

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Tuesday, July 28, 2015
3:07 p.m.

Location

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

Attending

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

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Ana Garcia
Lisa Schmelling
Andrew Drechsler (via teleconference)
William Desmond (via teleconference)

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

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162
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Phoenix, Arizona
July 28, 2015
3:07 p.m.

P R O C E E D I N G S

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good afternoon, everyone.

This meeting of the Arizona Independent Redistricting Commission will now come to order.

Today is Tuesday, July 28th, 2015. And the time is 3:07 p.m.

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

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Great. Thank you. And if we could go ahead with roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Commissioner Kallen.

COMMISSIONER KALLEN: Present.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here on the phone.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

1 CHAIRPERSON MATHIS: We have a quorum.

2 Other participants in today's meeting include our
3 Executive Director Ray Bladine and Deputy Executive Director
4 Kristina Gomez.

5 I think other staff in the room include Ana Garcia
6 and Lisa Schmelling. And I think Buck Forst is helping from
7 a technical standpoint.

8 And, of course, our trusty court reporter, Marty
9 Herder.

10 We have legal counsel in the room, Mary O'Grady
11 and Kristin Windtberg from Osborn Maledon, Joe Kanefield
12 from Ballard Spahr.

13 And on the phone we have Andrew Drechsler from our
14 mapping consultant Strategic Telemetry, and I believe Willie
15 Desmond is also in the room.

16 Is that accurate?

17 MR. BLADINE: Correct.

18 CHAIRPERSON MATHIS: From Strategic Telemetry.

19 So I think that's the full complement of folks.

20 Is that -- did I miss anyone?

21 VICE-CHAIR FREEMAN: Nope.

22 CHAIRPERSON MATHIS: Great.

23 So, with that, we can go to the second item on the
24 agenda, a legal briefing, discussion and possible action
25 relating to pending litigation in Leach versus Arizona

1 Independent Redistricting Commission, including discussion
2 and possible action regarding retaining U.S. Supreme Court
3 specialist for the pending Supreme Court appeals in Harris
4 versus Arizona Independent Redistricting Commission.

5 The Commission may vote to go into executive
6 session which will not be open to the public for the purpose
7 of obtaining legal advice and providing direction to
8 counsel.

9 So before I turn it over to Mary and Joe, I'd just
10 like to acknowledge the recent decision in the Supreme Court
11 in the case Arizona Legislature versus the Arizona
12 Independent Redistricting Commission. And I'd like to thank
13 our legal counsel, Mary O'Grady and Joe Kanefield, and
14 everyone who helped them on their staff, for the briefing
15 and work that they did in that case.

16 And then also to Seth Waxman, who the Commission
17 retained on a pro bono basis to represent it in the -- at
18 the Supreme Court in March in oral argument, and his team at
19 Wilmer Hale. They did a superb job.

20 And I for one am very grateful.

21 So, with that, I'll turn it over, unless another
22 commissioner would like to say anything, I'll turn it over
23 to Mary or Joe for the legal briefing.

24 MARY O'GRADY: Okay. Well, Madam Chair,
25 Commissioners, I'll briefly give an overview of Leach, and

1 then turn it over to Joe and any further comments in
2 executive session.

3 In Leach, again, this is the state court challenge
4 to the congressional maps that's based on various theories
5 under the State Constitution that was stayed after the
6 court -- the Supreme Court accepted review in the
7 Legislature versus AIRC.

8 The stay was lifted by the Superior Court the day
9 the decision was issued in -- by the Supreme Court in the
10 Legislature's lawsuit.

11 And so, the -- we have been ordered to file a
12 joint report and proposed schedule with the court on
13 August 3rd.

14 There are new counsel involved.

15 Lisa Hauser, who was counsel for the plaintiffs,
16 co-counsel for the plaintiffs, has withdrawn. And we now
17 have Josh Carden has joined the plaintiffs' team as legal
18 counsel.

19 Josh was one of the lawyers for the Legislature in
20 Legislature versus IRC case.

21 And Mike Liburdi, formally with Snell and Wilmer,
22 had also been one of the former lawyers for the plaintiffs.
23 Snell and Wilmer remains on the case, but since Mike is
24 now legal counsel for Governor Ducey, Brett Johnson from
25 Snell and Wilmer is now involved at Snell for the

1 plaintiffs.

