

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

April 20, 2021

9:00 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 9:00 a.m. on
3 April 20, 2021, via GoogleMeets, Arizona, in the
4 presence of the following Commissioners:

5 Ms. Erika Neuberg, Chairperson
6 Mr. Derrick Watchman, Vice Chairman
7 Mr. David Mehle
8 Ms. Shereen Lerner
9 Mr. Douglas York

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director
12 Ms. Yasmin Ramos, Administrative Assistant
13 Mr. Roy Herrera, Ballard Spahr
14 Mr. Eric Spencer, Snell & Wilmer
15 Mr. Daniel Arellano, Ballard Spahr
16 Ms. Nicole Sornsins, General Counsel, Arizona
17 Department of Administration
18 Ms. Jessica Klein, Assistant Attorney General
19 Mr. Michael Hillebrand, Arizona State Procurement
20 Office
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P R O C E E D I N G

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3 CHAIRPERSON NEUBERG: With that, we are going to
4 move to Agenda Item No. I, call to order and roll call.

5 1(A), call for quorum. It is 9:03 on Tuesday,
6 April 20th, 2021. I call this meeting of the Independent
7 Redistricting Commission to order.

8 For the record, the administrative assistant will
9 be taking roll. When your name is called, please indicate
10 that you are present; if you're unable to respond verbally,
11 we ask that you please type your name.

12 Yasmin, please.

13 MS. RAMOS: Thank you, Madam Chair.

14 Vice Chair Watchman.

15 VICE CHAIR WATCHMAN: Present.

16 MS. RAMOS: Commissioner Lerner.

17 COMMISSIONER LERNER: Present.

18 MS. RAMOS: Commissioner Mehl.

19 COMMISSIONER MEHL: Present.

20 MS. RAMOS: Commissioner York.

21 COMMISSIONER YORK: Present.

22 MS. RAMOS: Chair Neuberg.

23 CHAIRPERSON NEUBERG: Present.

24 MS. RAMOS: And for the record, we also have Roy
25 Herrera from Ballard Spahr; Daniel Arellano from Ballard

1 Spahr; Eric Spencer from Snell & Wilmer.

2 We also have our Executive Director, Brian Schmitt,
3 and Angela Miller be transcribing for us today; and from
4 ADOA, we have Michael Hillebrand, Nicole Sornsin; and
5 Jessica Klein for the AG's Office who will be representing
6 ADOA.

7 CHAIRPERSON NEUBERG: Thank you.

8 And thank you, everybody, for -- for joining us and
9 welcome to our new representation. It's really wonderful to
10 see you around the table and -- and, you know, have you part
11 of the process.

12 Please note for the record that -- and for the
13 minutes -- that a quorum is present.

14 Item I(B) call for notice.

15 Yasmin, was the notice and agenda for the
16 Commission meeting properly posted 48 hours in advance of
17 today's meeting?

18 MS. RAMOS: Yes, it was.

19 CHAIRPERSON NEUBERG: Okay. Thank you very much.

20 With that, we'll move to Agenda Item No. II,
21 approval of minutes from April 13th, 2021, last week.

22 We do recognize that, once again, we are putting
23 forth the video recording of both sessions which fulfills
24 the statutory requirements. We do have the intention of
25 moving forward with written minutes. I think at the end of

1 the meeting today, you'll understand why we have not yet had
2 the bandwidth from a personnel perspective to get that done.

3 But, with that, I'd like to entertain a motion to
4 approve the minutes, the video recording of the general
5 session and executive session recordings from last week,
6 April 13th.

7 COMMISSIONER LERNER: This is Commissioner Lerner.
8 I move to approve the minutes.

9 CHAIRPERSON NEUBERG: Do I have a second?

10 COMMISSIONER MEAL: Commissioner Mehl. I second.

11 COMMISSIONER YORK: This is Commission --

12 CHAIRPERSON NEUBERG: Commissioner Mehl, please.

13 COMMISSIONER MEHL: Commissioner Mehl seconds.

14 CHAIRPERSON NEUBERG: Any further discussion?

15 With that, we will do a vote.

16 Commissioner Watchman.

17 COMMISSIONER WATCHMAN: Aye.

18 CHAIRPERSON NEUBERG: Commissioner Mehl.

19 COMMISSIONER MEHL: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Lerner.

21 COMMISSIONER LERNER: Aye.

22 CHAIRPERSON NEUBERG: Commissioner York.

23 COMMISSIONER YORK: Aye.

24 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
25 aye.

1 And, with that, the general session and executive
2 session minutes from April 13th, 2021, have been approved.

3 We will move to Agenda Item No. III, opportunity
4 for public comments.

5 Public comments will open for a minimum of
6 30 minutes and remain open until the adjournment of the
7 meeting. Comments will only be accepted electronically in
8 writing on the link provided in the notice and agenda for
9 this public meeting, and will be limited to 3,000
10 characters.

11 Please note members of Commission may not discuss
12 items that are not specifically identified on the agenda.
13 Therefore, pursuant A.R.S. 38-403.01(H), action taken as a
14 result of public comment will be limited to directing staff
15 to study the matter, responding to any criticism, or
16 scheduling the matter for further consideration and decision
17 at a later date.

18 With that, we move to Agenda No. XIV -- I'm sorry,
19 XIV -- IV, discussion on public comments received prior to
20 today's meeting of April 20th.

21 I turn it over to my fellow Commissioners if they
22 have any feedback or comments they'd like to make.

23 COMMISSIONER LERNER: This is Commissioner Lerner.

24 I'll just note that we so appreciate, especially
25 last week in some cases there was pretty good in-depth

1 thoughtful comments that were a little bit analytical about
2 some of the things we were talking about, and it gives a
3 different perspective. So I thought those were helpful to
4 hear different perspectives than what we normally get from
5 our own views.

6 So I just wanted to say thank you.

7 COMMISSIONER MEHL: The comments have been very
8 robust. They have been very varied, a lot of different
9 perspectives. We are certainly reading them and paying
10 attention to them, and so I appreciate those people who have
11 sent public comments and thank you.

12 COMMISSIONER YORK: This is Commissioner York. I
13 echo Commissioner Mehl and Commissioner Lerner's comments.

14 CHAIRPERSON NEUBERG: I agree. I'll tell you what
15 -- what spoke out to me.

16 I mean, I think Commissioner Mehl said "robust."
17 There is, I think, pretty significant concern and
18 disagreement with what mapping firm might be the best fit
19 for us. There's three and so with that, you know, there's
20 never any perfect fit, but we've heard specifically all
21 concerns, and we'll take that in mind when we meet with the
22 firms later today.

23 We heard about a desire for 24/7 access for
24 feedback; that does exist. So if you go to our website and
25 you click on "Contact Us," those messages get to us. We

1 received them this week.

2 A desire, again, to understand even if all
3 Commissioners are not responsible for documenting every
4 conversation we have, that that leaves an imprint, you know,
5 in our learning process. The community wants to know as
6 much as possible how it is that we arrive at the -- at our
7 decisions, which is valid and understood.

8 I heard the importance of accessing rural
9 communities, Native American communities, that will be
10 particularly important with -- with the lack -- potentially
11 in some areas, the lack of Wi-Fi.

12 And I also heard somebody -- and maybe it was more
13 than one person -- have a little bit of concern with my use
14 of the word "expediency." I appreciated reading that
15 because I want to allay, you know, concerns that, yes, I'm
16 somebody that likes to be efficient, this is a timely, very
17 intense process, but -- but we will not cut corners. And,
18 please, I'll be careful about my word. We will do our due
19 diligence to do it right.

20 So that's my sense. If there's no other feedback,
21 we can move on to Agenda Item No. V.

22 We're not quite ready for that; that's going to be
23 the discussion and possible action on the options for
24 mapping consultants. As I alluded to earlier, these
25 presentations will be done in executive session as is

1 required to protect the integrity of the competitive process
2 of -- of the RFP.

