

THE STATE OF ARIZONA  
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

April 27, 2021

9:05 a.m.

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I N D E X

1		
2	<u>PROCEEDING:</u>	<u>PAGE</u>
3	ITEM NO. I	
4	ITEM NO. I (A)	4
5	ITEM NO. I (B)	5
6	ITEM NO. II	6
7	ITEM NO. III	8
8	ITEM NO. IV	9
9	ITEM NO. V	11
10	ITEM NO. V EXECUTIVE SESSION	15
11	ITEM NO. VI	17
12	ITEM NO. VII	22
13	ITEM NO. VIII	36 & 47
14	ITEM NO. VIII EXECUTIVE SESSION	39
15	ITEM NO. IX	44
16	ITEM NO. IX EXECUTIVE SESSION	46
17	ITEM NO. X	47 & 50
18	ITEM NO. XI	50
19	ITEM NO. XII	53
20	ITEM NO. XIII	54
21	ITEM NO. XIII (A)	54
22	ITEM NO. XIV	59
23	ITEM NO. XV	59
24	ITEM NO. XVI	59
25		

1 PUBLIC MEETING, BEFORE THE INDEPENDENT  
2 REDISTRICTING COMMISSION, convened at 9:05 a.m. on  
3 April 27, 2021, via GoogleMeets, Arizona, in the presence of  
4 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 Mr. Dennis Burke, Ballard Spahr  
17 Ms. Nicole Sornsinsin, General Counsel, Arizona  
18 Department of Administration  
19 Ms. Jessica Klein, Assistant Attorney General  
20 Mr. Michael Hillebrand, Arizona State Procurement  
21 Office  
22  
23  
24  
25

P R O C E E D I N G

1  
2  
3 CHAIRPERSON NEUBERG: I am going to call this  
4 meeting to order. Agenda Item I(A), call for quorum. It is  
5 9:05 a.m. on Tuesday, April 27th, 2021.

6 I call this meeting of the Independent  
7 Redistricting Commission to order. For the record, the  
8 administrative assistant will be taking roll.

9 When your name is called, please indicate you are  
10 present. If you're unable to respond verbally, we ask that  
11 you please type your name.

12 Yasmin, please.

13 MS. RAMOS: Thank you, Madam Chair.

14 Vice Chair Watchman.

15 I see him, but I'm not sure...

16 CHAIRPERSON NEUBERG: He's having technology  
17 problems. Yeah, there's -- there a way -- Vice Chair  
18 Watchman, if you can hear us, if there's a way you can text  
19 us or in writing some way, let us know that you are  
20 processing this.

21 MS. RAMOS: Commissioner Lerner.

22 COMMISSIONER LERNER: Here.

23 MS. RAMOS: Commissioner York.

24 COMMISSIONER YORK: Here.

25 VICE CHAIR WATCHMAN: Can you hear me?

1 MS. RAMOS: Yes, we can hear you.

2 Commissioner Mehl.

3 COMMISSIONER MEHL: Present.

4 MS. RAMOS: Chair Neuberg.

5 CHAIRPERSON NEUBERG: Present.

6 MS. RAMOS: And for the record, we also have Brian  
7 Schmitt, Executive Director for the Independent  
8 Redistricting Commission; we have Brett Johnson, Eric  
9 Spencer from Snell & Wilmer; Roy Herrera, Dennis Burke,  
10 Daniel Arellano from Ballard Spahr, legal counsel for the  
11 IRC; and from ADOA we have Michael Hillebrand, Nicole  
12 Sornsinsin, Jessica Klein from ADOA; and we have Angela Miller,  
13 she will be transcribing for us today.

14 VICE CHAIR WATCHMAN: Good morning.

15 CHAIRPERSON NEUBERG: And, Angela, did you get the  
16 "present" from Vice Chair Watchman for the -- for the  
17 transcript?

18 THE COURT REPORTER: I did. Thank you, Chair.

19 CHAIRPERSON NEUBERG: Okay. Wonderful. With that,  
20 please note a quorum is present.

21 Agenda Item I(B), call for notice. Yasmin, was the  
22 notice and agenda for the Commission meeting properly posted  
23 48 hours in advance for today's meeting?

24 MS. RAMOS: Yes, Madam Chair.

25 CHAIRPERSON NEUBERG: Thank you very much.

1                   Agenda Item II, approval of the minutes from  
2                   April 20th, 2021; Item (A) and (B), the general session and  
3                   executive session minutes.

4                   As a reminder, video recording fulfills statutory  
5                   requirements.

6                   Is there any discussion regarding the public and  
7                   executive session recording/minutes from last week?