2 We also have a new judge. We were before
3 Judge Brain and now we're before Judge Brodman, and so there
4 are lots of changes at this point.

5 And anything further I'll reserve for executive
6 session, but that's essentially the procedural status of the
7 case.

8 CHAIRPERSON MATHIS: Thanks, Mary.

9 Any questions or comments from the commissioners?

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: Mary, if you could, when we
13 go into -- it's extremely difficult to hear you. You're
14 echoing tremendously. So can you do the best you can, it's
15 very difficult to discern your comments, so I appreciate it.

16 Thanks.

17 JOSEPH KANEFIELD: Madam Chair, this is Joe.

18 Commissioner Stertz, is this the same issue for me
19 too?

20 COMMISSIONER STERTZ: You're both echoing a lot.

21 MR. BLADINE: Buck will check here.

22 Rick, could you try to turn down the volume on
23 your speaker phone and see if that helps? Buck is turning
24 us down here too.

25 COMMISSIONER STERTZ: I'm not on speaker phone.

1 MR. BLADINE: Okay. So you can't done the volume
2 down.

3 COMMISSIONER STERTZ: Just my personal volume.

4 MR. BLADINE: Which is full and robust.

5 Okay. We'll try again. Buck tried to do some
6 fine tuning.

7 JOSEPH KANEFIELD: Madam Chair, members of the
8 Commission, I'll give you a quick briefing on the Harris
9 case.

10 As you recall this is the federal court challenge
11 to the legislative map in a trial back in 2012? In 2012. I
12 hope I got that right. Thanks.

13 I'm losing track of time.

14 The three judge panel ruled in favor of the
15 Commission -- 2013 -- ruled in favor of the Commission, and
16 there was a direct appeal as a matter of right to the
17 United States Supreme Court.

18 The court did not act on that case until after it
19 decided the Legislature's case. So on June 30th, the day
20 after we received the opinion in the Legislature's case, the
21 court noted probable jurisdiction in our case, meaning the
22 court has elevated it to a full hearing.

23 There will be an oral argument this fall.

24 And of the three issues raised by the challengers
25 in Harris case, the court accepted -- decided to hear two of

1 those arguments. One has to do with the one person, one
2 vote challenge, which alleges that the over-populated
3 districts favor Republicans and that was done for improper
4 partisan gain.

5 So that's the first issue the court will deal
6 with.

7 Then the second issue has to do with the
8 underpopulated districts or opportunity districts that the
9 Commission created in order to satisfy Section 5 of the
10 Voting Rights Act.

11 They claim that -- the challengers claim that that
12 was done in an unconstitutional way, and that the interim --
13 the case that was decided by the United States Supreme Court
14 in the interim, Shelby County case, which held coverage for
15 Section 5 of the Voting Rights Act would be
16 unconstitutional, and therefore the argument is that
17 justification for under-populating the minority opportunity
18 districts was no longer valid given that the Section 5 is
19 inapplicable to Arizona at this time until Congress takes
20 action.

21 So those are the two issues that will be decided.
22 They will be decided by the court.

23 And we would like to advise you going forward on
24 the legal team and any other issues that may come up between
25 now and argument, and we think that it would be appropriate

1 to advise you in executive session. So that would be our
2 recommendation at this time.

3 CHAIRPERSON MATHIS: Thanks, Joe.

4 Any questions or comments from other commissioners
5 in public session?

6 (No oral response.)

7 CHAIRPERSON MATHIS: Okay. Hearing none, can I
8 get a motion to go into executive session?

9 COMMISSIONER McNULTY: So moved.

10 CHAIRPERSON MATHIS: Is there a second?

11 COMMISSIONER KALLEN: This is Commissioner Kallen.
12 Second.

13 CHAIRPERSON MATHIS: Okay.

14 All in favor?

15 VICE-CHAIR FREEMAN: Are we going to have
16 discussion, Madam Chair?

17 CHAIRPERSON MATHIS: Sure. We can have
18 discussion.

19 Any discussion?

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

22 CHAIRPERSON MATHIS: Yes, Mr. Freeman.

23 VICE-CHAIR FREEMAN: Before we vote on going into
24 executive session, I would just like to ask, because part of
25 what we would be doing according to our agenda in executive

1 session is considering and deliberating who the Commission
2 should retain as Supreme Court counsel in the Harris matter.