3 We will return to Agenda Item No. V at about 9:25,
4 when it approaches the time of our first interview, which I
5 believe is with Haystaq.

6 With that, we will move to Item No. VI, which is
7 Executive Director's report and discussion thereof.

8 If we do need to interrupt this conversation, you
9 know, to turn it -- to get ready for the interview, that's
10 fine; I'll mind the time. But with that, I would like to
11 turn it over to our Executive Director, Brian Schmitt.

12 DIRECTOR SCHMITT: Thank you, Chairwoman Neuberg.
13 Yasmin, will you put up the presentation?

14 Thank you.

15 So, briefly I'm going to go over some just history
16 of spending from the previous Commission in their first
17 year, year and a half.

18 You'll see here their largest expense year one was
19 legal fees; they were about 1.2 million dollars and 47
20 percent of their budget. Next largest was mapping services
21 and software at 921,000 and about 22 percent of their
22 budget. Their public hearings and Commission meetings cost
23 about 446,000 and 10 percent of their budget; and then other
24 operating cost, like staff and office and all those kinds of
25 things, were about 900,000 or 21 percent of their budget for

1 a total of \$4.2 million.

2 Thank you.

3 So these are their previous appropriations kind of
4 laid out by year, what they were appropriated initially in
5 the blue and then their supplemental was in red, and then
6 one year they had to go back for a second supplemental so
7 that is in yellow. And they ended up spending about
8 \$12 million in total of the years.

9 All right. I'm going to do a brief overview of the
10 legislative budget process. Typically state agencies
11 prepare their budget request and submit them to the
12 Governor's Office of Strategic Planning and Budget by
13 September 1st for the following fiscal year. During the
14 fall, OSPB and the joint legislature budget committee review
15 those requests. The Governor must produce a budget within
16 five days of the start of each regular session of the
17 legislature.

18 The JLBC staff produces a baseline document which
19 reflects the four sector consensus economic forecast and
20 spending estimates based on funding formula requirements and
21 other obligations.

22 After that, the legislature conducts hearings,
23 usually in January and February. The primary budget bill is
24 called the General Appropriation Bill, but the budget
25 package also typically consists of capital outlay bills and

1 budget reconciliation bills.

2 Once approved by the House and Senate, the budget
3 bills are sent to the Governor; the Governor may sign the
4 bills, let them go into effect without a signature, or veto
5 the bills. The General Appropriation Act takes effect
6 immediately, then most appropriations are for fiscal year
7 that begins the upcoming July 1st.

8 And here just general updates from the office. The
9 office we're currently in, we may be moving. I'm working
10 with ADOA to figure that situation out, they're doing --
11 they're adjusting some of their needs in this building and
12 if they do need to move us, then they will build a space out
13 for us just down the hall.

14 What's nice about the current office is it was an
15 agency that got absorbed by DOI, and so they left all their
16 furniture and copier and printer, so we -- we are taking
17 that over.

18 We're just getting set up with phones and computers
19 and that kind of stuff.

20 Kind of future items that we'll talk about more in
21 depth next week are our budget in general, what we think our
22 needs will be. We've been working with the attorneys to
23 develop policies, procedures, and trainings so we'll have
24 more information on that; put together an organization --
25 organizational chart and some job descriptions so we can

1 talk through staffing and see what you all think would be
2 best. And then just IT in general after having conversation
3 with attorneys, I think it's something we'll have to address
4 as a whole.

5 And if you have any questions, I'd be happy to
6 answer them.

7 COMMISSIONER LERNER: Brian, this is
8 Commissioner Lerner.

9 Can you speak a little bit more to the budget and
10 where -- and where we are with it in this point in terms of
11 requesting additional -- funds.

12 DIRECTOR SCHMITT: Sure. So -- sure.

13 So last week I spoke with our attorneys and they
14 lay out kind of an estimated budget on -- on their side, and
15 I backfilled it with the previous Commission's costs just to
16 kind of get a rough ballpark figure. It's higher than what
17 the Governor's proposal is so I've been speaking with them
18 just about some of our needs and what we're looking at, and
19 so we're still kind of working with that; but they seemed
20 open to maybe an increased amount depending on what we
21 finalize as our needs.

22 COMMISSIONER LERNER: Thank you.

23 VICE CHAIR WATCHMAN: So, Madam Chair, okay, Brian,
24 so I know the legislature is meeting right now, how much
25 time do we have left to get this information over to, I

1 guess, the Governor's Office and the legislature? What's
2 the time frame?

3 DIRECTOR SCHMITT: So next week at next week's
4 meeting when we address all the needs of --that the
5 Commission thinks we need, I think after that then we can go
6 with a more finalized plan to them.

7 It didn't seem from my conversations like they were
8 in a rush, but it's better to get it on the radar sooner
9 rather than later with the specific request. So
10 negotiations are ongoing.

11 VICE CHAIR WATCHMAN: Thank you.

12 CHAIRPERSON NEUBERG: Yeah, you know what, I
13 participated in -- in -- on -- on the call with the
14 attorneys, and in my conversations with Brian, you know,
15 I -- I'm very hopeful/optimistic about the budget.

16 Just foreshadowing for our conversation next week,
17 you know, it's ten years later, I think we should expect,
18 you know, a budget that is significantly more than the
19 numbers that we've talked about. I think we can expect
20 great receptivity from -- from the Governor and the
21 legislature because I think we're making responsible, good
22 hires. I think we could justify everything that we're
23 asking for, and there's nothing yet that has come up that's
24 communicated to us that -- that there's going to be a major
25 headwinds.

1 With that, I mean we're not prepared to present
2 specific numbers today; I think you could expect those
3 numbers next week.

4 Brian and I also are getting ready to, you know, be
5 able to meet with, you know, state legislators or anybody
6 involved in the budgeting process that would like to better
7 understand and be educated about why it's essential that we
8 spend the money upfront to do things in the right way.

9 But I think you'll -- you'll get very specific
10 numbers next week with a specific plan in place. Basically
11 our goal is to not have to go back for supplemental funding
12 midway through the year but, rather, because we're catching
13 the appropriation process before it's finished, to actually
14 get the full funding done now.

15 Roughly on average, the state legislature tends to
16 vote late May. So -- so we have the time. But, you know,
17 but we don't have a lot of time.

18 COMMISSIONER YORK: Are you going to --

19 CHAIRPERSON NEUBERG: Any other questions of Brian?

20 COMMISSIONER YORK: Yeah, is he going to comment on
21 the executive assistant role?

22 DIRECTOR SCHMITT: Yeah, there is an item a little
23 later in the agenda that we'll talk through that.

24 CHAIRPERSON NEUBERG: Right. Right after this
25 agenda item, the next agenda item is going to be the

1 specific conversations about hiring of executive assistant
2 and fleshing out all other staff positions.

3 I think we're going to have a logical break time in
4 the next couple minutes so I don't think we should go into
5 that. I think just in the -- in the next two minutes, if
6 there's any remaining questions of Brian with regard to the
7 specific content of his report -- and if nobody has any
8 other questions, Brian, I mean, I don't know if you want to
9 share with everybody what you're spending the time doing
10 because I know you're working around the clock.

11 DIRECTOR SCHMITT: It's all been everything. Just
12 making sure that the office is getting set up so once we
13 have other employees, they're ready to go and can hit the
14 ground running; trying to plan out and look at the budget
15 and see what we act might actually need; and then also
16 setting what they've done in the past, too, to see what we
17 can glean from that, so.

18 A little bit of everything.

19 CHAIRPERSON NEUBERG: It's a big learning curve.

20 All right. Well, this is a logical breaking point.
21 I believe that we need to exit this meeting and enter into
22 the executive session link to prepare for our 9:30 meeting
23 with Haystaq.

24 Yasmin, am I correct on that front?

25 MS. RAMOS: Yes. They will -- yes. They will

1 begin at 9:30.

2 CHAIRPERSON NEUBERG: Okay. And to the attorneys
3 around the table, do I need to have a motion to move -- yes,
4 I do need a motion to move into executive session for Item
5 No. V.

