.

Any Commissioners want to discuss that?

COMMISSIONER STERTZ: Can we defer while we're loading our schedules?

CHAIRPERSON MATHIS: Sure. Yeah. Take a look at your calendars.

VICE CHAIRPERSON HERRERA: Madam Chair, can you describe what this organization -- what they do?

CHAIRPERSON MATHIS: Let me see. They are -- All I know is that they are county Farm Bureau presidents, and I don't know if that's a division of the Department of Agriculture or what -- I don't know. But it will be six to eight of these individuals who would be at the meeting.

And just to give you some background on what they requested a little further, it just says, "He indicated they basically would like an AIRC 101 that would shed light on the process, including things such as how the Commission will function, how the Commission will be
organized, what kind of outreach efforts will be
orchestrated, what the timeline may look like, how
citizens can get involved, how citizens can make comments
and suggestions."

Now, obviously, we don't have all those
answers yet, and so there's going to be certain things
we'll just have to say we're not that far along yet; we're
still dealing with all the administrative details of
getting Commission up and running. And so I have a
feeling that the information flow may be more from them to
the Commissioner as opposed to the Commissioner outwards,
depending on how much we can provide at that point, which
I don't think, you know, there's a lot yet because we
haven't decided on some of these things, but I think
they'll -- you know, they would appreciate that and
understand it.

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: Did they give an
indication of how many times a year that they meet?

CHAIRPERSON MATHIS: I am under the
impression that it's annually, but I wondered if Bill
Hernandez might be here because he actually spoke with
them, but I don't see Bill. But I thought it was annual.
But I don't know.

COMMISSIONER STERTZ: I think any input
would be invaluable to have. And we -- But it's --
Obviously, if it is an annual meeting, I think it would be
appropriate. If they're meeting more than annually, then
it would be -- it is significantly premature, as we are
still in the mechanical process of assembling the
Commission and staff.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: If you find that
answer out, that would be -- that would give us some
indication.

CHAIRPERSON MATHIS: May I ask Megan?

Megan, do you know if you could reach Bill
just to find that out, by chance? It would be great to
address --

MS. DARIAN: Sure.

CHAIRPERSON MATHIS: -- and deal with this
today.

VICE CHAIRPERSON FREEMAN: Madam Chair, you
said the meeting began at noon?

CHAIRPERSON MATHIS: Yes. Noon on
April 6th. And the address is 1688 West Adams.

VICE CHAIRPERSON FREEMAN: I have a
conflict. It's something that I could possibly move, but
I'm not going to be able to tell you that right now.

CHAIRPERSON MATHIS: Okay. I appreciate
that.

COMMISSIONER McNULTY: Madam Chair, I have a
potential conflict, and I'm not going to know today.

CHAIRPERSON MATHIS: Okay. I wonder --
Counsel, can -- is this something that we
can have the Commissioners who have expressed potential
conflicts but may be able to do it just to provide, once
they know, their information to Megan and she can then --
MR. BARTON: Yes. I know that'll be fine if you just have the Commissioners that are interested provide that to Megan, and then Megan can set up having someone go speak. It's not an official action of the Commission. It's scheduling someone to go and, you know, speak at the event. So I guess that's fine.

CHAIRPERSON MATHIS: Great.

MR. BARTON: I'm looking on their website, and I can't tell whether they are -- when their meeting is.

CHAIRPERSON MATHIS: Thank you for trying to look.

VICE CHAIRPERSON HERRERA: Madam Chair?

CHAIRPERSON MATHIS: Yes.

VICE CHAIRPERSON HERRERA: Can you tell what they do?

MR. BARTON: Madam Chair, Commissioners, their mission statement is that "Arizona Farm Bureau is a grassroots organization dedicated to preserving and improving the agriculture industry through member involvement in education, political activities, programs and services."

VICE CHAIRPERSON HERRERA: Thank you.

CHAIRPERSON MATHIS: Okay. I don't see Megan yet, so is it possible, Counsel, for me to move on to the next agenda item unless there's more discussion on this first? And then we could come back if Megan --

MR. BARTON: Yes. That's possible. And of course, I can communicate to Megan.

CHAIRPERSON MATHIS: Okay.
MR. BARTON: We can take care of it.

CHAIRPERSON MATHIS: Okay. Are there any other thoughts on the agenda item XI?

Okay. Hearing none, I think we'll move to agenda item XII, which is agenda items and dates of future meetings. So I'd like to see if we could set up a time to meet next week, and, unfortunately, I'm really limited on my time next week, and I wondered if Friday would work for the other Commissioners. And if so, should we have that meeting in Tucson or Phoenix?

VICE CHAIRPERSON HERRERA: If you're asking me, Madam Chair, it'd be Phoenix.

COMMISSIONER STERTZ: For me, Madam Chair, it would be Tucson. Sorry.

VICE CHAIRPERSON HERRERA: I think we should wait to meet in Tucson until we have some meatier agenda items so we can stay there longer.

VICE CHAIRPERSON FREEMAN: Madam Chair, morning or afternoon?

CHAIRPERSON MATHIS: Either works for me.

VICE CHAIRPERSON FREEMAN: If we're doing it on Friday, I would prefer afternoon if I have to drive from Phoenix to Tucson.

CHAIRPERSON MATHIS: Okay. So Commissioner Freeman expressed Friday afternoon.