3 And I'd just like to know before we go and do that
4 whether there is anyone on the Commission, any commissioner,
5 that has any contacts or relationship either personal or
6 professional or familiar or any other contact with any of
7 the candidates to the Supreme Court counsel that they would
8 want to disclose such that in case those contacts might at
9 least create the appearance of a potential conflict of
10 interest such that that commissioner should recuse
11 themselves from further deliberations on the retention of
12 counsel.

13 And I guess while I'm at it, I guess I'd also ask
14 whether any commissioner has had any contacts with any --
15 with more than one other commissioner about the retention of
16 Supreme Court counsel and whether any discussions have
17 occurred outside of public hearing in that regard.

18 CHAIRPERSON MATHIS: Okay.

19 JOSEPH KANEFIELD: Madam -- Madam Chair, members
20 of the Commission.

21 CHAIRPERSON MATHIS: Mr. -- Mr. Kanefield.

22 JOSEPH KANEFIELD: Yes. I know
23 Commissioner Freeman, his questions I guess should be
24 addressed. The only issue that I want to raise is just in
25 terms of consideration of other counsel.

1 We thought it made most sense to do that in
2 executive session because there's a number of attorneys and
3 firms that are going to be discussed, and not all of them
4 are going to be selected, if any at all, and so we thought
5 maybe that discussion might make sense to have in executive
6 session.

7 In terms of the questions you're asking
8 disclosures, our advice would be to do that in executive
9 session also.

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

11 CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

12 VICE-CHAIR FREEMAN: I would agree. I would
13 certainly not call for anyone to reveal the name of counsel,
14 and perhaps there's a way to address that concern in public
15 session without revealing the identity of any of the other
16 candidates.

17 MARY O'GRADY: And perhaps we can give legal
18 advice on that inquiry in executive session, if it's
19 appropriate.

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: For me to see the -- under
23 full disclosure, which is part of what we hope to do with
24 our public, is to let our public know that we don't have any
25 conflicts of interest, I have no relationships, I have no

1 history, and I have made no communications in regards to
2 this matter, other than the briefing that I received from
3 Joe Kanefield earlier today.

4 So, from this commissioner's point of view, I've
5 got no conflict with any of the potential candidates for
6 legal counsel that would be considered in executive session.

7 CHAIRPERSON MATHIS: Okay. Thanks, Mr. Stertz.
8 Anyone else?

9 COMMISSIONER KALLEN: Madam Chair,
10 Commissioner Kallen.

11 CHAIRPERSON MATHIS: Go ahead,
12 Commissioner Kallen.

13 COMMISSIONER KALLEN: Likewise, I would have no
14 previous relationship with any of the candidates, makes it
15 easy enough to disclose that, with the exception of course
16 of we have Seth Waxman who moved to the Supreme Court for my
17 admission to the U.S. Supreme Court.

18 Other than that, there has been also no
19 discussions with any other members of the Commission with
20 the exception of a brief discussion with legal counsel Mary
21 O'Grady this morning.

22 JOSEPH KANEFIELD: Madam Chair, members of
23 the Commission, again, we probably would urge you to refrain
24 from discussing specific counsel, just so you can have a
25 candid discussion about that in executive session.

1 Also, even communications with counsel would fall
2 under the scope of attorney-client privilege, so those don't
3 necessarily need to be disclosed either.

4 CHAIRPERSON MATHIS: Okay.

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

6 CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

7 VICE-CHAIR FREEMAN: Likewise with Mr. Kallen, I
8 have no known relationship with any of the candidates for
9 Supreme Court counsel.

10 CHAIRPERSON MATHIS: Okay.

11 Thank you. Anyone else?

12 COMMISSIONER McNULTY: I guess I'm the only one
13 who hasn't spoken. I don't have any relationship with any
14 of them. I have no relationship with any of the other
15 commissioners.

16 CHAIRPERSON MATHIS: Okay. And now I think I'm
17 the last one actually.

18 I do know one of the candidates that contacted
19 Mary and Joe to be a Supreme Court specialist in this
20 matter, and they did last time as well, which I think the
21 whole commission knows about, and that's John Elwood.

22 And other than that though, I have no conflict of
23 interest with him or with anyone else. And I didn't discuss
24 this with any other commissioner.