6 We are going to move to Agenda Item No. V, which is
7 discussion and possible action on options for mapping
8 consultants. We have two parts to this agenda: (A), which
9 is the oral presentations; and then (B), if we can get to
10 it, the scoring and evaluation of the applicants.

11 The Commission will be going into executive session
12 which will not be open to the public for the purpose of
13 obtaining legal advice, A.R.S. 38-431.03(A)(3), as well as
14 for the purpose of discussion or consideration of records
15 exempt by law from public inspection, including the receipt
16 and discussion of information or testimony that is
17 specifically required to be maintained as confidential by
18 state or federal law, A.R.S. 38-431.03(A)(2).

19 Pursuant to A.R.S. 41.2534(D), the content of
20 proposals submitted under the State's request for proposal
21 procurement process is confidential until contract award so
22 as to avoid disclosure of contents prejudic- -- prejudicial
23 to competing offers during the process of negotiation.

24 With that, I will need a motion to go into
25 executive session. And to reiterate to the public, for the

1 protection of the State's interest, we keep the -- the
2 process, the RFP process, confidential such that there
3 aren't any biases that one company can take advantage of
4 over the other.

5 With that, can I entertain a motion to move into
6 executive session?

7 COMMISSIONER LERNER: This is Commissioner Lerner.
8 I move that we go into executive session.

9 CHAIRPERSON NEUBERG: Do I have a second?

10 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

11 CHAIRPERSON NEUBERG: Any discussion?

12 Okay, a vote. Commissioner Watchman.

13 COMMISSIONER WATCHMAN: Aye.

14 CHAIRPERSON NEUBERG: Commissioner Mehl.

15 COMMISSIONER MEHL: Aye.

16 CHAIRPERSON NEUBERG: Commissioner Lerner.

17 COMMISSIONER LERNER: Aye.

18 CHAIRPERSON NEUBERG: Commissioner York.

19 COMMISSIONER YORK: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
21 aye.

22 With that, we will move into exec- -- executive
23 session. Make sure you exit this link, enter a new link.

24 And with regard to the public expectation,
25 potentially around 10:30 we expect to resume in public

1 session, but that is an estimate, and it is all subject to
2 change.

3 Thank you.

4 (Whereupon the proceeding is in executive session
5 from 9:27 a.m. until 10:44 p.m.)

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7 * * * * *

8
9 (Whereupon the proceeding resumes in general
10 session.)

11 CHAIRPERSON NEUBERG: Okay. I do think we have our
12 core team assembled and our Commissioners, so welcome back
13 to the public meeting. Thank you everybody's patience.

14 We had the pleasure and honor of interviewing
15 HaystaqDNA; it was a very productive conversation.

16 And, with that, we had a very clean break in our
17 agenda; we finished up Agenda Item No. VI, which was Brian
18 Schmitt's Executive Director report.

19 And we'll move now into Agenda Item No. VII, which
20 is discussion and possible action on executive assistant,
21 public information officer, and other potential
22 administrative support positions and duties of all IRC staff
23 positions.

24 And as a note to the public, the Commission may --
25 may vote to go into executive session which will not be open

1 to the public for the purpose of obtaining legal advice
2 pursuant A.R.S. 38-431.03(A)(3).

3 With that, as we begin to discuss where we are in
4 our hiring and the Commission's needs, I just want to set a
5 broader context, which is that -- I think we're at a
6 crescendo where we're on the cusp of hiring mapping and
7 moving into really the meat of what we're doing. Things are
8 going to move very fast.

9 Just as an example, as a teaser, we need to think
10 through our travel schedule for all of the public meetings
11 for the sake of getting IT and logistical details worked
12 out; the right size of the location. There are so many
13 nuances and things that we need to get moving on, that as we
14 discuss these particular positions, I just want everybody in
15 the mindset of understanding the amount of work that all is
16 descending on us in the next couple of weeks.

17 With that, Brian, do you want to share a little bit
18 where we're at with the hiring and -- and what you feel our
19 needs are?

20 DIRECTOR SCHMITT: Sure, absolutely. So I went
21 through the interview process with four out of six we
22 narrowed it down to.

23 I talked through interview questions with
24 Commissioner Lerner and -- and got input from her and
25 Commissioner York as well.

1 I have narrowed it down to -- to one and would like
2 to move forward. There was a question when I was discussing
3 with legal counsel if we can talk about it in public or if
4 it has to be executive session. So if they could address
5 that, I would appreciate it.

6 MR. SPENCER: Commissioners, can you hear me?

7 CHAIRPERSON NEUBERG: Yes.

8 MR. SPENCER: This is Eric Spencer in the legal
9 room here.

10 If it's an employment or HR related matter that is
11 confidential in nature you have to ability to go into
12 executive session to discuss that. So it's really up to
13 you, Brian, whether you're just going to make a public
14 pronouncement about who you've chosen and the Commission
15 will ratify it, that could be done in public; but if you
16 need to discuss sensitive issues related to that person,
17 that -- that's probably better to go to in executive
18 session.

19 DIRECTOR SCHMITT: I'm comfortable with either, so
20 if the Commission has a preference.

21 CHAIRPERSON NEUBERG: At minimum I would like you
22 to outline your thinking and your rationale and -- and all
23 of that in public, and -- and so maybe we can start in
24 public and then if fellow Commissions have additional
25 questions or, you know, follow-up, we can then make a motion

1 to move into executive session.

2 DIRECTOR SCHMITT: Great.

3 So I was really looking for a candidate who had
4 knowledge of the state systems, could hit the ground
5 running. I was attracted to having a sense of working in a
6 legal environment. Just kind of having a grasp on what the
7 project would be.

8 Someone with a history of starting up an office and
9 the ability to on day one just be a team player, and that's
10 what kind of led me to the final candidate.

11 CHAIRPERSON NEUBERG: Okay.

12 COMMISSIONER MEHL: Is it appropriate for you to
13 just say who the candidate is and what their background is
14 just generally?

15 DIRECTOR SCHMITT: Sure. It was an executive
16 assistant to the U.S. Attorney and the Deputy Chief Attorney
17 General.

18 CHAIRPERSON NEUBERG: Yeah, if there's sensitive
19 information about protecting the identity or reputation of
20 this candidate, then -- then that's the point that I would
21 like a motion to go into executive session.

22 So I defer to our counsel here about the boundaries
23 of -- of what to address publicly versus in executive
24 session.

25 VICE CHAIR WATCHMAN: Madam Chair, this is Derrick

1 Watchman.

2 CHAIRPERSON NEUBERG: Yes.

3 VICE CHAIR WATCHMAN: What about sharing the
4 number? We had a list of candidates and the respective
5 number in the list, and maybe -- maybe Brian can kind of
6 share that with us so I can go to my list of candidates and
7 see who this individual is.

8 DIRECTOR SCHMITT: Let me pull up that list really
9 quick.

10 COMMISSIONER LERNER: Chair Neuberg?

11 CHAIRPERSON NEUBERG: Yes.

12 COMMISSIONER LERNER: I mean, is it -- one of the
13 things that we discussed is that our Executive Director
14 would consult with Commissioners, and then when it was time
15 to come back, make a recommendation, and that the
16 Commissioners would then make a final approval. So I feel
17 that he has done -- done that, he has been consulting with
18 Commissioners.

19 All for giving the number so people can look at
20 that, but is it appropriate at this time and is it ok at
21 this time to say: This is who I recommend? He's now giving
22 us some background, people can look that person up on the
23 list, and then we could -- he could ask for a
24 recommendation. Are we able to do that?

25 DIRECTOR SCHMITT: Yes. It's number 23.

1 COMMISSIONER MEHL: And, Brian, is it appropriate
2 just to say who the candidate is and to ask us if we're
3 willing to support that nominee?

