

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, March 2, 2012
2:12 p.m.

Location

**Evans House
1100 West Washington Street
Phoenix, Arizona 85007**

Attending

(via teleconference)
Colleen C. Mathis, Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner

Present

Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair

Attending

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Chief Technology Officer

Mary O'Grady, Legal Counsel
and
(via teleconference)
Joseph Kanefield, Legal Counsel

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

Phoenix, Arizona
March 2, 2012
2:12 p.m.

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4 CHAIRPERSON MATHIS: Okay. This meeting of the
5 Arizona Independent Redistricting Commission will now come
6 to order.

7 Today is Friday, March 2nd. The time is 2:12 p.m.

8 And let's begin with a roll call, because we've
9 got some commissioners on the phone and some in person.

10 Vice Chair Freeman.

11 VICE-CHAIR FREEMAN: Here.

12 CHAIRPERSON MATHIS: Vice-Chair Herrera.

13 VICE-CHAIRMAN HERRERA: Here.

14 CHAIRPERSON MATHIS: Commissioner McNulty.

15 COMMISSIONER McNULTY: Here.

16 CHAIRPERSON MATHIS: Commissioner Stertz.

17 COMMISSIONER STERTZ: Here.

18 CHAIRPERSON MATHIS: Okay. We have a quorum.

19 Other folks in the room today, if somebody -- if
20 one of the vice chairs could help me out.

21 Vice-Chair Freeman, if you could just acknowledge
22 who's there from our staff and from legal and mapping, that
23 would be great.

24 VICE-CHAIR FREEMAN: Well, most everyone is here,
25 the executive director Ray Bladine, assistant executive

1 director Kristina Gomez, legal counsel Mary O'Grady.

2 We have members of the public.

3 We have Marty Herder, our court reporter.

4 We have staff busy working away in the other rooms
5 of the Evans House.

6 CHAIRPERSON MATHIS: And what about legal counsel?

7 VICE-CHAIR FREEMAN: Mary O'Grady is here with us,
8 and I understand Joe Kanefield is on the line.

9 JOSEPH KANEFIELD: That's correct.

10 CHAIRPERSON MATHIS: Okay. Great.

11 Okay. With that, everybody should have a copy of
12 the agenda.

13 Call to order has been taken care of. We're on
14 number two, report on status of the Commission's anticipated
15 expenditures and the adequacy of the remaining funds
16 appropriated in 2012, including possible report of executive
17 director.

18 So I don't know if this will be Mr. Bladine or
19 legal counsel who wants to go first, but. . .

20 RAY BLADINE: Madam Chair, this is Ray. And I
21 thought I'd start out and just get us kind of the background
22 and then bring us to where we are today.

23 I think everybody has in their packet a
24 spreadsheet that on the top says Independent -- Arizona
25 Independent Redistricting Commission budget projection fund

1 1000 fiscal year '12.

2 This is the spreadsheet with attachments that was
3 sent to JLBC as a part of answering Speaker Tobin's request.

4 And just to summarize first, the amount that we
5 show at that time to be short would be \$530,000 for this
6 year.

7 I've looked at that number several times, and you
8 know it kind of goes up and down.

9 I think I sent you a document last week where I
10 thought that it probably would go up based upon the hours I
11 thought were going to go into the submissions.

12 This week I saw one of the legal bills that was
13 less than I anticipated.

14 The bottom line is I think this \$530,000 figure is
15 probably the best estimate I can give you, because I'm
16 really dealing with things that are unknown.

17 If you look across the total columns, you'll see
18 that it projects that we're going to spend 3,530,000 in
19 fiscal year '12.

20 Our appropriation is three million.

21 By way of comparison, if you drop down to the
22 next -- next row, you see a cost of 3,338,000, and that is
23 what the 2001, 2002 Commission spent.

24 And that's simply put there to give a reference in
25 terms of ten years ago what was spent and how do we look.

1 Of course, keep in mind that ten years have passed
2 by, and inflation in that period of time is pretty close to
3 25 percent.

4 So it kind of shows that we're not way off of what
5 happened ten years ago.

6 The second line, which shows the \$600,000 amount
7 in the very right column, is what we have requested in the
8 supplemental request to the legislature and to the governor.
9 Planning out that we would have enough funds if the map were
10 challenged in this fiscal year to make sure we could get it
11 to approval or to defend it if the Department of Justice
12 were to come back and ask for additional information, or
13 even if they said they rejected it, and then we would be in
14 a position of having to develop an interim map and then we'd
15 be in a position of having to go back and develop another
16 map.

17 And all of that costs money.

18 I basically have put down 200,000 for April, May,
19 and June as potential expenses. And you can see that in the
20 line total supplemental request.

21 And if you look at the line just above that, you
22 can see that in April, May, and June of 2002, 2001, 2002,
23 that Commission spent 151,000, 300,000, and 310,000.

24 And if you average those, it comes out right about
25 to 200,000 a month.

1 That's how I came about that figure.

2 The rest of the bottom of the page just provides
3 more information on the major expenditures that the last
4 Commission was involved in.

5 Again, to give some comparison, but, again, I
6 would remind everyone that costs have gone up a lot in
7 ten years.

8 The following pages really are expenditure
9 information as of the date that this was sent to JLBC.

10 And you can look at more detail.

11 It provides more detail by accounting category.

12 The last -- next to last page shows fiscal year
13 '13.

14 This is the budget amount that we worked with
15 sometime ago with the budget staff of the Governor's Office,
16 and this is what's in the governor's recommended budget, and
17 it's a fiscal year '13 appropriation of 1.7 million.

18 Again, the primary purpose of having an
19 appropriation in fiscal year '13 is to make sure that we
20 can continue -- if there's litigation, continue to defend
21 the maps and make sure that there's maps for future
22 elections.

23 I think that is the gist of 2012, 2013.

24 The other item in your packet I had done a couple
25 weeks ago to try to estimate how we would look in March.

1 And basically at the time we put this together, and I don't
2 think it's changed very much, we took how much money we knew
3 we had left right now, subtracted all of the January
4 expenses, and then you can see there's two columns in
5 February, some that had been paid and some were in process.

6 You take a look at that, we had \$623,000 left in
7 allotment, 723,000 in -- or 33,000 in appropriation.

8 And, again, as you recall, the office of budget
9 and strategic planning is holding back 110,000 in allotment,
10 in case we do not receive a supplemental, we would have
11 enough money to pay staff to close up shop.

12 The next, looking under the total allotment of
13 623, February costs are \$487,000.

14 That would leave us -- that is really what our
15 balance is at this particular point in time, would be taken
16 487 from 623, if I remember right without looking at it, it
17 means about 171, \$172,000.