8                   If there's no discussion, I'll entertain a motion  
9                   to approve the general session and executive session minutes  
10                  from April 20th, 2021.

11                  COMMISSIONER MEHL: This is Commissioner Mehl, I --

12                  COMMISSIONER LERNER: Commissioner Lerner, so  
13                  moved.

14                  COMMISSIONER MEHL: -- I move we approve the  
15                  minutes.

16                  COMMISSIONER LERNER: I'll second.

17                  CHAIRPERSON NEUBERG: Okay. Commissioner Mehl puts  
18                  forward the motion; Commissioner Lerner seconds it. Any  
19                  further discussion?

20                  A vote. Vice Chair Watchman.

21                  You know what, do you want to do a thumbs up or  
22                  some- -- I can't hear you.

23                  COMMISSIONER YORK: Vice Chair Watchman.

24                  CHAIRPERSON NEUBERG: Okay. He's -- I'll come back  
25                  to him.

1 We'll come back to him. Commissioner Mehl.

2 COMMISSIONER MEHL: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Lerner.

4 COMMISSIONER LERNER: Aye.

5 CHAIRPERSON NEUBERG: Commissioner York.

6 COMMISSIONER YORK: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
8 aye.

9 Commissioner Watchman, you are the last vote for  
10 our minutes. Are you able to give us any indication of your  
11 vote, aye or nay? Thumbs up thumbs down?

12 We're having problems.

13 I'll ask the counsel here, giving that four out of  
14 the five have approved, is it something -- -- yeah, any  
15 guidance here about waiting for official votes versus just  
16 going on the record with a 4-0 vote in approval.

17 Commissioner Watchman, can you -- is there -- okay.

18 MR. HERRERA: Madam Chairwoman, it's our view at a  
19 4-0 vote that it is approved, and you do not need to wait  
20 for the fifth vote.

21 CHAIRPERSON NEUBERG: Okay. For the record, let's  
22 note that the minutes are approved with a 4-0 vote with Vice  
23 Chair Watchman having technological challenges.

24 With that --

25 VICE CHAIR WATCHMAN: Can you hear me? Good

1 morning.

2 CHAIRPERSON NEUBERG: Okay. Now we can hear you.

3 VICE CHAIR WATCHMAN: Can you hear me?

4 CHAIRPERSON NEUBERG: Yes, we can hear you.

5 VICE CHAIR WATCHMAN: Yeah?

6 CHAIRPERSON NEUBERG: Yes. We just approved the  
7 minutes without you.

8 VICE CHAIR WATCHMAN: For some reason my computer  
9 is acting all wacky today.

10 CHAIRPERSON NEUBERG: Yeah, we are now on Agenda  
11 Item No. III, and I am so glad that you are live.

12 Agenda Item No. III, opportunity for public  
13 comment. Public comment will open for a minimum of  
14 30 minutes and remain open until the adjournment of the  
15 meeting. Comments will only be accepted electronically in  
16 writing on the link provided in the notice and agenda for  
17 this public meeting, and will be limited to 3,000  
18 characters.

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



1           With that, we will move on to Agenda Item No. IV,  
2           which is discussion on public comments received prior to  
3           today's meeting.

4           Fellow Commissioners, reactions? Thoughts?  
5           Comments?

6           COMMISSIONER MEHL: This is Commissioner Mehl. We  
7           continue to get very robust comments from the public, which  
8           I appreciate greatly; I read each and every one of them as I  
9           know all of us are. And I think it is very helpful to have  
10          comments from the public, and I want to thank the public for  
11          participating.

12          COMMISSIONER YORK: This is Commissioner York. I  
13          echo Commissioner Mehl's comment.

14          COMMISSIONER LERNER: This is Commissioner Lerner.  
15          I also echo those comments. I just want to encourage the  
16          public to continue to submit comments, there's great  
17          feedback and saw some good suggestions of things that we can  
18          potentially do in the future as well. And, you know,  
19          there's also comments that can be quite insightful that we  
20          have been seeing.

21          So I just want to say I also been reading all of  
22          them, and we all appreciate the amount of time that the  
23          public is putting in to participating in the process.

24          CHAIRPERSON NEUBERG: You know, we live in a robust  
25          democracy and Arizona has a lot of independent,

1 strong-minded people, and we're hearing from the community.