4 DIRECTOR SCHMITT: Eric or Roy, just want to verify
5 with you two beforehand.

6 MR. SPENCER: I think the safer thing would be to
7 -- this is Eric Spencer, by the way -- to go into executive
8 session to discuss it preliminary. I note right now we're
9 on Item VII, which is not the discussion of HR related
10 confidential information, it's under Item VIII. So my
11 recommendation would be to move to Item VIII on the agenda,
12 make a motion to go into executive session, and then discuss
13 these more personal details in executive session first
14 before we come back out in public.

15 CHAIRPERSON NEUBERG: We can absolutely do that. I
16 just want to mention that there are additional staff
17 positions that we need to address today in public session as
18 well. So -- so in some ways, maybe we want to bifurcate the
19 executive assistant position and the public information
20 officer position, both of which the job positions have been
21 posted, and we're well along the way, and then there will be
22 discussion potentially of additional positions.

23 And so discussing the specific position of
24 executive assistant, does anybody want to share anything
25 else about the other positions before we vote to go into

1 executive session to address the -- the specifics of the EA
2 position?

3 COMMISSIONER LERNER: This is Commissioner Lerner.
4 We're on Item VIII, correct, so --

5 CHAIRPERSON NEUBERG: VII. VII and VIII are --
6 bleed into each other --

7 COMMISSIONER LERNER: Right.

8 CHAIRPERSON NEUBERG: -- and so we're technically
9 on Agenda Item No. VII, but it touches upon the Agenda Item
10 No. VIII.

11 COMMISSIONER LERNER: Okay. So I guess I'm unclear
12 exactly. I mean, at some point we do -- I think we need to
13 move forward on the executive assistant, and at some point
14 we do need to talk about exactly what we're looking for with
15 the public information officer so if that's something we
16 need to do in executive session, I'm all for moving over to
17 that.

18 CHAIRPERSON NEUBERG: Okay. With that, do I have a
19 motion to move to executive session for the purpose of
20 discussing these hires?

21 And just in terms of making clear to the public the
22 justification, it is for the purpose of obtaining legal
23 advice from counsel with respect to proposed administrative
24 support positions, which may include the hiring process for
25 staff positions and/or defining the duties of staff

1 positions.

2 And I'd also like to reiterate given that the Items
3 NO. VII and VIII are bleeding into each other, that we may
4 also be seeking counsel regarding confidential
5 employment-related information with respect to proposed
6 staff candidates for executive assistant and public
7 information officer. This is to protect the identification
8 and reputation of those who are applying.

9 So, with that, do I have a motion to go into
10 executive session?

11 COMMISSIONER LERNER: This is Commissioner Lerner.
12 I move to go into executive session.

13 CHAIRPERSON NEUBERG: Do I have a second?

14 COMMISSIONER MEHL: Commissioner Mehl seconds.

15 CHAIRPERSON NEUBERG: Okay. Any further
16 discussion?

17 Commissioner Watchman.

18 COMMISSIONER WATCHMAN: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Mehl.

20 COMMISSIONER MEHL: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Lerner.

22 COMMISSIONER LERNER: Aye.

23 CHAIRPERSON NEUBERG: Commissioner York.

24 COMMISSIONER YORK: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Neuberg is an

1 aye.

2 And, with that, we will move to executive session.
3 And I do not expect this to take -- well, I -- you know,
4 maybe 15 minutes or so to the public, but we'll see you
5 soon.

6 (Whereupon the proceeding is in executive session
7 from 10:56 a.m. until 11:09 a.m.)

8
9 * * * * *

10
11 (Whereupon the proceeding resumes in general
12 session.)

13 CHAIRPERSON NEUBERG: Hi, everybody. We are
14 waiting for the counsel to rejoin us from executive
15 session. Thank you for everybody's patience.

16 Okay. I see that our counsel has joined us,
17 and I see all Commissioners.

18 Yasmin, I don't -- Angela is here. I see
19 our transcriptionist.

20 And, with that, we will jump back in to our
21 public -- public session. Thank you, everybody, for
22 your patience.

23 We are on Agenda Item No. VII and VIII
24 addressing the hires of the IRC. I would like to
25 turn it over to Brian. I believe that he has a

1 clarification or an announcement to -- to propose.

2 DIRECTOR SCHMITT: Thank you, Chairwoman, and thank
3 you, Commission, for all of your help and input throughout
4 this process.

5 Our -- the candidate I recommend is Valerie Newman
6 for the executive assistant position.

7 CHAIRPERSON NEUBERG: And -- and can you share,
8 Brian, a little bit about the highlights and -- and what it
9 is about this particular candidate that -- that you were
10 attracted to?

11 DIRECTOR SCHMITT: Absolutely. Before, I mentioned
12 this briefly, she was executive assistant to the U.S.
13 Attorney, before that she was executive assistant to the
14 Chief Deputy Attorney General. She was the only one who
15 really acknowledged that we're -- we're starting from
16 scratch; she was very succinct and just seems like she would
17 be a great addition.

18 CHAIRPERSON NEUBERG: And -- and her technical
19 skills, what -- what did you see in terms of what she
20 brought to the table?

21 DIRECTOR SCHMITT: She's extremely organized --
22 sorry. I have guests in the office.

23 CHAIRPERSON NEUBERG: Sorry.

24 DIRECTOR SCHMITT: Sorry.

25 Sorry about that.

1 She's extremely organized, thoughtful, meticulous,
2 has great knowledge of the State from when she was there for
3 four years; and will be someone who will be a big help.

4 CHAIRPERSON NEUBERG: Any questions of Brian with
5 this particular candidate to hire as our executive
6 assistant?

7 I'd like to entertain a motion to, you know, move
8 to hire -- I'm sorry what -- what is her name?

9 DIRECTOR SCHMITT: Valerie Newman.

10 VICE CHAIR WATCHMAN: Valerie Newman.

11 CHAIRPERSON NEUBERG: Valerie Newman to be our
12 executive assistant.

13 VICE CHAIR WATCHMAN: Madam Chair, this is
14 Vice Chair Watchman.

15 I would like to make a motion to allow and approve
16 the hiring of Valerie Newman for the Commission and to work
17 with Mr. Schmitt. Thank you.

18 CHAIRPERSON NEUBERG: Do we have a second?

19 COMMISSIONER YORK: This is Commissioner York.

20 I second that motion.

21 CHAIRPERSON NEUBERG: Any further discussion?

22 Okay. With that, Commissioner Watchman.

23 COMMISSIONER WATCHMAN: Aye.

24 CHAIRPERSON NEUBERG: Commissioner Mehl.

25 COMMISSIONER MEHL: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Lerner.

2 COMMISSIONER LERNER: Aye.

3 CHAIRPERSON NEUBERG: Commissioner York.

4 COMMISSIONER YORK: Aye.

5 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
6 aye.

7 And, with that, we welcome Valerie Newman to our
8 staff.

9 And, Brian, regarding our public information
10 officer, where do we stand and what is our next step?

11 DIRECTOR SCHMITT: So we received 37 applications
12 for the PIO positions. I'm going to narrow it down over the
13 next day or two and try to get interviews scheduled so by
14 next week I can present you guys either my final choice or
15 final two choices.

16 CHAIRPERSON NEUBERG: And -- and for the sake of
17 the public, can we clarify what level of oversight is
18 occurring with the Commissioner? I know, you know, several
19 Commissioners are highly involved in sifting through the
20 applications, and I don't know if anybody wants to chime in
21 here just with our overall oversight of process.

22 COMMISSIONER LERNER: This is Commissioner Lerner.

23 We are all provided with the applications; we
24 review those applications. We provide our Executive
25 Director with feedback on the applications and feedback on

1 questions that are used in the interview process, and the
2 Executive Director moves forward with his interviews. And
3 then at least based on the past experience, this recent
4 experience, he gets back in touch about what his views are
5 and provides input as well -- asks for input as well.

6 So a lot of give and take, a lot of discussion is
7 provided between the Commissioners and the Executive
8 Director about the individuals that are under consideration
9 and -- and his recommendation.