18 If you add the projection of what we have for
19 March from the JLBC report, you can see that by the end of
20 March we would be short \$134,000. And in essence that tells
21 me we're not going to make it through the month of March.

22 And, again, I caution, we're dealing with a lot of
23 things that are very hard to estimate, but I think it's very
24 clear that the funding that we currently have will not allow
25 us to guarantee that we've met our constitutional

1 responsibilities and have an adopted map that can be used in
2 future elections of the state of Arizona.

3 Subsequent to this information being developed, we
4 also in your packet have a list of all the contacts we have
5 made with legislative leadership and the staff since then.

6 We have continued to have meetings explaining what
7 our situation is.

8 There have now been two bills introduced in the
9 legislature, one in the House by Representative Kavanaugh,
10 and it is requesting a appropriation of 1.1 million.

11 We've been informed that we will be asked to
12 testify next Wednesday, March 7th, on this -- on our
13 request.

14 A second bill has been submitted in the Senate.

15 That bill does not have an amount of money, and
16 basically also has in it that there be a request, for
17 90 days after the funds are available, an audit of agency
18 financing, finances.

19 This morning in meeting with staff in the, in the
20 House, their legal counsel, Peter Gentala, Michael Huckins,
21 and, let's see, who is the third, Lorenzo Romero, we talked
22 about the differences in bills.

23 They were going to talk to Representative Kavanaugh
24 to see if he would talk to Schumer -- Senator Schumer and
25 see if there's a way that the two bills might be made --

1 made the same.

2 One issue that both bills don't address is that
3 our request anticipated or assumed that the funds available
4 in '11 would be carried -- or in '12 would be able to carry
5 over to '13.

6 They also -- the staff are going to talk to
7 Representative Kavanagh about that.

8 I rather than go through all the people we met
9 with verbally will update that with you.

10 In the last three days it looks like we've hit
11 about eight different staff members and Representative
12 Kavanagh to talk about and provide them information. I need
13 to say that the staff -- all the staff we've met with have
14 been extremely cooperative, helpful, and offered suggestions
15 as to how we should proceed.

16 And as you know, you have the most inexperienced
17 lobbying team, so we take to heart anything they tell us,
18 and they've been very gracious to help us understand the
19 process.

20 So, today I think that really covers the financial
21 part.

22 I'm certainly ready to answer questions.

23 I think that it is clear to me, and that's why I'm
24 bringing it to you, that by the 16th or so of this month
25 we'll be out of funds.

1 Whether or not the legislature can act that
2 quickly is an unknown. Whether or not the legislature will
3 act positively is an unknown.

4 Therefore, I thought it was appropriate to come
5 forward and let you know what our finances are so we can
6 decide next steps.

7 And with that, Madam Chair, I'd be available for
8 questions.

9 CHAIRPERSON MATHIS: Excellent. Thanks, Ray.

10 Any questions for Mr. Bladine?

11 VICE-CHAIRMAN HERRERA: Madam Chair, this is Jose.

12 CHAIRPERSON MATHIS: Yes. Go ahead.

13 VICE-CHAIRMAN HERRERA: Mr. Bladine, the
14 Commission ten years ago, were they facing the same
15 situation when they were, I think, running out of funds? If
16 they did, what did they -- what steps did they take?

17 RAY BLADINE: Vice Chair, yes, the last Commission
18 started out with an appropriation of \$6 million, and
19 somewhere between 2003 and 2004 they had expended all of the
20 funds they had, and they came forward and requested
21 supplemental appropriation.

22 They also at that time filed a special action.
23 And before the special action was adjudicated, the
24 legislature provided the funds.

25 They then had to come back one more time for a

1 second appropriation, several years after that. I don't
2 recall the exact date.

3 But they had two times where a supplemental filing
4 was required.

5 VICE-CHAIRMAN HERRERA: Mr. Bladine, can you
6 clarify the special action? Is that a -- are you talking
7 about a lawsuit?

8 RAY BLADINE: Yes, Vice Chair. And if I don't
9 give enough of an explanation, but the way I understand a
10 special action would be going to the Arizona Supreme Court
11 indicating that according to the Constitution the Commission
12 needs to be provided adequate funding.

13 I think it would take the form of a writ of
14 mandamus instructing the treasurer or someone to provide us
15 the funds and then asking the court to do something to
16 achieve some form of a constitutional appropriation so that
17 we can carry on our work.

18 That's the best I understand it as a layman, but,
19 yes, it is a legal action.

20 VICE-CHAIRMAN HERRERA: Okay. Thank you.

21 COMMISSIONER McNULTY: Madam Chair, there is
22 Linda.

23 CHAIRPERSON MATHIS: Go ahead.

24 COMMISSIONER McNULTY: Mr. Bladine, you said that
25 you had arrived at the estimate that you included in your

1 suggested request based on what was required by the
2 Commission ten years ago, for what was used by the
3 Commission at this time ten years ago. Do I -- is that
4 correct?

5 RAY BLADINE: Madam Chair, Commissioner McNulty,
6 yes. In essence the only way I could project or I could
7 find to project what our costs may to be defend the map was
8 to look back at what happened ten years ago in comparable
9 months.

10 However, we all know our months are not quite
11 exactly comparable because they were on a different time
12 frame.

13 But it was the best thing I could find to try to
14 come up with some comparability.

15 COMMISSIONER McNULTY: We really are -- to talk
16 about a budget here I think is a misnomer in a way, because
17 these are unknowns and unknowables that you're trying to
18 plan for.

19 So I applaud you for -- for -- for getting as
20 close as you have to what we've needed.

21 Have you in putting this together talked with
22 legal counsel?

23 This seems to me that a great deal of this
24 anticipated expenditure is going to be legal fees.

25 So I guess I would also ask the extent to which

1 that, that is the case, and whether legal counsel has been
2 able to give you any assistance in arriving at what may be,
3 you know, an adequate -- I don't think we want to low ball
4 this -- an adequate request for what we might anticipate.

5 And I also wonder if we have -- if we have
6 estimated this based on what happened with the Commission
7 ten years ago, knowing that these are all one offs, and
8 they're all completely different, and that things are
9 25 percent more expensive this year.

10 Are we shooting ourselves in the foot by not
11 factoring that 25 percent into our estimate?

12 That's a lot of different questions, so let me
13 break them down.

14 Have we gotten help from legal counsel in putting
15 together this proposed request? What percentage of it is
16 legal fees? And have we built in or should we build in a
17 factor just for time -- the time factor of money?