COMMISSIONER STERTZ: I can do Friday mornings here or Friday afternoons in Tucson.

CHAIRPERSON MATHIS: Okay. So far two -- or
three work for Friday afternoon, Tucson.

COMMISSIONER McNULTY: I can do Friday afternoon. I would prefer to meet in Tucson.

CHAIRPERSON MATHIS: Okay. And then there is Vice Chairman Herrera.

VICE CHAIRPERSON HERRERA: Friday afternoon works for me.

CHAIRPERSON MATHIS: And in Tucson?

VICE CHAIRPERSON HERRERA: Oh, is that the consensus?

CHAIRPERSON MATHIS: I think so.

VICE CHAIRPERSON HERRERA: Sure.

CHAIRPERSON MATHIS: And I think if 1:00 suits everyone, maybe we can plan that in Tucson.

Counsel, does that work for you?

MR. BARTON: Yes, Madam Chair, 1:00 in Tucson --

CHAIRPERSON MATHIS: Okay.

MR. BARTON: -- on April 8th, right?

CHAIRPERSON MATHIS: That's correct.

COMMISSIONER McNULTY: Madam Chair, could I ask Mr. Barton whether a Commissioner can appear telephonically if it's a real hardship to make the commute?

MR. BARTON: Madam Chair, Commissioner, yes, we don't have anything in our rules that prohibit appearing telephonically. There's no general rule against it, so yes, a Commissioner could be telephonic.

CHAIRPERSON MATHIS: Great.
Okay. How about agenda items for that meeting? Does anyone have anything specific they want to raise? Some of these will be recurring from previous meetings, because we'll want to talk about space options, of course, whatever people see today and want to discuss.

COMMISSIONER STERTZ: Madam Chair?

CHAIRPERSON MATHIS: Yes, Mr. Stertz.

COMMISSIONER STERTZ: General compliments on the creation of this agenda as put forth today. May I suggest that you -- we complete the business as it currently exists, carry forward the items that we know need to be carried forward, and if there's any that come up between now and giving us 24 hours prior to time of posting to make final comments to agenda prior to the posting time would be preferred. We didn't have that last -- practice last time. And I would prefer that to --

CHAIRPERSON MATHIS: Have a draft.

COMMISSIONER STERTZ: At least have a 24-hour shot at the -- at making amendments 24 hours prior to.

CHAIRPERSON MATHIS: That's reasonable.

That works for you, Counsel?

Good. Okay. Good suggestion.

Any other comments on agenda items, other than a lot of this, as we said, will be carried forward? But if there's anything here that people want to raise -- and you'll have another opportunity, of course, once you see the draft, to provide any thoughts.

So great. I don't --
Oh, Bill is back. Hey, Bill, sorry. If we could go back just for a minute to -- before we adjourn this meeting -- go back to agenda item XI. I wanted to ask Bill Hernandez, since he spoke with the gentleman organizing the county Farm Bureau presidents.

Do you know how frequently they meet, Bill?

MR. HERNANDEZ: I do not. I could find out for you.

CHAIRPERSON MATHIS: Okay. That answers my question. Thank you.

VICE CHAIRPERSON HERRERA: Madam Chair?

CHAIRPERSON MATHIS: Yes.

VICE CHAIRPERSON HERRERA: Before you adjourn -- still on -- similar to agenda item XI, I did -- I was invited to speak to the Native American caucus yesterday, and I accepted, and I went and spoke. Going forward is that -- I don't see an issue for us as individuals, if we're invited to speak to a group, for us to accept or not accept without having to bring this up to the board as an agenda item.

CHAIRPERSON MATHIS: Right. I think in this -- I think that's accurate, that we do not need to do that. Unless it's a situation where this one was, where they invited me to come but I couldn't come and then I'm not able to go out to all of you, due to open meeting laws, and ask if you can attend in my stead.

Is that correct, Counsel?

MR. BARTON: Madam Chair, yeah, I think that's right. I mean, since you have someone acting as executive director, you certainly could use the executive
director to -- you know, to inform the other members of
the commission about speaking opportunities. And so
that -- You know, I don't think that -- That doesn't
violate open meeting, to have something like that where
the board's not taking action or it's not official board
action.

To Commissioner Herrera's question, no, the
board hasn't established any policy that says that you
need to get board permission before you can go out and
speak in public and that sort of thing. So -- And then,
of course, that's not something we put on the agenda for
today to particularly discuss; it's a new item.

But -- So yes, as it stands right now --
and I think, in fact, we actually have considered this in
previous meetings -- there's nothing preventing any
Commissioner from accepting a public speaking engagement
if the Commissioner chooses.

VICE CHAIRPERSON HERRERA: And Madam Chair
and Commissioners, I want to keep it that way.

CHAIRPERSON MATHIS: Yes. Okay.

Any other comments on that?

Great. Okay. I think that takes us to the
final item on the agenda.

Since there's no further business, this
meeting is adjourned.

(The public meeting was concluded at
12:17 p.m.)
STATE OF ARIZONA   )
COUNTY OF MARICOPA   )

I, Meri Coash, hereby certify that the foregoing pages numbered from 1 to 124, inclusive, constitute a full, true, and accurate record of the proceedings had in the above matter, all done to the best of my skill and ability.

DATED this________day of____________, 2011.

Meri Coash, CCR #50327