10 CHAIRPERSON NEUBERG: Thank you.

11 I -- I thank my fellow Commissioners for their due
12 diligence on this; and -- and I thank Brian for your
13 willingness to have many cooks in the kitchen.

14 DIRECTOR SCHMITT: Absolutely. Thank you all.
15 Really, thank you for the input. I do appreciate it; it's
16 great to have.

17 So thank you.

18 CHAIRPERSON NEUBERG: And as a -- and as
19 foreshadowing for our next meeting, and there is no action
20 to be taken right now, as we're fleshing out our staff, I
21 want to highlight for the Commissioners to begin to think
22 about three other positions that I think will become
23 relevant, like, very fast as in, you know, now.

24 One is related to the PIO is community outreach.
25 And so with the public information officer, I think it's

1 just going to be a huge task. Having somebody that is
2 uniquely attuned to our communities of interest, you know,
3 the communication and coordination I think will be
4 important.

5 IT. You know, there's just so many complexities to
6 everything we're doing, and as we're plotting out our travel
7 schedule for the summer with our public hearings, we can't
8 do that without an IT expert to be coaching us about what
9 locations are feasible and what we would need to anticipate.

10 You know, a public records expert and we may, you
11 know, think about collapsing this into a deputy director
12 position. We're hearing from our attorneys and we heard
13 today, you know, and will continue to hear from our mapping
14 consultants, that we're going to be required to produce
15 every step of every decision we ever make. And so, with
16 that, you need an ability to preserve public records, mark
17 them, and make them easily accessible to courts to anybody
18 who is asking.

19 And -- and the reason why I bring this up, we're
20 not ready to actually talk about the specific positions. I
21 do want to foreshadow for my partners here that, as I
22 mentioned before, we're at a crescendo. For all of these
23 elements to work well together, we need to make sure we have
24 the people power in place to facilitate what we need.

25 This will be a minuscule part of our budget.

1 Minuscule. But it's an important quality control.

2 And -- and with that, again, we don't have any
3 other specific items to agree on -- or -- or debate today,
4 but next week please be prepared to be coming together to
5 talk through the various hires and how we may carve out the
6 levels of -- of responsibility.

7 Any other questions, feedback, thoughts before we
8 move on to Agenda Item No. IX?

9 COMMISSIONER MEHL: This is Commissioner Mehl. I
10 have one question for Brian.

11 What would be the expected start date? How much
12 notice is Valerie going to need to give and when do you
13 think she will be on board?

14 DIRECTOR SCHMITT: She will be on board May 4th.

15 COMMISSIONER MEHL: Thank you.

16 CHAIRPERSON NEUBERG: And, you know, Commissioner
17 Mehl, I think your question actually highlights something
18 that we all need to be cognizant of, and that is that
19 everything that we do is two weeks out. Meaning that as we
20 do our hires, people need to give notice, and -- and there's
21 time for onboarding. And I know -- you know, I think
22 there's a pressure of -- of getting our job done.

23 VICE CHAIR WATCHMAN: Madam Chair. This is
24 Vice Chair Watchman. I have another question.

25 You mentioned three other potential positions. I

1 think we only have three budgeted slots and so do we need to
2 advance a request to whomever to allow for these additional
3 positions to be included in our budget? I'm not sure how
4 that works.

5 I did talk to Brian a little bit earlier, but just
6 curious as to how we're going to officially launch more
7 positions.

8 DIRECTOR SCHMITT: Thanks, Commissioner Watchman.
9 So the process for getting more FTEs, full-time equivalent
10 positions is that we petition JLBC and the Office of
11 Strategic Planning and Budget, OSPB, and they grant them or
12 they don't. I'm guessing from the conversations that I've
13 had that it -- it wouldn't get -- we wouldn't get push back
14 if we were adding a few positions.

15 And so -- and part of the conversations going on is
16 including more positions in next year's budget -- or this
17 year's budget.

18 VICE CHAIR WATCHMAN: Yeah, makes sense. Thank
19 you.

20 CHAIRPERSON NEUBERG: And I want to reassure
21 everybody, because we're all conscious of the budget, these
22 hires and the way we're thinking about things is with the
23 intention of saving us money down the road.

24 To the extent that we staff ourselves now and hire
25 ourselves appropriately, we can withstand some of the

1 challenges and some of the complications that may present
2 themselves down the road; and so I think it's a very smart
3 investment, and why I'm optimistic about just receiving a
4 positive response to our requests on the budget.

5 If there's no further conversation on Agenda Item
6 No. VII and VIII with our hires, we'll move on to Agenda
7 Item No. IX, discussion on data census delays and ways to
8 mitigate its disruption.

9 Outside of our hiring I have nothing to offer here
10 unless our counsel or fellow Commissioners have something
11 they want to chime in with.

12 Okay.

13 VICE CHAIR WATCHMAN: Well, Madam Chair, this is
14 Vice Chair Watchman.

15 In our -- in our interview, the data is going to be
16 available in August from what I'm hearing, and so -- the
17 data is -- is usable to start the process and it -- it
18 sounds like the official U.S. Census data that's coming out
19 the end of September, I guess, will be a more refined
20 presentation; but what I'm hearing, it looks like August
21 could be a go date, you know, to start the process. If I'm
22 not mistaken.

23 And so I'm still unclear as to, you know, the data
24 is data from what I'm hearing, it's just a matter of how
25 it's formatted.

1 And so based on that, it seems that we could start
2 our work in August a little bit ahead of the official
3 announcement. So I'm just trying to understand that given,
4 if that's the case, you know, we can start work a little bit
5 earlier and I'm just trying to qualify, you know, what that
6 really means.

7 So just a concern that I have.

8 CHAIRPERSON NEUBERG: You know, thank you,
9 Commissioner Watchman.

10 You know, I -- I think we're all keeping our eyes
11 on the timeline. I'm -- I think there's a lot of options
12 that we have.

13 Yes, there is some data that's going to be
14 presented to the states that with the appropriate
15 sophistication of our mapping consultants, they'll be able
16 to take advantage of. It's a language that is outdated;
17 but, there's also ACS data which is the American Community
18 Survey data that we could potentially rely on. There's a
19 listening tour that we can embark on, which is anticipating
20 the potential difficult decision points that we have.

21 And so as it relates to mitigating, you know, the
22 challenges, I'm optimistic that there's a lot that we can do
23 as, you know, you alluded to in your question, and it's
24 something that we're asking our mapping consultant
25 applicants.

1 But we're certainly not going to waste time. We're
2 not going to wait until September 30th.

3 VICE CHAIR WATCHMAN: Got it.

4 CHAIRPERSON NEUBERG: Any other comments or
5 questions?

6 Okay. With that, we'll move to Agenda Item No. X,
7 discussion on ADOA resources and updates.

8 And, with that, I'll turn it over to Brian.

9 DIRECTOR SCHMITT: So I spoke a little bit before
10 about the office. Once I have more info and a more final
11 plan, I'll let you all know on that.

12 For those of you who ordered cell phones, I have
13 them. IT is going to set them up, and then I'll get them to
14 you.

15 I think that's all I have on ADOA update.

16 CHAIRPERSON NEUBERG: Okay. Exciting about getting
17 our cell phones.

18 Okay. With that, we'll move to Agenda Item No. XI,
19 which is update, discussion, and possible action on Howard
20 open meeting law complaint.

21 The Commission may vote to go into executive
22 session if we need to for the purpose of obtaining legal
23 advice. I will clarify that explanation if necessary, but
24 the good news is that that complaint has been dismissed. It
25 was a complaint based on challenging the reasons for the

1 Commission going into executive session on January 14th and
2 21st, and it was the Pinal County Attorney who gave a
3 decision that the Commission did, in fact, have the
4 authority to go into executive session.

5 With that, we did allude to along the way that
6 there may have been a second Howard complaint, we were
7 waiting for that to arrive; we did discover that it was
8 filed, it has actually already been litigated and dismissed.
9 That was a March 16th complaint that questioned again the
10 open meeting law, questioning whether the Commissioners were
11 entitled to listen to, you know, references and opinions of
12 other people in the community regarding our hires. And so
13 we're appreciative that that was also dismissed.