18 RAY BLADINE: I'll start with the first one on
19 legal fees, and then let Mary come in.

20 As I developed these, I have had discussions with
21 Mary -- both Mary and Joe and reviewed figures with them. I
22 would say I think to a certain extent they're in the same
23 boat that I was. It's hard to know how much time you're
24 going to put into various things.

25 I think the last document that I provided you that

1 has the \$530,000 difference is generally something they
2 thought was reasonable.

3 But I will -- if they want to talk to about that,
4 I'll certainly defer to them.

5 Let me jump to the second one.

6 Yes, the vast majority of the cost last time and
7 this time would be for legal and legal-related services such
8 as experts.

9 And mapping.

10 Last time a lot of the money also, when you have
11 to redraw the maps, go to the mapping consultant.

12 So the real expenditure parts are mapping, expert
13 legal witnesses, and attorney fees.

14 And on the last item of the 25 percent, I don't --
15 I don't really know the answer to that. It makes sense that
16 it should be more.

17 But the fact that even with the extra fees that
18 we've had at the front end, we're only a couple hundred
19 thousand off what happened last year, makes me think that we
20 perhaps don't need to factor in.

21 I do think the Commission has tried hard to keep
22 its cost down, so I guess I would leave that up to the
23 Commission to give me direction.

24 And with that, I'll see if Mary wants to comment
25 back on legal.

1 MARY O'GRADY: Yeah, Madam Chair, commissioners,
2 we have been conferring with Ray in trying to figure this
3 out, knowing that we really don't know what's going to
4 happen in terms of legal challenges or Department of Justice
5 action on our submissions.

6 But we did think, as Ray pointed out, that the
7 best starting point was to look at the comparable time
8 frames for the last Commission. Since they did have to go
9 to court, since they did get an objection, they did get a
10 request for information, they did have to go to court and
11 establish interim lines, so they had, you know, a lot of the
12 possibilities they had to go through last time.

13 So we thought that was a reasonable starting point
14 for the analysis.

15 And, and so we have been trying to work with Ray.

16 To make a good point, I don't know that we did
17 build in a 25 percent increase in the numbers that have been
18 requested, but that was what we were on the same page in
19 terms of how we approached the analysis, generally.

20 And it would be legal and mapping consultant,
21 particularly if we have to draw new lines. Or even
22 responding to Department of Justice inquiries, a lot of
23 times that is -- those are technical questions that require
24 the mapping consultant's assistance.

25 I don't know if Joe has any supplemental comments

1 on that point.

2 JOSEPH KANEFIELD: No. Thanks, Mary. That
3 summarizes all of our conversations with Ray.

4 We all -- you know, we obviously don't know what
5 legal issues are going up to come up, if any, between now
6 and the end of the fiscal year, so, we -- you know, our
7 advice has been to project based on what might come up and
8 these worst-case scenarios.

9 And I think that's adequately set forth in Ray's
10 proposals.

11 MARY O'GRADY: Madam Chair, I do have one more
12 follow-up point, if I may.

13 There is one thing we know out there, which is the
14 appeal on the open meeting case.

15 We have moved for an extension of the time to file
16 the answering brief. Because the county attorney filed
17 their answering brief on a very accelerated basis, under the
18 current schedule our response would be due March 19th. So
19 we've asked for that to be extended until 30 days after the
20 Supreme Court issues its decision, thinking that would avoid
21 the need for supplemental briefing. There also may -- I
22 mean, if we could, we'd push it further depending on -- on
23 the budget situation. That's obviously something that
24 unlike the election stuff that Ray's been talking about,
25 from our perspective, that -- I mean, has to be done this

1 fiscal year.

2 The open meeting case does not seem as time
3 sensitive in terms of this fiscal year. So we may try and
4 push that off some more.

5 But that's, that's, that's the only -- but if we
6 can't, we have a brief due soon.

7 VICE-CHAIR FREEMAN: Madam Chair, Scott Freeman.

8 CHAIRPERSON MATHIS: Go ahead.

9 VICE-CHAIR FREEMAN: Just a couple questions.

10 First, with respect to the open meeting law
11 violation action, did the Commission file a motion for
12 extension to respond?

13 MARY O'GRADY: We did file a motion for an
14 extension of the time to respond.

15 VICE-CHAIR FREEMAN: Okay. There's no ruling on
16 that by the court; correct?

17 MARY O'GRADY: That's right. It hasn't been ruled
18 on yet.

19 VICE-CHAIR FREEMAN: And another question is,
20 looking back to the first part of 2002, that Commission, I
21 assume -- well, they got a request for information and
22 objection from DOJ, so I'm done with that.

23 And how many different lawsuits was that
24 Commission involved in and in which forums during the first
25 half of 2002? If anyone knows.

1 RAY BLADINE: I think Kristina is probably our
2 best expert. She's saying five or six different lawsuits.

3 I know she can provide you more information, if
4 you would like that.

5 VICE-CHAIR FREEMAN: So there were roughly five or
6 six, federal and state court?

7 KRISTINA GOMEZ: Yes.

8 VICE-CHAIR FREEMAN: Okay. So federal and state
9 court. And so those increase costs that are reflected in
10 the numbers for -- in that first half of 2002 on our
11 spreadsheet; correct?

12 RAY BLADINE: Yes, I believe that's correct.

13 VICE-CHAIR FREEMAN: And that's -- sounds like
14 what I'm getting is, is what you, Ray, and legal counsel
15 sort of look to as maybe a first approximation of in terms
16 estimating anticipated additional cost; is that correct?

17 RAY BLADINE: Yes, that's correct.

18 As I mentioned before, it's really hard to compare
19 the two directly.

20 They had those kinds of costs in that time period.
21 We had other legal costs.

22 So going forward, the best thing I could come up
23 with is what I did. But you're right.

24 VICE-CHAIR FREEMAN: Okay. And they had five or
25 six different lawsuits, different forums, and did end up

1 ending that fiscal with an expended total of \$3.3 million at
2 the end of that fiscal year.

3 And then I think it was, as I recall, in October
4 of 2004, I believe, when they filed a special action,
5 because they were getting close to the six million.

6 And I believe they were facing a trial from
7 Judge Fields the following month, so that was going to be --
8 they had already incurred, I believe, significant costs in
9 getting prepared for that trial, but there was going to be
10 additional costs which would be significant in conducting
11 the trial in November.