25 So with that, is there further discussion or can

1 we now proceed to go into executive session, to vote at
2 least?

3 COMMISSIONER McNULTY: I don't have any further
4 discussion.

5 CHAIRPERSON MATHIS: Okay.

6 All in favor?

7 COMMISSIONER McNULTY: Aye.

8 COMMISSIONER KALLEN: Aye.

9 CHAIRPERSON MATHIS: Aye.

10 VICE-CHAIR FREEMAN: Aye.

11 COMMISSIONER STERTZ: Nay.

12 CHAIRPERSON MATHIS: Okay. We have four ayes, I
13 believe, and Mr. Stertz a nay. Is that accurate?

14 COMMISSIONER STERTZ: Yes.

15 CHAIRPERSON MATHIS: Okay. So now it's 3:24 in
16 the afternoon, and we'll go ahead and exit out of public
17 session.

18 And then I am not sure how many members of the
19 public are there, but, Ray, you can let us know when it's
20 clear.

21 MR. BLADINE: Okay.

22 VICE-CHAIR FREEMAN: Off the record.

23 (Whereupon, the public session recessed.)

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(Whereupon, the public session resumes.)

CHAIRPERSON MATHIS: Okay. We'll enter back into public session.

The time is now 4:30 p.m.

Would anyone like to start with what our discussions were in executive session?

VICE-CHAIR FREEMAN: No.

MR. BLADINE: Madam Chair, I think what we need is a motion on the floor.

CHAIRPERSON MATHIS: Okay. I didn't know if, if Joe or Mary wanted to make any preamble type comments.

MR. BLADINE: Okay.

CHAIRPERSON MATHIS: Is there a motion coming from any of the commissioners about discussions that we had in executive session?

JOSEPH KANEFIELD: Madam Chair, members of the Commission, this is Joe. Can I interject here before any motions are made?

CHAIRPERSON MATHIS: Sure, Joe.

JOSEPH KANEFIELD: So, Madam Chair, members of the Commission, as counsel Mary O'Grady and I have a recommendation for the Commission with respect to the legal team going forward in the Harris case of the United States Supreme Court.

1 And our recommendation is that the Commission
2 engage the services of the Jenner & Block law firm in
3 Washington, D.C., led by counsel Paul Smith and his team, to
4 serve as lead counsel in this matter to work with my team at
5 Ballard Spahr and Mary's team at Osborn Maledon. And they
6 have offered to do this on a pro bono basis.

7 They are an excellent firm with extensive
8 experience in the United States Supreme Court, in election
9 litigation, and redistricting in particular.

10 They -- they have worked on matters in multiple
11 states involving redistricting, including Texas, Florida,
12 New Jersey, Michigan, and Pennsylvania.

13 But having spoken with them about this case, we
14 are convinced that they would provide excellent
15 representation to the counsel, given the issues that are
16 going to be decided by the Supreme Court. We would be
17 thrilled to work with them.

18 So with that having been said, that is our
19 recommendation.

20 CHAIRPERSON MATHIS: Thank you, Joe.

21 COMMISSIONER McNULTY: Madam -- Madam Chair, I
22 would move that we proceed in accordance with the
23 recommendation of counsel.

24 CHAIRPERSON MATHIS: Is there a second?

25 COMMISSIONER STERTZ: I'll -- I'll second.

1 CHAIRPERSON MATHIS: Any discussion?

2 (No oral response.)

3 CHAIRPERSON MATHIS: All in favor?

4 COMMISSIONER KALLEN: Aye.

5 COMMISSIONER McNULTY: Aye.

6 COMMISSIONER STERTZ: Aye.

7 VICE-CHAIR FREEMAN: Aye.

8 CHAIRPERSON MATHIS: Aye.

9 Sounds like there were five ayes. So I think Mary
10 and Joe can proceed with contacting Jenner & Block.

11 And look forward to their representation of the
12 Commission.

13 VICE-CHAIR FREEMAN: Madam Chair, this is Scott
14 Freeman.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: I just wanted to explain my
17 vote.

18 With the retention of Supreme Court counsel in
19 Legislature's action, I voted no. But explain my vote --
20 but to explain my vote I said it wasn't that Mr. Waxman's
21 price wasn't right, it wasn't that he wasn't qualified, it
22 wasn't that the Commission didn't deserve competent, if not
23 the best counsel available.