14 I do want to let the public know that, that we
15 understand the heart, the meaning, the essence of these
16 complaints. We're -- we're glad that legally there was no
17 merit, but we are doing our due diligence and making our
18 best effort to do what we can in -- in the open and doing as
19 much in the public eye as is responsible.

20 So -- so we appreciate your reminders, and you have
21 our commitment to do what we can that is responsible.

22 Are there any questions regarding Agenda Item No.
23 XI?

24 VICE CHAIR WATCHMAN: Yes, Madam Chair. This is
25 Vice Chair Watchman.

1 Is it possible to get copies of this -- this
2 documentation? I appreciate what you're sharing with me
3 but, you know, not to paper up everything, I'd like to have
4 at least the documentation so I can read it for myself, you
5 know, get some thought proc- -- get my thoughts going on
6 what the Courts and why it was dismissed and some other
7 things. Would be nice to have some documentation to review.
8 So if we can get that, I'd really appreciate it.

9 DIRECTOR SCHMITT: We will absolutely get it for
10 you, Commissioner.

11 CHAIRPERSON NEUBERG: You got it. It's I imagine
12 -- and I'll wait for counsel to chime in, I imagine it's a
13 matter of public record as well.

14 Okay. I don't hear any counsel, but I do believe
15 it's a matter of public record and, yes, we will get that to
16 you.

17 MR. HERRERA: Madam Chairwoman, I'm sorry, we were
18 on mute.

19 It is.

20 CHAIRPERSON NEUBERG: Okay. Thank you.

21 With that, we will move to Agenda Item No. XII,
22 which is discussion and possible action on speaking
23 engagement requests.

24 We are now, you know, building up to be doing quite
25 meaningful work, and we are starting to get a lot of

1 requests to come and speak to different groups.

2 I, just for the sake of transparency, I want to let
3 everybody know that I have committed to speak with the
4 League of Women Voters on April 29th, and I think we should
5 collectively as a group talk through what kind of boundaries
6 or parameters we want to place on our decision-making.

7 I don't want to unilaterally decide which group
8 I -- I speak with. I'd like to open it up to my fellow
9 Commissioners as well if you're interested in getting out
10 and about in the community, but I'd -- I'd like feedback
11 about what -- what's right for our Commission and -- and to
12 think through specific criteria: Number of people,
13 partisanship; you know, anything. But I -- I really don't
14 want to get in the position of having to personally say
15 yes/no.

16 What do you think?

17 COMMISSIONER LERNER: Chair Neuberg, I'll just say
18 I -- I actually spoke to a charter school class; I didn't
19 think about asking here first. It was a former student of
20 mine who now teaches who asked me to come and speak to his
21 classes about redistricting because that's part of what they
22 were teaching. So, I -- I did that.

23 I believe we want to be as nonpartisan as possible,
24 that's the way I approach. It was a learning process, let
25 them ask questions. And I think that's -- I think it's

1 great for us to be going out and speaking with different
2 groups and explaining the process and what we're trying to
3 do. So I'm real supportive of that, and I'm happy to
4 participate in that.

5 I had a lot of fun with these high school students.
6 They're pretty knowledgeable actually. My former student
7 has done a really good job of prepping them.

8 So I think it's helpful to the public if they hear
9 from us, and we're trying to do as much as possible as
10 nonpartisan way as we can, even though I think we have that
11 within us, I think as much as our discussion that we can do
12 to explain what we're trying to accomplish is helpful. It's
13 just part of that open process we're trying to do overall.

14 So I'm real supportive of all of this.

15 CHAIRPERSON NEUBERG: Okay. I --

16 VICE CHAIR WATCHMAN: Madam Chair.

17 CHAIRPERSON NEUBERG: -- I love the support, but,
18 you know, if we open all five of us to everything, we may
19 not have time to do our work.

20 And so, with that, are there criteria, are there
21 boundaries, are there guidelines that -- that people would
22 like to suggest as we're sifting through the requests?

23 VICE CHAIR WATCHMAN: Madam Chair.

24 CHAIRPERSON NEUBERG: And let me let me give an
25 example. So the attorneys actually said to me: Well, you

1 know the legislative districts, each one has a Republican
2 caucus, a democratic caucus; there's 30 of them, if you do
3 both, there's 60 meetings.

4 I mean, at what level do we -- and I'd like -- and
5 the reason why I'm asking, maybe it seems, you know,
6 immaterial, but actually I like -- I like an objective set
7 of criteria 'cause I don't want to be biased. They can't
8 all be nonpartisan. I mean, we have, what, 66 percent of
9 our state is partisan. We want to talk to them.

10 VICE CHAIR WATCHMAN: Well, perhaps, Madam Chair,
11 maybe a starting point is just getting -- getting legal
12 advice, maybe some of the dos and don'ts, if -- if there's
13 anything, from our legal counsel and then that will kind of
14 set off more discussion.

15 CHAIRPERSON NEUBERG: In terms of -- and I'll turn
16 it over to the legal counsel.

17 Here's what I learn to date: We need to respect
18 open meeting laws, obviously no work can be done in these
19 environments; I want to protect confidentiality; we have to
20 be mindful of ethics, meaning that as Commissioners we don't
21 want to go be wined and dined in any particular environment.
22 And we want to be mindful of our time to -- to maximize what
23 we have to say and to be responsible, obviously, you know,
24 to -- to be on -- we will be on the record.

25 And -- and so, with that, the legal counsel is

1 actually asking the five of us to think through if we have
2 beyond the legal constraints, ethical, you know, or just
3 personal views of how to make those decisions.

4 Given -- given that the attorneys say that they're
5 all good choices. I mean -- and so let's just presume that
6 it's already been vetted, the question is then we have
7 limited time; we have an abundance of requests, all five of
8 us will have requests. Brian and I probably to be honest
9 will have the most. I want to represent all of us, so I
10 want you to tell me what I should do.

11 COMMISSIONER MEHL: This is Chairman Mehl [sic].

12 I think it's hard in the abstract to -- to really
13 say what we should be saying yes or no to. I think we
14 should be cognizant of our -- our collective times. I think
15 the larger groups that represent wide constituency are ones
16 that we should most obviously be willing to go stand in
17 front of and speak, and the smaller group like the
18 legislative council or whatever, you know, we may want to be
19 saying no to just for the matter of guarding our time.

20 But there will be some larger groups I think that
21 will be pretty obvious that they would be beneficial to
22 speak to. And most of what we're going to say is really
23 describing the law and the process that people are not aware
24 of.

25 COMMISSIONER LERNER: This is Commissioner Lerner.

1 I -- I will agree with Commissioner Mehl as part of that.

2 I also think we need to take into account that we
3 will be holding public meetings so we want to factor that
4 into some of those requests, where at those public meetings
5 that will be another good opportunity for people to attend.
6 So when we're thinking about the districts that you
7 mentioned, both of you mentioned, that might be the thing to
8 say: Come to the meetings; come to the hearings. It's a
9 chance to both provide input and hear about the process.

10 So -- so there might be a balancing act with some
11 of that that we use once we schedule our statewide meetings
12 that we may be able to do that.

13 But I'm also I'm not sure how to make a decision on
14 what's right and what's wrong to say yes or no to exactly
15 without more specifics.

16 COMMISSIONER MEHL: And I think any one of us can
17 bring requests back to the group if you want an opinion as
18 to others as to whether we should be speaking with that
19 group or not, and I would trust each of our judgments if you
20 would want to make sure and want other feedback, we can do
21 that.

22 CHAIRPERSON NEUBERG: I appreciate that. It
23 actually -- I mean, it may feel like a very small point, but
24 to be honest, it does feel a little confusing to me. You
25 know, just fielding the requests and -- and sifting through

1 the specific requirements and -- and criteria. So I -- so I
2 appreciate this very much.