12 And that's, that's my recollection. I thought I
13 would let you know.

14 RAY BLADINE: I believe, again, that's correct.
15 That was the way that the sequence of events.

16 JOSEPH KANEFIELD: Madam Chair, this is Joe. The
17 special action was filed in October 16th of 2003. And the
18 trial that Commissioner Freeman refers to was -- began -- it
19 was scheduled to begin November 9 of 2003.

20 VICE-CHAIR FREEMAN: Thank you.

21 CHAIRPERSON MATHIS: Any other questions for
22 Mr. Bladine?

23 VICE-CHAIRMAN HERRERA: Madam Chair, this is Jose.
24 I do have a question for Mr. Bladine.

25 CHAIRPERSON MATHIS: Go ahead.

1 VICE-CHAIRMAN HERRERA: The audit, when will that
2 take place and how many -- have we been audited before by
3 the state or will this be the first one?

4 RAY BLADINE: Madam Chair, Commissioner Herrera, I
5 guess it depends on how you want to use the word audit. I
6 would see what is being requested in the Senate bill as
7 being an audit by the auditor general.

8 No, we've not had an audit like that.

9 However, to a certain extent the information
10 requested by Speaker Tobin that was provided to JLBC laid
11 out all of our expenditures and provided all the information
12 that you would normally provide an auditor. So to an extent
13 we have there.

14 And then shortly after the chair was removed from
15 office, the state comptroller general went over all the
16 bills that were in the office of the state budget -- or the
17 state board's office, so those have also been kind of looked
18 at.

19 Again, from my perspective, I think there's no
20 reason to object to an audit, but, yes, I think that we have
21 had our finances looked at already fairly closely.

22 VICE-CHAIRMAN HERRERA: My intention for asking
23 that was not to question whether we should participate in
24 the audit or not, because I think we should, but I -- what I
25 want is a comparison from what happened ten years ago. Do

1 you know it was a review or audit of the Commission
2 ten years ago, to what extent?

3 RAY BLADINE: My understanding that, no, there is
4 not an audit ten years ago of that Commission's ten-year
5 life.

6 I'm not aware that any was done.

7 I know that's Kristina's understanding too.

8 VICE-CHAIRMAN HERRERA: Thank you.

9 CHAIRPERSON MATHIS: Any other questions?

10 VICE-CHAIRMAN HERRERA: Madam Chair, I do have one
11 question, I guess.

12 What -- this meeting has been very informative,
13 and it's great, but what action would you like the
14 Commission to take in order to speed up the process?

15 RAY BLADINE: Madam Chair, Commissioner Herrera, I
16 think that after you have the legal briefing of counsel, my,
17 my recommendation has been that we should receive
18 authorization to file special action, somehow with the
19 understanding that if the appropriation comes through, we
20 don't proceed.

21 But I don't think -- and I think Joe and Mary know
22 this process better than I, but right now I don't -- I can't
23 see clearly that we're going to have the money in time that
24 we need it, although there's certainly been some very
25 positive movements at the legislature.

1 VICE-CHAIR FREEMAN: Madam Chair, Scott Freeman.
2 I think I heard go ahead.

3 Mr. Bladine, you estimated that the Commission
4 would likely run out of funds March 16th; is that correct?

5 RAY BLADINE: That's the best guess I have.

6 VICE-CHAIR FREEMAN: And is that based upon bills
7 you believe are out there that will come due or based on
8 additional work that -- new work that the Commission is
9 going to entertain?

10 RAY BLADINE: Mostly bills that are out there, but
11 there's some room for some additional work, I think.

12 Like I mentioned before, I think we have about
13 \$170,000 available right now in allotment.

14 I have seen a bill from one of the legal firms and
15 not the other.

16 So I think that once I see that, I can give you a
17 better idea. But best I can guess is that probably
18 somewhere around the 16th, 17th, mid-part of the month, we
19 had really cut back on the things we know we can, you know,
20 ordering anything, any additional copies.

21 And most likely, depending on the end of today's
22 meeting, I ask that all the existing attorneys to hold off
23 any additional work until we have the supplemental
24 appropriation.

25 I guess really what I'm hoping is that we have

1 50 or 60,000 that we have some discretion over, I can't --
2 that would be my hope, that we could use to fund whatever
3 legal action we need to do now to protect our finances.

4 MARY O'GRADY: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Bladine?

6 RAY BLADINE: Yes, ma'am.

7 CHAIRPERSON MATHIS: Question. Have you received
8 February invoices from the law firms, from our own legal
9 counsel, and then anybody that was working on the open
10 meeting law?

11 VICE-CHAIR FREEMAN: Not that fast.

12 RAY BLADINE: No, I have not received February.

13 I believe I've received January.

14 I've got to go back and look.

15 One came in just the other day. I believe it was
16 January.

17 CHAIRPERSON MATHIS: Yeah, because I would think
18 our legal expenses from February are probably just pretty
19 high given the amount of work that had to get done to
20 achieve submission -- two submissions into the Justice
21 Department, so --

22 RAY BLADINE: I -- Madam Chair, I -- that's what I
23 would anticipate too.

24 But I've been surprised a lot, so -- but I would
25 anticipate that would be true.

1 MARY O'GRADY: Madam Chair, it might be
2 appropriate for, I guess, Joe, if you want to address the
3 special action, I just want to talk a little bit more about
4 the timing issues.

5 We have asked for expedited review at the
6 Department of Justice. You never know how that goes.

7 But in terms of the Congressional, their 60 days
8 is up April 10th.

9 And so by that date we'll have to know something.
10 We'll have to know whether it's precleared. We'll have to
11 know whether we have a request for additional information or
12 an objection.

13 And so two out of three possibilities there, you
14 know, would require some Commission action.

15 That could come earlier. You know, we have asked,
16 we have asked for expedited review, and so that could come
17 earlier.

18 And then our legislative is due at the end of next
19 month.

20 So, anyway, there's not much of a window period
21 here where -- that we have. And then we also -- in terms of
22 before additional action might be necessary.

23 We never know when they might, you know, call us
24 and say we need this and we need that. And in terms of the
25 overall timing, one of our goals is to be just as responsive

1 as we can, so that if they need something, we get it to them
2 right away, so it doesn't hold up the overall review of the
3 preclearance submissions.

4 And that's been our hope.

5 So I have that.

6 In terms of timing, would it be helpful with Joe,
7 do you want with -- help for Joe to address the special
8 action issues and some of those timing issues?