24 I would have done that here as well, with the same
25 provisos. But not knowing whether there would be three

1 votes to retain the Jenner Block firm, I voted yes to spare
2 everyone the drama and trouble.

3 And I'd like to add that I'm kind of disappointed
4 but perhaps not surprised that one of the commissioners
5 participated in deliberations on retention of Supreme Court
6 counsel despite the fact that the commissioner had a
7 relationship with one of the lawyers being considered.

8 That may not be a true pecuniary conflict of
9 interest under state law, but it's certainly under the
10 provision of the Arizona Constitution that establishes this
11 Commission, commissioners are supposed to conduct themselves
12 in ways that build confidence in the redistricting process,
13 in the open and honest, and make full disclosures.

14 And, and perhaps it violated the spirit of that
15 constitutional provision.

16 CHAIRPERSON MATHIS: Thank you, Mr. Freeman.

17 Comments from other commissioners?

18 COMMISSIONER McNULTY: I guess I'll stab at it.

19 I think we all, you know, disclosed before we went
20 into executive session.

21 Or is my memory wrong?

22 I think we made our disclosures.

23 That's all I've got.

24 CHAIRPERSON MATHIS: Any comments from other
25 commissioners?

1 (No oral response.)

2 CHAIRPERSON MATHIS: Or from legal counsel?

3 (No oral response.)

4 CHAIRPERSON MATHIS: Okay. Hearing none, I think
5 we can move on to agenda item three, unless there's anything
6 else on two that needs to be said.

7 Number three, executive director's report. I
8 assume that's Ray Bladine, but it could be Kristina Gomez.

9 MR. BLADINE: You're right. It's Kristina Gomez,
10 because she's much smarter than I am.

11 CHAIRPERSON MATHIS: Okay.

12 Go ahead.

13 KRISTINA GOMEZ: Madam Chair, Commission members,
14 I would like to briefly go over the executive director's
15 report, specifically focusing on the Excel spreadsheets and
16 the website.

17 First of all, you -- you -- you've all received
18 the attachments from Lisa Schmelling on Friday.

19 The first spreadsheet is the commissioner report,
20 which is in all white, with a little bit of yellow shading
21 on the left-hand side.

22 This is the monthly report that is submitted to
23 you each month at the beginning of month.

24 All of our actuals for FY15 are shown on this
25 spreadsheet, except for roughly \$37,000, which is -- which

1 are last minute invoices that came in after June 30th.

2 So next month you will see those expenditures
3 reflected on the report.

4 The next spreadsheet is Exhibit 3, which is the
5 multi-colored spreadsheet.

6 And this report is submitted to JOBC and the
7 budget and the governor's budgeting office each month.

8 The difference between the first Excel spreadsheet
9 and this one are legal services.

10 The commissioner report breaks it down by vendor.

11 And the Exhibit 3 spreadsheet, the multi-colored
12 spreadsheet, breaks it down by legal case.

13 Next is the projection spreadsheet, which is
14 labeled FY16 on the very top.

15 These are our best estimates for fiscal year '16.
16 So we actually -- we actually got these, these numbers from
17 this past fiscal year, so this is our best estimate for
18 personnel services, travel, other operating expenses.

19 We have roughly 1.8 million -- 1.8 for
20 professional and outside services for this current fiscal
21 year.

22 So our fiscal year appropriation combined total
23 with FY16 standard appropriation and what the FY14
24 supplemental appropriation is roughly \$2.2 million.

25 The next item I'd like to discuss is the website.

1 So we've come across a couple of issues regarding
2 the website. It was brought to our attention that one of
3 the videos has been corrupted on the website. It's the
4 June 30th, 2011, meeting.

5 And also when we went through the rest of the
6 meetings it was the -- it's also the July 21st meeting from
7 2011.

8 In the memo dated -- I believe it's July 21st,
9 Buck went through a series of steps to try to fix the
10 problem. However, we weren't able to.

11 The next item are -- are the KMZ files.

12 Once again we notice that the KMZ files are
13 actually the files on the website that allows the user to
14 zoom in and to actually look at street level boundaries. So
15 street names, numbers, and boundary lines.

16 We noticed that since the office staff uses the
17 KMZ file on a regular basis to help answer questions that
18 come in, we noticed that it was -- the website was just
19 showing a map of the state and not the actual maps.

