



PUBLIC MEETING MINUTES - JUNE 29, 2021

In Attendance:

Chairwoman Erika Neuberg
Vice-Chair Derrick Watchman
Commissioner Shereen Lerner
Commissioner David Mehl
Commissioner Douglas York
Executive Director, Brian Schmitt
Public Information Officer, Michelle Crank
Brett Johnson, Snell & Wilmer
Eric Spencer, Esq. Snell & Wilmer
Roy Herrera, Esq. Ballard Spahr
Jillian Andrews, Esq. Ballard Spahr
Mark Flahan, Timmons Group
Doug Johnson, NDC Research
Angla Miller, Transcriptionist

I. Call to Order and Roll Call *(3:00 YouTube)*

- A. Call for Quorum
- B. Call for Notice

Present:

Chairwoman Neuberg
Vice-Chair Watchman
Commissioner Lerner
Commissioner Mehl
Commissioner York

A quorum is present.

Executive Assistant Valerie Neumann confirmed that the meeting agenda was properly posted at least 48 hours prior to the meeting.

II. Approval of minutes from June 22, 2021 *(4:47 YouTube)*

- A. General Session
- B. Executive Sessions

Vice-Chair Watchman motioned to approve the General Session Minutes minutes, Commissioner Mehl seconds the motion. There were no Executive Session Minutes for June 22, 2021. The motion is approved 5-0.

III. Opportunity for Public Comments *(6:17 YouTube)*

At 8:03am Chairwoman Neuberg opened public comments and indicated that public comments would be open for a minimum of 30 minutes and would remain open until the adjournment of the meeting.

IV. Discussion on Public Comments received prior to today's (June 29, 2021) meeting. *(7:05 YouTube)*

Commissioner Lerner brought up a concern from the public regarding holding orderly and civil public hearings. Lerner and Chairwoman Neuberg both advised the public that the Commission acknowledges this issue and will continue to talk about how the public hearings will be organized. Guidance and support will be requested from DPS to offer the best possible security. Chairwoman Neuberg spoke of public concerns with the IRC receiving computer generated comments from organizations and large groups who submit templates or form letters. Neuberg assured the public that the Commissioners are able to distinguish the information received from a form letter or from someone who has taken the time to write to the Commission, and that comments that are submitted in a positive tone are more effective.

Comments were made regarding legal counsel and conflicts of interest. The IRC issued a statement in May after the selection of the legal team stating "The IRC's legal council will not be advising any candidate or political party, or political committee in regard to the Arizona redistricting process. It is understandable that the IRC's legal council will continue to advise clients in regard to other unrelated election law matters". Neuberg advises that there is no reason to believe that the IRC's legal council will not honor their ethical duties to maintain confidentiality of IRC information, and asks the public to be the Commission's partner throughout the redistricting process.

V. Update from the mapping Consultants, Timmons/NDC *(15:18 YouTube)*

Mark Flahan from Timmons/NDC advised that preparations are being made for the Listening Tour to help support the Commission, and they are collecting communities of interest data. The data is almost wrapped up for the socio economic report, and will provide that information to the Commission once it is completed. Flahan provided a schedule overview for the next couple months. In July, Timmons/NDC will be preparing and supporting the IRC on the Listening Tour, along with cataloging community interest data. In August, the redistricting software should be ready to be installed, and then the Census data is released on the 16th of August. Once the data is received they will work on getting the data put into the system, for the

information to be ready to go in September.

Commissioner Mehl asks Timmons/NDC about one of the first steps is to produce grid maps, and there are a variety of ways to produce them. Mehl asked what decisions does the Commission need to make before August 16th so Timmons/NDC is ready to go immediately? Timmons/NDC will present options to the Commission that the IRC will need to select soon. Commissioner Lerner requested a revised calendar - the one presented at this meeting was very general. What specifically will they be doing over the next few months, with target dates, so the Commission can plan ahead. Lerner asked if they could provide specifics on the Listening Tour, which was requested last week. Chairwoman Neuberg asked for details on what and how much Timmons/NDC have been doing. Flahan responded that they have been working on creating an Agenda for the Listening Tour, working out different feedback mechanisms, and how they should solicit feedback on the tour. Timmons/NDC will provide more detailed information with a schedule at the next meeting and request a schedule of topics that the Commission would like to discuss at each meeting.

Mark Flahan and Doug Johnson from Timmons/NDC leave the meeting at 8:26am

VI. Executive Director's Report and discussion thereof ([29:07 YouTube](#))

- A. Office location update
- B. Budget update, including status of FY2021 Expenditures
- C. FTE positions
- D. Discussion of proposed timeline for IT integration and migration
- E. Discussion and possible action on Community Outreach Coordinator and Deputy Director positions

Executive Director Schmitt informs the Commission that the office move is complete and advises the public of the new address and suite number, which has been updated on the IRC website.