9 Or I'd be happy to.

10 JOSEPH KANEFIELD: Yeah, I'm happy to. I just was
11 waiting for direction from the chair.

12 CHAIRPERSON MATHIS: Oh, sorry, Joe. Go ahead,
13 Joe.

14 I thought she was still going.

15 JOSEPH KANEFIELD: And, Madam Chair, I'm assuming
16 we're on the next agenda item.

17 CHAIRPERSON MATHIS: Possible executive session
18 for the purpose of discussion or consultation for legal
19 advice with Commission's attorneys?

20 JOSEPH KANEFIELD: Yes. And I'm just pulling
21 up the -- or, yeah, I mean, I think we need to move on to
22 that item so we can give you advice at this point, if we
23 talk about the special action. Whether you want to do it in
24 executive session or not, we don't have a preference either
25 way.

1 VICE-CHAIRMAN HERRERA: Madam Chair, this is Jose.
2 Is there anything we can cover before, if we can,
3 you know, get as much done before we go into executive
4 session, if that's what we decide?

5 CHAIRPERSON MATHIS: I'm happy to not have
6 executive session on this, if the attorneys are comfortable
7 going forward.

8 So whatever -- what does the Commission want to
9 do?

10 I don't know what they're going to tell us or --
11 so it's hard for me to judge whether we need to be in
12 executive session or not.

13 MARY O'GRADY: Madam Chair, I think we can talk
14 about the outlines. We have as a matter of public record
15 the lawsuit that the last Commission filed when they -- and
16 so we can talk about those legal theories, and some of
17 timing needs.

18 So, do you want us to go ahead and do that?

19 And we can do that in public session, because that
20 is a public record in terms of the theories that were used
21 last time.

22 CHAIRPERSON MATHIS: Yes, I would say yes.

23 I would prefer that you give us as much
24 information as you can in public session.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Is that Mr. Kanefield?

2 COMMISSIONER STERTZ: No, this is Rick Stertz.

3 CHAIRPERSON MATHIS: Sorry. Mr. Stertz.

4 COMMISSIONER STERTZ: Just a couple of quick
5 questions just so that I can get my -- some practical sense
6 of this.

7 The House has a bill in front of itself,
8 House Bill 26 or 2862, that utilizes the number of
9 \$1,130,000, which is the number that Mr. Bladine provided,
10 to work its way through the legislature; is that correct?

11 RAY BLADINE: Yes, that is correct.

12 COMMISSIONER STERTZ: And the Senate has a bill on
13 the floor as well that's been dropped that has a blanket
14 that is waiting for some discussions to be -- to figure out
15 what that number wants to be; is that also correct?

16 RAY BLADINE: That's also the way I understand it.

17 COMMISSIONER STERTZ: Okay. And so the process of
18 asking for these -- the supplemental appropriation is
19 already under way with the legislature.

20 I'm trying -- I'm trying to ascertain any reason
21 at all while this is working its way through the practical
22 and timely -- the legislature understands that there is
23 going to be a need to continue to move the election process
24 forward. They understand that there's going to be a need
25 for additional funding.

1 What I'm trying -- I'm trying to get my head
2 around why we -- why we're going to be going into discussion
3 about why we want to sue the legislature.

4 RAY BLADINE: Madam Chair, perhaps since I was the
5 one that asked for the meeting, when we asked for the
6 meeting, none of this had happened.

7 It was subsequent to us asking for this meeting
8 that this activity started.

9 And while I'm very, you know, I'm very pleased
10 that it has, I'm sure you are, I guess the question is, you
11 know, well, where will it go.

12 And that clearly is all of your decision as to how
13 you want to proceed from here.

14 JOSEPH KANEFIELD: Madam Chair, this is Joe.

15 Maybe if I walk through the special action from
16 2003, it might help inform some of the timing questions
17 raised by Commissioner Stertz. I'm sure other commissioners
18 are curious about.

19 CHAIRPERSON MATHIS: Go ahead.

20 JOSEPH KANEFIELD: In 2003, as Ray mentioned
21 earlier, the Commission did authorize counsel to file a
22 special action in the Arizona Supreme Court in the nature of
23 mandamus.

24 The defendant responded to that. It was not the
25 legislature, but the state treasurer and the director of the

1 department of administration, and also the named was the
2 judge in the Superior Court proceedings. Not so much
3 related to funding as it was related to requesting a stay of
4 the legal proceedings, which was denied by the Superior
5 Court judge, until the funding issue was resolved.

6 But we don't necessarily have that same issue this
7 round.

8 In that case the legal theory was one of what we
9 call constitutional appropriation, where the -- whereby an
10 appropriation is made within the Constitution itself and not
11 as a result of a legislative decision.

12 And the theory being that in this case by the --
13 that's outlined in the petition filed by the Commission in
14 2003, but that the legislature -- the legislature refuses to
15 fund the Commission, the Commission has a legal
16 constitutional right to have resources necessary to perform
17 its essential duties, and therefore it can seek an
18 appropriation, constitutional appropriation, which would
19 effectively be funded by the court through the mandamus
20 proceeding, whereby the treasurer and department of
21 administration would be ordered to provide the Commission
22 whatever funding that it determined is necessary and is
23 accepted as necessary funding by the court.

24 So that's -- and the reason -- the only concern
25 about timing is I think it is appropriate for the Commission

1 to be working with the legislature here, the Constitution,
2 Prop 106, certainly envisioned that there would -- is a role
3 of legislature to play here.

4 It doesn't address what happens if the legislature
5 refuses to fund.

6 So that's -- that's where the legal issue could
7 arise, if the legislature doesn't provide the Commission a
8 supplemental appropriation, or appropriation provided as
9 deemed by the Commission to be a petition to carry on its
10 duties.

11 So, you know, we've -- because of the timing here,
12 it's already -- I can't remember the date -- March 2nd or
13 3rd today.

14 March 2nd.

15 That Mary and I would need some time obviously to
16 put together a petition of this sort.

17 We would not advise filing it while the
18 legislature is working its -- while the legislative process
19 is working its way through, but at some point, you know, we
20 would -- we would need to likely file that if the decision
21 at the legislature is made to not provide a supplemental
22 appropriation.

23 And we have been fortunate that the legislature
24 has indeed dropped these bills and have provided at least
25 one hearing.

1 But that's a long way away from actually passing
2 both houses and obtaining the signature of the governor.

3 So given the timing over the next few weeks,
4 according to Ray's prediction, we're in a little bit of a
5 bind.

6 Because as you will see if you read the legal
7 analysis set forth by our predecessor counsel, the
8 Commission -- you know, there's certainly an argument that
9 in the absence of the constitutional appropriation or
10 legislative appropriation, incurring an expenditure
11 obligation without an appropriation creates some legal
12 issues under statutes in Title 35.