20 So, I asked Buck to work with Willie, and they are
21 working to fix -- to restore the KMZ files at this time.

22 So that's kind of been a very long process, but
23 they're working through them right now.

24 The third point too, just, just as a backup, I've
25 asked Willie and Buck if they can go ahead and enter the

1 assistance submission link, if they can go ahead and upload
2 the shapefiles, so that if somebody who has mapping
3 software, if they would like to go ahead and download
4 those files and look at the existing submissions, they would
5 have the ability to access those files using a mapping
6 software.

7 So they are working on, on, on that as well.

8 So with that, does anyone have any other
9 questions?

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

11 CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

12 VICE-CHAIR FREEMAN: With respect to the website
13 and the Commission hearings that have been lost, I assume
14 the transcript we still have; correct?

15 KRISTINA GOMEZ: Yes, sir.

16 VICE-CHAIR FREEMAN: And those -- and the video --
17 and I think that was the video of the hearing at the Pima
18 County Community College, and then there was a South
19 Mountain Community College, those were right after I think
20 retention of the mapping consultant. And I remember them
21 very well. It was, figuratively speaking, a pitchfork and
22 torches affair, with lots of public displeasure being
23 expressed.

24 In -- was -- were those just saved on the same
25 part of the disk that got corrupted or was it just random

1 chance that those were corrupted? Any, any ideas?

2 MR. BLADINE: I can ask Buck to talk to this more,
3 but my understanding is, is that since they were posted
4 online, that -- and public has access to it, it's easy to
5 get a file corrupted, relatively easy.

6 Our problem was we didn't realize that at the
7 front end and hadn't backed up all of them in another place.

8 So frankly it's kind of now that the horse is out
9 of the barn we've backed them all up.

10 I can't tell you -- you know, we don't have any
11 knowledge as to why those two meetings.

12 Buck tried to get them out of GoDaddy, whose
13 server had them on it, but they didn't keep a backup.

14 Buck tried to get it off the state server. They
15 didn't have a backup.

16 Staff here went through all of our individual
17 computers seeing if we had copies of it, and we didn't.

18 So my understanding is the problem is if you have
19 those things online, they can be corrupted.

20 Now we are going to continue, of course, to have
21 them online, but we do have backup files.

22 And, yes, we do have all of the transcripts, so we
23 have met the open meeting law requirements, public records
24 law.

25 VICE-CHAIR FREEMAN: So going forward, and it's

1 kind of surprising that we post something on somebody else's
2 server and not keep a copy, but going forward we're keeping
3 our own copies of our own videos, our own transcripts, and
4 our own KMZ files, and other map shapefiles and whatnot, and
5 we'll keep them on a flash drive ourselves?

6 MR. BLADINE: That's correct. That's correct.

7 But we think we perhaps thought they would be on
8 the state server, but they were -- they were not. And I
9 know the state went through some changes on their servers.

10 But we now, I think Buck has them on a flash
11 drive.

12 If I'm wrong, or flash drives, he can come in and
13 correct that. He's in the next room.

14 CHAIRPERSON MATHIS: Yes. I find that also really
15 disturbing that we didn't have, you know, copies of those
16 meetings.

17 And I guess I'm not sure which ones are missing.
18 June 30th, that was a very famous meeting. And then what
19 was the other one?

20 KRISTINA GOMEZ: Madam Chair, that, that would be
21 July 21st, 2011.

22 CHAIRPERSON MATHIS: Okay. So there's two total
23 that are missing.

24 And has Buck asked GoDaddy if there's any way of
25 recovering those two meetings, or . . .

1 MR. BLADINE: Madam Chair, I'm going to ask him to
2 step in. But he has told me, yes, he has, but I think he
3 can answer it better than I.

4 CHAIRPERSON MATHIS: Okay.

5 COMMISSIONER McNULTY: We've got the transcripts
6 though; right?

7 CHAIRPERSON MATHIS: Yes, we do.

8 BUCK FORST: Hi, Madam Chair. This is Buck. I
9 did --

10 CHAIRPERSON MATHIS: Hi, Buck.

11 BUCK FORST: I did talk to them, and they only
12 keep 30 days' worth of backups, so they didn't have anything
13 there.