Schmitt advises that the budget has been approved by the Senate and the House and has been passed on to the Governor. The budget includes \$7.9 million non lapsing funds along with an increase in FTE positions for the IRC. The fiscal year is coming to a close and a year end report will be provided in the next couple of weeks.

One proposal for the IT migration has come in, with another one expected soon.

Lori Van Haren was recommended for the Deputy Director/Public Records Manager position by Schmitt. Ms. Van Haren is an assistant prosecutor at the City of Phoenix Prosecutor's Office, she helped develop the city's Veteran's Court program. Prior to this, she worked as Chief of Staff for Councilwoman Mendoza. Ms. Van Haren has legal knowledge, experience with public records, community outreach and engagement, and speaks Spanish. Commissioner York motions to hire Lori Van Haren as the Deputy Director/Public Records Manager. Vice Chair Watchman seconds the motion. The motion is unanimously approved 5-0.

VII. Discussion and possible action on proposed revised travel schedule ([34:26 YouTube](#))

Executive Director Schmitt states that staff is working on securing locations for the Listening Tour schedule that was presented last week. Details as to locations, will be posted once everything is confirmed. Schmitt suggests the public sign up for the newsletter on the IRC website to receive detailed information about the tour. The Listening Tour dates have been posted to the website. Times for meetings will be at 5:00pm during the week, and they will begin at 9:00am or 10:00am for the weekend meetings. The satellite locations have been proposed as a way for the public to attend without driving a long distance to the main meeting. The public will be able to participate virtually from these satellite locations which will also be recorded.

VIII. Discussion and possible action on stock IRC presentation for public use ([39:57 YouTube](#))

Director Schmitt states the mapping firm and the legal team have provided input and review on the stock presentation and he is planning on having a final presentation available at the next meeting.

IX. Discussion and Possible Action on census data, census delays and ways to mitigate its disruption. ([41:09 YouTube](#))

A. Status of an Arizona-based professor to speak on differential privacy in light of privacy loss budget established by the U.S. Census Bureau.

B. Discussion of academic documents and legal filings concerning differential privacy issues (Appendix A).

The legal team has scheduled two expert speakers on Differential Privacy, who will attend the July 13, 2021 meeting. One will present on the Pro side of backing the Census Bureau, and the other on the Con side, challenging the Census Bureau.

The Legal team also advises that there are no updates regarding the Alabama litigation.

Legal council delivered a presentation on the historical overview of the Voters Right Act, Section 2, Section 5 and racial gerrymandering.

Commissioner York motions to go into Executive Session do discuss the Voters Right Act and implications for the Commission, Commissioner Mehl seconds the motion. The motion is approved 5-0.

The Commission returned from Executive Session where discussion about a request for a legal presentation on the application of VRA to the Native American population in Arizona.

Legal council delivered a presentation on Arizona Redistricting Constitutional requirements. The presentation contained information on the history of the mapping clauses, structure of the Arizona Constitution, timeline/process, congressional and legislative grids, district numbering, equal population, compactness, contiguity, communities of interest, competitiveness, public comments on the draft maps, legislature recommendations, final maps and certification of the

final maps.

A motion is made to move into Executive Session to discuss how the Commission will apply this information by Commissioner Lerner, and seconded by Commissioner Mehl . The motion is approved 5-0.

The Commission returned from Executive Session where they had the opportunity to ask the legal team questions about important decisions that will be made in the future.

These presentations are posted on the IRC Website.

X. Discussion of future agenda item requests [\(3:35:45 YouTube\)](#)

Presentations from experts on the Pro/Cons of Differential Privacy at the July 13, 2021 meeting, and specific requests from the mapping team with detailed information about guidelines for the Listening Tour.

XI. Discussion and Possible Action on the scheduling of future meetings [\(3:37:19 YouTube\)](#)

The next meeting is scheduled for Tuesday, July 13, 2021 at 8:00AM

The meeting which would normally be scheduled on July 6, 2021 will be skipped, in observance of the 4th of July.

XII. Announcements [\(3:37:50 YouTube\)](#)

No announcements.

XIII. Next Meeting Date [\(3:38:02 YouTube\)](#)

Tuesday, July 13, 2021 at 8:00AM

XIV. Closing of the Public Comments [\(3:38:09 YouTube\)](#)

Public Comments are closed at 11:35am.

XV. Adjournment [\(3:38:37 YouTube\)](#)

Vice Chair Watchman moves to adjourn the meeting, Commissioner York seconds the motion. The motion is approved unanimously 5-0.