3 I'd also like to just be transparent that and I'd
4 like to, you know, ask my fellow Commissioners, you know,
5 Commissioner Lerner spoke about, you know, speaking to -- to
6 a group of students. You know, that I'm real bullish on in
7 terms of looking at the numbers of -- of, you know, a
8 criteria, you know, to determine whether we'll, you know,
9 give a public presentation, this is a once-in-a-decade
10 opportunity for our state and the ability for us to, you
11 know, tease some civics lessons and some opportunities for
12 our youth to learn about government, to learn about our
13 state. I -- I just think that that's one of the exciting
14 wonderful parts of what we're doing.

15 So I may come back to you on this question; I don't
16 hear a lot of consensus. I'm confused, but I'll continue
17 the dialogue.

18 COMMISSIONER YORK: Can I weigh in a little bit?

19 CHAIRPERSON NEUBERG: Yes, please.

20 COMMISSIONER YORK: Commissioner York.

21 So what I'm hearing is that we all have consensus
22 around educational events, and educating either high school
23 students or the League of Women Voters on process; and so
24 what I would suggest is we sort of tailor our public
25 outreach to those sort of events and that we sort of try to

1 avoid what I would call public opinion or public stance
2 events where we are asked to take a stance on -- on process
3 for how they -- how the Commission is working or ask to sort
4 of make decisions around what might influence people's
5 votes. I think we need to keep sort of the Constitution and
6 sort of the educational side of the discussions.

7 COMMISSIONER LERNER: This is --

8 CHAIRPERSON NEUBERG: I think -- I think,
9 Commissioner York, what I'm really hearing is -- is your
10 sensitivity and commitment to not violating open meeting
11 laws, which is not doing any business. Not -- not
12 translating, you know, or foreshadowing or giving any sense
13 of the work ahead or how we're thinking about anything, but
14 merely providing, you know, educational material and
15 substantive, you know, clarifications such that will people
16 understand who we are, what we're doing, and -- and the
17 unique I think redistricting, you know, realities of
18 Arizona.

19 Okay.

20 COMMISSIONER LERNER: I agree with all of that as
21 well.

22 CHAIRPERSON NEUBERG: Okay. If there's no other
23 further comments on that item, we'll move to Agenda Item No.
24 XIII, which is discussion of future agenda item requests.

25 Just by virtue of the meeting today, I know that we

1 will need to address additional hires; we will be fleshing
2 out our budget. I believe that our legal counsel will
3 desire to do some training, which is in our best interest.

4 I'd like to add maybe potentially beginning to
5 flesh out a travel schedule. The reason being, again, the
6 logistics that are required around travel; it's not just our
7 schedule, it's securing locations that can accommodate the
8 public, the IT needs, and the thought behind who -- who has
9 Internet, who doesn't have Internet, and how we access the
10 populations.

11 That's what's on my mind.

12 Additional thoughts about future agenda items?

13 COMMISSIONER LERNER: Chair Neuberg, would we be
14 also potentially still talking about the mapping?

15 CHAIRPERSON NEUBERG: Yes. That -- that -- you
16 know what, to be honest, the majority of our agenda will I
17 think be carried over. I do not expect that we're going to
18 be finished with the mapping process, and so I expect that
19 will be carried over.

20 We'll for sure want to hear our director's report;
21 we'll have additional detail with hires.

22 COMMISSIONER YORK: I would also suggest that Item
23 XI has been complete.

24 CHAIRPERSON NEUBERG: Yes. The Howard complaint is
25 done.

1 COMMISSIONER YORK: So that can come on off.

2 Okay.

3 CHAIRPERSON NEUBERG: Okay. Anything else to add
4 with additional future agenda items?

5 Okay. With that, we will move to Agenda Item No.
6 XIV, which is discussion and possible action on the
7 scheduling of future meetings.

8 We have our Tuesdays carved out, with the
9 expectation that we will be recessing every Tuesday from
10 noon to 1:00 unless otherwise instructed; and I have no
11 additional updates regarding our schedule as long as
12 everybody protects those hours and protects the full day.
13 We have an eight-hour line and the business is only going to
14 get more robust as -- as we move forward.

15 Okay. With that, we can move on to Agenda Item No.
16 XV, announcements.

17 Our next meeting date is going to be April 27th,
18 9:00 a.m.; and, again, the agenda to be determined, and I
19 would plot out a full, robust day.

20 Any conflicts with next week?

21 With that, we'll move to Agenda Item No. XVI, which
22 is the closing of public comments.

23 Please note members of the Commission may not
24 discuss items that are not specifically identified on the
25 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action

1 taken as a result of public comment will be limited to
2 directing staff to study the matter, responding to any
3 criticism, or scheduling the matter for further
4 consideration and decision at a later date.

5 With that, our public comments are closed.

6 MS. RAMOS: So, Commissioner Neuberg -- Chair
7 Neuberg.

8 CHAIRPERSON NEUBERG: Yes.

9 MS. RAMOS: Sorry about that. Since we are
10 continuing to the afternoon session, they won't have the
11 opportunity to comment then either? Sorry.

12 CHAIRPERSON NEUBERG: Well, that -- that -- okay.
13 You know what, Yasmin, thank you for chiming in because I do
14 not believe we want to close the public meeting.

15 The rest of our agenda relates to Agenda Item No.,
16 I believe, V, which is our work with meeting with and
17 interviewing the mapping consultants.

18 I -- I will rely on our counsel here. I'm
19 presuming that we need to keep the meeting open and that, at
20 the conclusion, at the end of the day of our interviews, we
21 will come back into public meeting to formally adjourn.
22 But -- but we are at this juncture where we have officially
23 concluded the business that the five Commissioners intended
24 to deliberate with the exception of our mapping work.

25 MR. HERRERA: Madam Chairwoman, this is

1 Mr. Herrera. I would wait until closing of the public
2 comments until we're end of the meeting today until after we
3 are finished with Item V.

4 CHAIRPERSON NEUBERG: Okay. And so since I
5 erroneously or mistakenly closed public comments, what do I
6 do to reopen them?

7 COMMISSIONER YORK: You can just reopen 'em.

8 CHAIRPERSON NEUBERG: Do I need a motion?

9 MS. RAMOS: I didn't close them because I had that
10 question, so they have never been closed.

11 CHAIRPERSON NEUBERG: Oh. Okay. Well, since I
12 warned the public that we were closing them and we did not
13 close them, the public comments are still open. We
14 anticipate that they will be open until the adjournment of
15 our public meeting.

16 With the feedback of our counsel, the rest of our
17 deliberative work today is likely to be done in executive
18 session, but I believe that we do need to return back to
19 public session to close the meeting.

20 And so would it be fair to say at this point that
21 we'll recess, reconvene in -- in executive session at
22 1:00 p.m. for our next mapping appointment, which if
23 somebody has the schedule -- which is with Taylor English.

24 COMMISSIONER YORK: We should reconvene at 12:55, I
25 believe.

1 CHAIRPERSON NEUBERG: Yes. I like that idea.
2 Reconvene at 12:55 p.m.

3 MR. HERRERA: Madam Chairwoman, I believe you have
4 to reconvene in public session at 1 o'clock and then move
5 into executive session.

6 COMMISSIONER YORK: Ah. So let's reconvene at
7 12:50.

8 COMMISSIONER LERNER: We can't go into executive
9 session at 1 o'clock?

10 COMMISSIONER YORK: No, we have to provide a motion
11 at executive session.

12 COMMISSIONER LERNER: Okay. So, one hour. We can
13 reconvene in one hour.

14 COMMISSIONER YORK: Yep.

15 CHAIRPERSON NEUBERG: Right.

16 With that, I would like to suggest that we take a
17 recess. We will reconvene at about one hour, 12:50 to the
18 extent possible. I do know one of our Commissioners may be
19 a tad bit late on that; and then at that point we will make
20 a motion to move into executive session to continue our
21 interview process with the mapping firms.