2 You know, as we alluded to I think several weeks  
3 ago, when you have such a unique niche of something like  
4 mapping that only happens once every ten years, you're not  
5 going to get a lot of options with true experts. And -- and  
6 given the realities we got, you know, three firms which was  
7 more -- more than a decade ago; there's no perfect -- just  
8 like there's no perfect Commissioner, there's no perfect  
9 mapping firm either.

10 Thank you for this robust discussion, and all we  
11 could say is we're doing our due diligence; we're -- we're  
12 reading all of them, we're studying everything.

13 What gives me comfort and, you know, you'll see  
14 through I think the rest of the meeting, we're building, you  
15 know, really I think a sound competent team that in and of  
16 itself is going to provide checks and balances and will  
17 mitigate concerns that we collectively have; we'll flesh  
18 that out as a team. But we hear you and, you know, let --  
19 let's try to also just have a little bit of trust and open  
20 mindedness.

21 And, with that, that's really all I have to say  
22 about public comments.

23 COMMISSIONER MEHL: This is Commissioner Mehl. I  
24 would like to add that I'm disappointed that we were not  
25 able to do the interviews of the three firms in public

1 because the three firms really interviewed quite well; they  
2 answered questions very well, the interviews were very  
3 detailed, and as a Commission we learned a lot from doing  
4 the interviews, and I'm sorry the public was not able to  
5 observe that.

6 CHAIRPERSON NEUBERG: In addition, you know, the  
7 way our State does it and there's value to it, you know,  
8 there's a responsibility to protect the integrity of the  
9 procurement process, and, you know, you have to follow the  
10 letter of the law; but you're right, other -- other states  
11 do it differently. And had -- I regret our public can't  
12 read the proposals. All, you know, each one that's a  
13 hundred-plus pages of sophisticated information.

14 I -- I would love that. But there's a reason why  
15 it's not available and, again, I mean, we -- we can provide  
16 expert witness, you know, our -- our procurement experts  
17 here, the way we do it protects our State and protects the  
18 competitiveness of the process. But I agree with you, the  
19 public maybe wouldn't be as concerned if they could have  
20 access to the information we have.

21 Okay. With that, if there's no further discussion,  
22 we will move on to Agenda Item No. V, discussion and  
23 possible action on legal counsel briefing.

24 I'd like to welcome again, this actually is our  
25 first meeting where we have our full counsel together. And

1 -- and, with that, there are some things that we  
2 collectively really need to talk about, hear from our  
3 counsel about, and begin to think about some decisions.

4 There are four areas in particular that Counsel  
5 would like to brief us on. They relate to just some initial  
6 research that they're doing and wanting direction about, you  
7 know, the appropriateness of that; they want to discuss  
8 their ideas for policies, procedures, and training, IT  
9 issues, and the potential for hiring expert consultants and  
10 witnesses.

11 I'm going to suggest that the Commission vote to go  
12 into executive session which will not be open to the public  
13 for the purpose of obtaining this type of legal advice to  
14 further implement and/or advance these legal issues pursuant  
15 to A.R.S. 38-431.03(A) (3).

16 This is our first opportunity to really as a team  
17 get legal advice and I think for, you know, protecting our  
18 attorney-client privilege, we'll have the -- the most useful  
19 conversation.

20 Any discussion?

21 COMMISSIONER LERNER: This is Commissioner Lerner.  
22 I'm not clear on -- on why we need to go into executive  
23 session, I'm sorry if I'm misunderstanding. I thought they  
24 were maybe going to give us an overview. Are they giving us  
25 some additional advice that needs to be...

1           CHAIRPERSON NEUBERG: I think that for us to be  
2           able to initially flesh out where, you know, the needs are,  
3           I think as all complex legal challenges, having the  
4           opportunity to discuss with your attorney in private allows  
5           for a more thorough basis.

6           You know, I'm not sure the other -- you know, I've  
7           had the pleasure now of a few calls with the attorneys. I  
8           don't know if the other Commissioners have had the pleasure  
9           yet of asking tough, hard questions. And -- and so I think  
10          -- you know, and I -- and I'd like to turn it over to, you  
11          know, Roy and Brett. You know, a Commissioner is asking a  
12          question validly, what is your recommendation and why?

13          MR. HERRERA: Our recommendation is to go into  
14          executive session because the discussion may include legal  
15          advice and we want to have, you know, a robust discussion  
16          about that, especially now given it's the first opportunity  
17          that both lead counsels are here to give some information to  
18          the Commission, things that the Commission could consider;  
19          obviously later on, the Commission will receive some -- some  
20          training on open meeting laws. But for purposes of this  
21          agenda item, the discussion may include legal advice, and  
22          that's why executive session would be advisable.