14 They said it was going to be -- what did you say,
15 do you remember how much it would be to try to do a restore,
16 a backup? It was pretty expensive to do that as well.

17 MR. BLADINE: If they could.

18 CHAIRPERSON MATHIS: Well, I hope that if any
19 members of the public are actually listening or reading this
20 later and happen to have copies of some of our meetings, and
21 they have those two days, it would be really useful to get
22 those back.

23 VICE-CHAIR FREEMAN: I know I enjoy reliving them
24 whenever I can.

25 Madam Chair, if I could ask a question about

1 budget, to shift gears.

2 CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

3 VICE-CHAIR FREEMAN: This may involve counsel as
4 well in terms of -- you kind of give us a sketch of what we
5 can project in Leach, in terms of timing and discovery
6 cutoff, and it will be, if it proceeds like typical
7 litigation, a lot of work through the end of the year.

8 In terms of what we would project on Harris in
9 terms of workload for you all, and additional expenses
10 involved in supporting Supreme Court counsel, when do we
11 think the briefs will go, and perhaps now the briefs will be
12 due, and when, or are we sort of guessing when an argument
13 might take place?

14 JOSEPH KANEFIELD: Madam Chair,
15 Commissioner Freeman, the briefing in the Harris case will
16 take place over the fall, according to my notes.

17 The petitioner in Harris will have until
18 September 14th -- September 14th to file their brief --
19 September 4, I'm sorry, September 4th.

20 And then we will have until October 26th to file
21 our brief. And there will be a reply filed mid November.

22 And it looks like there will be argument possibly
23 scheduled as early as December, although we don't know for
24 sure at the U.S. Supreme Court.

25 So to answer your question, the bulk of the legal

1 work will be done here in the next new months.

2 VICE-CHAIR FREEMAN: Do you think that briefing
3 schedule will hold, or is it pretty typical that there's a
4 two-week extension or something on those?

5 JOSEPH KANEFIELD: Madam Chair -- Madam Chair,
6 Commissioner Freeman, we're pretty confident this is going
7 to be the briefing schedule, because we've already agreed to
8 one extension by the other side and vice versa.

9 MARY O'GRADY: And the schedule that Joe mentioned
10 is with the -- is with the extension requests subject to
11 court approval.

12 VICE-CHAIR FREEMAN: Okay.

13 CHAIRPERSON MATHIS: Okay.

14 Ms. Gomez, or Mr. Bladine, anything else from your
15 end on this agenda item?

16 MR. BLADINE: Madam Chair, I don't believe so,
17 unless there is other questions.

18 And I do want to say that your comment about if
19 anybody has copies of those meetings let us know, because we
20 don't want to disappoint Vice Chair Freeman to be able to
21 look at it.

22 And I do want to let you know I really feel bad
23 that that happened.

24 I had -- I don't think anyone here, I know that we
25 didn't, had an idea that it could.

1 And we are still, and we have tried other outside
2 groups to see if they might have had it on their website.

3 So far we have not found that.

4 But we will continue to, to look and if we can
5 find it, we, of course, will get it reposted.

6 I think with that, that's all I have to say.

7 CHAIRPERSON MATHIS: Any other questions for
8 Mr. Bladine or Ms. Gomez?

9 (No oral response.)

10 CHAIRPERSON MATHIS: Okay. Hearing none, thank
11 you, both, for all the preparation and the spreadsheets and
12 everything you sent out to us in advance in keeping us
13 apprised on the financial end of things.

14 The next item is public comment. Is there -- are
15 there any members of the public at Evans House?

16 MR. BLADINE: Not -- I don't -- no, there is not.
17 There was one person but he left, and so there's no one to
18 public comment.

19 CHAIRPERSON MATHIS: Okay. Well, with that, I
20 think we can adjourn. The time is 7:48 p.m. -- I'm sorry,
21 4:48.

22 I'm traveling.

23 4:48 p.m. And thank you all for being here today.

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

 BE IT KNOWN that the foregoing proceeding was
taken before me, Marty Herder, a Certified Court Reporter,
CCR No. 50162, State of Arizona; that the foregoing 28 pages
constitute a true and accurate transcript of all proceedings
had upon the taking of said executive session, all done to
the best of my skill and ability.

 DATED at Chandler, Arizona, this 3rd day of
August, 2015.

C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162