13 Those, those legal issues associated with, to the
14 extent they apply, and given the constitutional language
15 that provides the Commission appropriation, but rather than,
16 you know, risking leaving that to chance, it would be better
17 to have those issues vetted by the court in an expedited
18 manner. And we would ask for you to provide us with the
19 discretion to determine the best timing to do that in light
20 of the development that at the legislature.

21 CHAIRPERSON MATHIS: Mr. Kanefield, this is
22 Colleen.

23 I had thought that that was kind of the primary
24 reason for us meeting today, was because of the letter
25 Mr. Arnold in February where he referred us to

1 A.R.S. 35-211, and essentially we can't be incurring
2 expenditures if we don't have an allocation to do so.

3 And if Ray thinks we're going to be out of money
4 of two weeks, I don't know what -- how we proceed.

5 So it seems prudent that we should be at least
6 ready to file the special action.

7 COMMISSIONER McNULTY: Madam Chair, I agree with
8 that.

9 Madam Chair, legal counsel, is there -- are there
10 nuances to this that you would advise we should discuss in
11 executive session? Or have we -- have you given us the
12 outline?

13 JOSEPH KANEFIELD: Madam Chair,
14 Commissioner McNulty, I think we've given you a pretty good
15 overview of what the issues are.

16 We have the benefit of having your predecessors'
17 already vetted -- vet this issue.

18 I'm not sure there's any other advice that we
19 would necessarily need to provide you in executive session
20 at this point. So my recommendation would be it's not
21 necessary.

22 But Mary may have thoughts on that.

23 MARY O'GRADY: Madam Chair, I agree with Joe.

24 CHAIRPERSON MATHIS: You said you agree, Mary?

25 MARY O'GRADY: Yes, Madam Chair, I agree with Joe

1 that we don't need an executive session on this --

2 CHAIRPERSON MATHIS: Okay.

3 MARY O'GRADY: -- unless the members feel
4 otherwise.

5 COMMISSIONER McNULTY: Madam Chair, fellow
6 commissioners, I think it's important that we -- we have an
7 obligation, constitutional obligation, to do this job.

8 I think we -- we have been trying to do it the
9 best we can.

10 I think Ray has done the best he can to anticipate
11 what we might need, in consultation with our legal team.
12 And so I think we should give our legal team, Ray and our
13 legal team authorization to proceed with a special action
14 and to determine whether and when it's necessary to proceed
15 with that, in light of the ongoing efforts on behalf of
16 legislature, legislators to fund us.

17 I would make that motion at this time.

18 VICE-CHAIRMAN HERRERA: Madam Chair, I'll second
19 that motion.

20 CHAIRPERSON MATHIS: Any discussion?

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

23 CHAIRPERSON MATHIS: Mr. Freeman.

24 VICE-CHAIR FREEMAN: This will be a question for
25 legal counsel.

1 Counsel, does the recent decision from Division 2
2 of the Court of Appeals, the Fogliano decision, undercut the
3 notion that this Commission is somehow entitled to a
4 constitutional appropriation whereby we would ask the court
5 to effectively substitute its judgment for what an
6 appropriate amount of appropriation is for that of the
7 legislature?

8 MARY O'GRADY: Joe, since that's a case you are
9 familiar with, I'll let you -- maybe you should respond to
10 that one.

11 JOSEPH KANEFIELD: Madam Chair,
12 Commissioner Freeman, that was my case. I represented
13 AHCCCS in that case, and it was recently finalized. The
14 Supreme Court denied review a few weeks ago.

15 The issue in that case was whether the legislature
16 has the discretion under a statute to decide whether there
17 was sufficient funding to provide funding for child and
18 adult Medicaid population.

19 The legislature determined it did not have enough
20 money, and the lawsuit was brought arguing that the
21 legislature did not have the discretion and had to fund.

22 So one of the main issues in that case we briefed
23 and argued was the political question doctrine, and we did
24 reference some of the case law that was referenced in the
25 special action from ten years ago or 2003.

1 I think there's some key differences between the
2 two. The main difference being that the Commission is
3 established to create in the Constitution a provision of
4 self-executing and the appropriate -- and there is a
5 constitutional -- there's constitutional language that
6 establishes the Commission's right to receive sufficient
7 resources to do its job.

8 So it's -- that's the main issue that
9 differentiates the two.

10 Now, in the complaint, the challengers in Fogliano
11 were arguing that the law has the force and effect of a
12 constitutional provision because it was protected by
13 Proposition 105, the Voter Protection Act, establishes a
14 constitution.

15 But the court essentially rejected that theory and
16 provided the legislature did have an obligation to fund, but
17 had the discretion to decide whether or not to fund. And
18 the decision was not going to be second guessed by the court
19 under the political question doctrine.

20 That doctrine, you know, it gets a little bit
21 trickier to argue when you're talking about the Constitution
22 itself.

23 That was, again, one of the main points that we
24 would -- we distinguished when we argued the case in
25 Fogliano between, between the doctrine, the constitutional

1 appropriation doctrine and what we had in Fogliano.

2 So, I know it's a long answer to your question.

3 And obviously, you know, we can't control what
4 legal arguments would be made by those opposed to us. But I
5 think that the issue here will be grounded in the language
6 in paragraphs 18, 19, 20, 21, 22, of Proposition 106, and
7 what that means and whether that, in fact, establishes a
8 constitutional appropriation that can -- that has -- that
9 must be funded. And if the legislature, although it does
10 have a role envisioned by the drafters of Prop 106, if it's
11 a harder -- it raises a, you know, constitutional question
12 if the legislature provide no resources to the Commission or
13 insufficient resources, that it's obviously something that
14 we'll have to wrestle with if that's the case.

15 COMMISSIONER STERTZ: Madam Chair.

16 CHAIRPERSON MATHIS: Go ahead, Mr. Stertz.

17 COMMISSIONER STERTZ: My question is this.

18 We were just informed by the executive director
19 that we do not have current funding.

20 And unless the attorneys are going to be doing
21 this legal work pro bono, we would be then entering into an
22 obligation for additional costs of which we have just been
23 informed that we do not have the funding to support.

24 COMMISSIONER McNULTY: Madam Chair, I think that's
25 the reason that Mr. Bladine has asked us to move ahead with

1 all due haste, and I think that's what we need to do.

2 COMMISSIONER STERTZ: Again, Madam Chair, this is
3 where I can't support this motion because we are asking us
4 to enter into an obligation of which we've just been
5 informed we can't pay for.

6 Simultaneously, the legislature -- legislation is
7 going through the process of getting the appropriate funds
8 pulled together that have been requested by the Commission.
9 So I will not be supporting this motion.