22 And, with that, Counsel, I don't believe we need a
23 motion to go into recess, but I will defer to you.

24 MR. HERRERA: No. You do not, Madam Chairwoman.

25 CHAIRPERSON NEUBERG: Okay. I will see everybody

1 in about 60 minutes.

2 Enjoy your recess.

3 COMMISSIONER YORK: Thank you.

4 (Recess taken from 11:51 a.m. to 12:51 p.m.)

5
6 CHAIRPERSON NEUBERG: Thank you, everybody, for
7 rejoining us and convening for the public session. I am
8 looking for Commissioner Lerner. I do see our attorneys and
9 Yasmin and Brian and our transcription expert, Angela.

10 Okay. I see Commissioner Lerner has joined us.
11 With that, I believe that we have our entire team in place
12 at reconvening of the public meeting at 12:52.

13 With that, unless there's any opposition, we will
14 start up again on Agenda Item No. V, discussion and possible
15 action on options for mapping consultants.

16 We are doing our interviewing, the oral
17 presentations, in executive session as we have explained
18 prior. With that, I think we are ready for a motion to move
19 into executive session for the sake of being able to do our
20 due diligence with the interviews; and I will reread the
21 explicit provisions.

22 The Commission will vote to go into executive
23 session which will not be open to the public for the purpose
24 of obtaining legal advice as well as for the purpose of
25 discussion or consideration of records exempt by law from

1 public inspection, including the receipt and discussion of
2 information or testimony that is specifically required to be
3 maintained as confidential by state or federal law pursuant
4 to A.R.S. 38-431.03(A)(2) and pursuant to A.R.S. 41-2534(D),
5 the contents of proposals submitted under the State's
6 request for proposal procurement process is confidential
7 until contract award so as to avoid disclosure of contents
8 prejudicial to competing offers during the process of
9 negotiation.

10 And, with that, if I can entertain a motion to go
11 into executive session for the oral presentation and
12 interview of the second mapping firm, Taylor English.

13 VICE CHAIR WATCHMAN: Madam Chair, this is
14 Vice Chair Watchman. I move to go into executive session to
15 continue the interviews for our mapping consultants.

16 CHAIRPERSON NEUBERG: Do I have a second?

17 COMMISSIONER YORK: This is Commissioner York. I
18 second.

19 CHAIRPERSON NEUBERG: Any further discussion?

20 Okay. With that, we'll take a vote.

21 Commissioner Watchman.

22 COMMISSIONER WATCHMAN: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Mehl.

24 COMMISSIONER MEHL: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Lerner.

1 COMMISSIONER LERNER: Aye.

2 CHAIRPERSON NEUBERG: Commissioner York.

3 COMMISSIONER YORK: Aye.

4 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
5 aye.

6 With that, we will move into executive session to
7 move forward with the interview process with our mapping
8 consultant, and we anticipate that being about an hour,
9 although we do not anticipate coming back to the public
10 session potentially until the conclusion of our interview
11 with Timmons, which would be roughly at about 3:30.

12 And so, with that, please exit this link, and I
13 will see everybody on the executive session link.

14 (Whereupon the proceeding is in executive session
15 from 12:57 p.m. until 3:41 p.m.)

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19 (Whereupon the proceeding resumes in general
20 session.)

21 CHAIRPERSON NEUBERG: Okay. I see -- welcome back
22 everybody to our public session. I see our Commissioners; I
23 see our legal counsel, and our transcriptionist.

24 And so, with that, I will give an update to
25 everybody with where we are at. We were just in executive

1 session finishing up our interview with Timmons and Group
2 [sic].

3 Now that we have finished our interviews, we would
4 like to -- and I know this is frustrating for the public,
5 but we came back to the public meeting in order to bring
6 everybody up to speed.

7 We would like to go back into executive session in
8 order to discuss the material that we have just heard and to
9 determine what kind of additional information we may want to
10 ask of these mapping firms.

11 Again, these are privileged, confidential
12 conversations to protect the public for the sake of the
13 competitiveness of these bids.

14 And so, with that --

15 COMMISSIONER MEHL: Madam Chair?

16 CHAIRPERSON NEUBERG: Yes, please.

17 COMMISSIONER MEHL: I think you should add to that
18 that we may begin the eval- -- actual evaluation of the
19 firm, that we may choose to do that.

20 CHAIRPERSON NEUBERG: Yes. So, with that, I would
21 like to alert the public that we would like to vote to go
22 back into executive session to begin the process of
23 evaluating the mapping firms, begin the scoring process, and
24 also think through if there is additional information that
25 we would like to ask of the mapping firms to come back with

1 us.

2 And, with that, is there any conversation or public
3 discussion before I entertain a motion to go back into
4 executive session?

5 Okay. With that, I will entertain a motion to go
6 into executive session for the purpose of discussing --
7 discussing the mapping proposals. And, again, it is
8 pursuant to A.R.S. 41-2534(D), the content of proposals
9 submitted under the State's request for proposal procurement
10 process is confidential until contract award so as to avoid
11 disclosure of contents prejudicial to competing offers
12 during the process of negotiation.

13 With that, do I entertain a motion to go back into
14 executive session to talk about next steps?

15 COMMISSIONER MEHL: So moved.

16 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

17 CHAIRPERSON NEUBERG: Vice Chair Watchman is the
18 second.

19 Any other conversation?

20 A vote. Vice Chair Watchman.

21 VICE CHAIR WATCHMAN: Aye.

22 CHAIRPERSON NEUBERG: Commissioner Mehl.

23 COMMISSIONER MEHL: Aye.

24 CHAIRPERSON NEUBERG: Commissioner Lerner.

25 COMMISSIONER LERNER: Aye.

1 CHAIRPERSON NEUBERG: Commissioner York.

2 COMMISSIONER YORK: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
4 aye.

5 And, with that, we will go back into executive
6 session to finish up our work on the mapping consultant
7 hire.

8 Thank you for your patience, everybody.

9 (Whereupon the proceeding is in executive session
10 from 3:45 p.m. until 4:27 p.m.)

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14 (Whereupon the proceeding resumes in general
15 session.)

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CHAIRPERSON NEUBERG: Okay. Welcome, everybody,
back to our public session; I see that we have our
Commissioners and our counsel. Thank you everybody for your
patience while we have been in executive session.

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It's been a productive day where we've had our
opportunities to hear from the mapping consultants during
our hiring process in executive session per State guidelines
to protect the confidentiality of the process.

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25

We have finished our business for the day. With
that, I would like to close public comments. That is Agenda

1 Item -- excuse me -- No. XVI.

2 Please note members of the Commission may not
3 discuss items that are not specifically identified on the
4 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action
5 taken as a result of public comment will be limited to
6 directing staff to study the matter, responding to any
7 criticism, or scheduling the matter for further
8 consideration and -- and decision at a later date.

9 With that, we will move to adjourn, Agenda Item No.
10 XVII.

11 I will make -- entertain a motion to adjourn our
12 public meeting for April 20th.

13 VICE CHAIR WATCHMAN: So moved.

14 Vice Chair Watchman.

15 CHAIRPERSON NEUBERG: Do I have a second?

16 COMMISSIONER YORK: Second. Commissioner York.

17 CHAIRPERSON NEUBERG: Okay. With that, we'll do a
18 quick vote.

19 Vice Chair Watchman.

20 VICE CHAIR WATCHMAN: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Mehl.

22 COMMISSIONER MEHL: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Lerner.

24 COMMISSIONER LERNER: Aye.

25 CHAIRPERSON NEUBERG: Commissioner York.

1 COMMISSIONER YORK: Aye.

2 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
3 aye.

4 And, with that, we adjourn and we look forward to
5 seeing everybody next week, which is April 27th, at
6 9:00 a.m.

7 Thank you, everybody, and we'll see you next week.

8 (Whereupon the proceeding concludes at 4:29 p.m.)

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C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 4th of May, 2021.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 4th of May, 2021.



Miller Certified Reporting, LLC
Arizona RRF No. R1058

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