10 JOSEPH KANEFIELD: Madam Chair.

11 CHAIRPERSON MATHIS: Go ahead, Mr. Kanefield.

12 JOSEPH KANEFIELD: Commissioners, maybe I can just
13 help by directing you to what the position taken by the
14 Commission in the 2003 special action is.

15 In that briefing the Commission has informed --
16 directed its attorneys not to perform other services,
17 including appearing and defending the Commission at the
18 trial that following November unless funds became available.

19 But it did authorize -- it authorized the filing
20 of the special action with the understanding that its
21 attorney fees or expenses would be paid by the treasurer
22 department of administration only if the Commission
23 prevailed and never by IRC funds.

24 And I am reading that right from the special
25 action itself on Page 13.

1 MARY O'GRADY: Another point, in terms of the
2 timing, obviously we're hoping that we don't have to have
3 more litigation, from a legal perspective.

4 We would rather not be having to take those steps.

5 And so we certainly -- but because of the timing
6 we have to be ready to take those steps. That's sort of the
7 box we're in here.

8 But because of the hearings that are set and what
9 we're hearing in terms of the legislative response thus far,
10 and we certainly wouldn't advise filing until it's clear
11 that's not going to happen in the time frame that we need.

12 In terms of the timing, the legislature can move,
13 you know, quickly. It has the ability procedurally to do
14 so.

15 And having a bill in the House and the Senate
16 helps -- can help facilitate that.

17 But those bills have to, you know, be identical at
18 some point in the process for that to move things along.

19 So there are -- but I think if we get past the end
20 of next week, I really -- I think -- I can't see it slipping
21 into the following week without needing to go to court.

22 But hopefully with hearings Tuesday and Wednesday,
23 we -- we'll get some action in getting the appropriation in
24 place that wouldn't need more litigation.

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

1 Freeman.

2 CHAIRPERSON MATHIS: Go ahead.

3 VICE-CHAIR FREEMAN: First, just,
4 Commissioner Stertz, while you were speaking,
5 Commissioner Herrera said, surprise, surprise.

6 I just wanted to make sure that little comment got
7 its way onto the record.

8 I have a question, and the question concerns that,
9 you know, I understand when Prop 106 was passed it had
10 allocation -- the people voted for an allocation of
11 \$6 million for the first Commission.

12 But subsequent Commissions there was no set
13 appropriation made.

14 When this Commission began, I believe we had an
15 appropriation of \$500,000 to get us through the end of that
16 first fiscal year.

17 How did that appropriation come about? Wasn't
18 this Commission asking for it, obviously.

19 RAY BLADINE: Madam Chair, Vice-Chair Freeman, my
20 understanding is that the department of administration had
21 made the request for the 500,000 in '11, and the three
22 million and five. I do recall that I had seen at one time
23 where they had asked for more like the seven million, that
24 more like seven million, but then, when it went through the
25 process, it came back to 3.5.

1 So that was, I think, the legislator back in
2 probably '10 and DOA doing their best job to, okay, what's
3 reasonable to appropriate.

4 JOSEPH KANEFIELD: Madam Chair,
5 Commissioner Freeman, that is the process that is set up in
6 the Constitution.

7 The initial Commission got a six million dollar
8 appropriation in the Constitution itself, and then every --
9 every redistricting thereafter there's a process set forth
10 in paragraph 18 that the Commission that has the department
11 of administration submitting to the legislature a
12 recommendation for an appropriate -- appropriation for
13 adequate redistricting expenses and makes -- and then they
14 are also obligated to make available office space for the
15 Commission to do its work.

16 And then it finally says that the legislature
17 shall make the necessary appropriation by a majority vote.

18 VICE-CHAIR FREEMAN: Right. I agree. It wasn't,
19 it wasn't the last Commission that went to the department of
20 administration or to the legislature to have input.

21 It was, it was the DOA working with the
22 legislature on that initial -- those initial appropriations;
23 is that correct?

24 RAY BLADINE: Madam Chair, Vice Chair --

25 JOSEPH KANEFIELD: Yes, that's correct.

1 VICE-CHAIRMAN HERRERA: Madam Chair, this is
2 Commissioner Herrera.

3 CHAIRPERSON MATHIS: Commissioner Herrera.

4 VICE-CHAIRMAN HERRERA: The -- there's a motion
5 made and seconded, so I would like to call the Commission to
6 move forward with the vote.

7 VICE-CHAIR FREEMAN: Just one more thing,
8 Madam Chair. This is Commissioner Freeman.

9 I also recall when we learned of those additional
10 appropriations that there was at least one commissioner
11 commenting about how generous they were and how we should
12 find a legislator and hug him or thank them for being so
13 generous.

14 VICE-CHAIRMAN HERRERA: Okay.

15 CHAIRPERSON MATHIS: Are there any other questions
16 on that motion that's been seconded?

17 (No oral response.)

18 CHAIRPERSON MATHIS: So, as I have it, this motion
19 is that Ms. McNulty made and Mr. Herrera seconded was to
20 give Ray and the legal team -- or I should say Mr. Bladine
21 and the legal team the authority to proceed with the special
22 action.

23 Is that accurate or do we need to add anything to
24 that?

25 COMMISSIONER McNULTY: And to determine whether

1 and when to file it, in light of the proceedings in the
2 legislature, to determine in their own discretion without
3 further direction from us whether and when to file it.

4 CHAIRPERSON MATHIS: Okay.

5 Thank you.

6 All in favor?

7 VICE-CHAIRMAN HERRERA: Aye.

8 COMMISSIONER McNULTY: McNulty. Aye.

9 VICE-CHAIRMAN HERRERA: Aye. Jose.

10 (Brief pause.)

11 CHAIRPERSON MATHIS: I'm only hearing one aye.

12 I would vote aye on that as well. Mathis.

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Any opposed?

15 VICE-CHAIRMAN HERRERA: This is Jose. There's
16 actually --

17 COMMISSIONER STERTZ: Stertz. Nay.

18 VICE-CHAIRMAN HERRERA: There's three ayes.

19 VICE-CHAIR FREEMAN: Freeman. Nay.

20 CHAIRPERSON MATHIS: Okay. One nay, and that's
21 Mr. Stertz.

22 VICE-CHAIRMAN HERRERA: Madam Chair, they're two
23 nays. Commissioner Freeman voted nay.

24 I voted aye --

25 CHAIRPERSON MATHIS: Okay. Well, I'm not sure

1 where Mr. Herrera and Mr. Freeman are on this vote.

2 VICE-CHAIR FREEMAN: Madam Chair, you weren't
3 hearing us there for a while.

4 Commissioner Herrera voted in favor of the motion
5 and I voted against the motion. So it's three to two.

6 CHAIRPERSON MATHIS: Okay. I guess I couldn't
7 hear the Evans House for some reason.

8 So to get the vote straight, it sounds like
9 Mr. Herrera is voting aye on that and Mr. Freeman is voting
10 no.

11 VICE-CHAIRMAN HERRERA: Yes.

12 RAY BLADINE: Correct.

13 COMMISSIONER STERTZ: And, Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Stertz.

15 COMMISSIONER STERTZ: Unfortunately I've got to
16 step out of this meeting now. And I want to thank you for
17 your being able to do so expeditious in getting us to the
18 vote before 3:00 o'clock.

19 I have some personal issues this week that I've
20 got to continue to take care of today.

21 CHAIRPERSON MATHIS: Okay.

22 COMMISSIONER STERTZ: I'll be dropping the call.

23 CHAIRPERSON MATHIS: Thank you for your time.

24 Okay.

25 RAY BLADINE: Madam Chair, are you still there?

1 (No oral response.)

2 RAY BLADINE: Oh, my.

3 JOSEPH KANEFIELD: I'm still on the phone, so
4 there's still a connection. I think we may have lost the
5 chair.

6 COMMISSIONER McNULTY: I'm still on the phone. Do
7 you want me to be or do you not to be?

8 VICE-CHAIRMAN HERRERA: No, we would still have a
9 quorum with you, Commissioner McNulty, so don't hang up.

10 RAY BLADINE: I guess the legal counsel would need
11 to advise, but if the chair isn't available, and I think the
12 only thing left to do is to adjourn, one of the vice chairs
13 would handle the meeting.

14 VICE-CHAIRMAN HERRERA: Before we do that, I just
15 have an issue that I want to bring up that
16 Commissioner McNulty had brought up. And that's the -- the
17 money that we're asking in this, to hold us through, I want
18 to make sure that it is sufficient.

19 I know we're using the numbers based on the
20 Commission ten years ago, but I want to make sure that we
21 are really putting our heads together coming up with the
22 accurate amount as much as we can, so we won't have to be
23 doing this again.

24 So, I mean, I know you guys are doing your best to
25 make sure that you think of all the things that might come

1 up, cutting costs where you have to or -- but I want to make
2 sure that we're asking for the correct amount.

3 RAY BLADINE: Madam Chair, are you back online?

4 CHAIRPERSON MATHIS: I am.

5 I don't know what happened, but when Mr. Stertz
6 went off my line cut off as well.

7 RAY BLADINE: That's kind of what we figured out.

8 Did you hear Vice Chair Herrera's comment or
9 question?

10 CHAIRPERSON MATHIS: No.

11 RAY BLADINE: Basically the question was how
12 confident are we that we've asked for the right amount and
13 that we won't have to be back here doing this.

14 And I guess the best I can say is I'm as confident
15 as I can be. I think it's reasonable what we've asked for.

16 I understand the issue of 25 percent over
17 ten years. But given how well we've done so far, I think
18 that if we get the 1.1 million, and the ability to have that
19 carry over to 2013, I think that's the best estimate I can
20 give you what we need not to come back, barring any huge
21 litigation of four or five suits like the last Commission
22 had.

23 CHAIRPERSON MATHIS: Okay. Thanks.

24 Is there anything else we need to talk about?

25 (No oral response.)

1 CHAIRPERSON MATHIS: Another agenda item,
2 discussion and possible action related to the Commission's
3 finances.

4 So, anything else, any questions or comments?

5 VICE-CHAIRMAN HERRERA: Madam Chair, this is
6 Commissioner Herrera. I do have a question for Mr. Bladine.

7 CHAIRPERSON MATHIS: I couldn't hear that.

8 VICE-CHAIRMAN HERRERA: This is Commissioner Jose.
9 Can I, can I ask a question of Mr. Bladine?

10 CHAIRPERSON MATHIS: Oh, sure. Go ahead.

11 Somebody is rustling a lot of papers right by a
12 speaker, so if they could stop doing that.

13 VICE-CHAIRMAN HERRERA: Not me.

14 Mr. Bladine, I know you had talked about reducing
15 our budget, you know, where we can. And I want to see if
16 you can compare the amount of, you know, the expenditures
17 compared to an apples-to-apples comparison to what the
18 Commission did ten years ago.

19 And it looks like you are -- you've cut a lot out.
20 And I want to see what the Commission did ten years ago, if
21 you remember, were they doing the same thing? Is that where
22 you got the idea? Or were they not cutting back?

23 I'd like to get some, some information if you have
24 it.

25 RAY BLADINE: Madam Chair, Vice Chair, we can --

1 quickly comes to mind we can provide you what the last, by
2 year, what the last Commission spent.

3 All I can tell you is we pretty much, when we
4 developed our budget and came back to you, we kind of looked
5 at what they did last year, but we really, both Kristina and
6 I, tried to figure out, okay, how's the best way to staff
7 this.

8 So we did take a different staffing pattern.

9 Our community outreach people both have served as
10 outreach and have served by -- for data input and for office
11 services.

12 So it is a bit of a difference to compare, but
13 we'll pull together some information.

14 VICE-CHAIRMAN HERRERA: Thank you.

15 And, Mr. Bladine, the reason I ask, and it's
16 probably pretty apparent, that we -- I want to give the
17 legislators and the public a true picture of what this
18 Commission has gone through and the -- that we've gone out
19 of our way to cut expenses where we can. So I want to make
20 sure that people see that and they see the actions that were
21 taken.

22 RAY BLADINE: Okay.

23 CHAIRPERSON MATHIS: Okay. Any other comments or
24 questions?

25 (No oral response.)

1 CHAIRPERSON MATHIS: Okay. We're at the end of
2 the agenda.

3 Is Kristin Windtberg there?

4 MARY O'GRADY: No, she's not here today at the
5 meeting.

6 CHAIRPERSON MATHIS: Okay. I just wanted to wish
7 her well if she was.

8 But we will go ahead and adjourn this meeting.

9 Thanks, everyone, for being on the call.

10 The time is 3:16 p.m., and this meeting is
11 adjourned.

12 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.
3

4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing 48 pages
7 constitute a true and accurate transcript of all proceedings
8 had upon the taking of said meeting, all done to the best of
9 my skill and ability.

10 DATED at Chandler, Arizona, this 9th day of March,
11 2012.

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C. Martin Herder, CCR
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