23          COMMISSIONER LERNER: Okay.

24          CHAIRPERSON NEUBERG: And, as usual, there's no  
25          action that is taken in executive session, and there will be

1 a detailed, thorough accounting and report of -- of what was  
2 done without violating, obviously, the confidentiality of --  
3 of what transpires.

4 COMMISSIONER LERNER: Thank you.

5 CHAIRPERSON NEUBERG: Thank you.

6 COMMISSIONER YORK: I move that -- this is  
7 Commissioner York. I move that we go into executive session  
8 for further legal discussion.

9 CHAIRPERSON NEUBERG: Is there a second?

10 VICE CHAIR WATCHMAN: Commissioner Watchman seconds  
11 the motion.

12 CHAIRPERSON NEUBERG: Any further discussion?

13 Okay. Commissioner Watchman.

14 VICE CHAIR WATCHMAN: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Mehl.

16 COMMISSIONER MEHL: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Lerner.

18 COMMISSIONER LERNER: Aye.

19 CHAIRPERSON NEUBERG: Commissioner York.

20 COMMISSIONER YORK: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
22 aye.

23 And, with that, we are going to move into executive  
24 session in order to obtain legal advice to further implement  
25 and advance the legal issues that I identified.

1 I do not have an estimate of the amount of time; I  
2 apologize. It depends on our attorneys and how talkative  
3 they are.

4 All right. Please exit this link -- oh. We need,  
5 I always forget to do this, we need a motion to go in -- oh.  
6 Commissioner Lerner left. It's my fault, we need a motion  
7 to go into executive session --

8 COMMISSIONER MEHL: Didn't we just do that?

9 COMMISSIONER YORK: We just did that.

10 CHAIRPERSON NEUBERG: Oh. I'm sorry. Okay. We  
11 will see you in executive session. Thank you. Bye.

12 (Whereupon the proceeding is in executive session  
13 from 9:25 a.m. until 10:03 a.m.)

14  
15 \* \* \* \* \*

16  
17 (Whereupon the proceeding resumes in general  
18 session.)

19 CHAIRPERSON NEUBERG: Welcome back partners and  
20 public. I'm not sure Commissioner -- Vice Chair Watchman is  
21 here.

22 Are we fully staffed and ready to go? I do see our  
23 counsel.

24 Okay. Is everybody on board? I believe I see our  
25 team.

1           Okay. With that, thank you for everybody's  
2           patience with our executive session. As we discussed  
3           earlier that that attorney advice is really essential to  
4           help us make the kinds of decisions to protect, you know,  
5           our -- our broader project.

6           We discussed a few things in particular and of  
7           course no action was taken. We discussed the value of  
8           looking into hiring expert witnesses and the need to do that  
9           promptly given that unique specialties are in high demand  
10          and we want to lock them in; things like potentially experts  
11          in the Voting Rights Act, statisticians, historians; we also  
12          discussed the importance of us to not only learn more about  
13          the State guidelines, but for us to collectively, you know,  
14          agree on policies as it relates to open meetings and -- and  
15          all of that; we discussed the importance of respecting our  
16          IT needs as it relates to hiring staff and -- and maybe most  
17          importantly with, unfortunately, the likelihood of  
18          litigation, making sure that we protect ourselves such that,  
19          you know, we can provide the information that's being asked  
20          of us in a timely manner so that our maps are not delayed;  
21          and as it relates to the expert witnesses to protect  
22          ourselves to defend whatever kinds of complaints that might  
23          happen.

24          So with that I thought it was excellent, you  
25          know -- an excellent opportunity to learn.



1           Given that there's no action related to that item,  
2 we are going to move on to Agenda Item No. VI, which is the  
3 Executive Director's report and discussion thereof.

4           And I will note there is a chance we will go into  
5 executive session. If we choose to do so which would be in  
6 regard to discuss budgeting issues, will we do so, and I  
7 will explain that rationale then.

8           With that, Brian, please. You're on.

9           DIRECTOR SCHMITT: Thank you, Chairwoman Neuberg.  
10 Yasmin, would you mind putting the presentation up,  
11 please.

12           Sort of a quick update I'll start off with on the  
13 office front. Our current space is highlighted down there  
14 in the blue; we have to move sometime this summer, either  
15 June 1st or mid- -- middle of August, still working through  
16 that. The potential new space that ADOA identified for us  
17 is in green above. It's about this point the same square  
18 footage but a little cheaper.

19           The -- the green office part at the top is where  
20 the main office is and cubicles would be, and then the other  
21 rectangle one a little further down is -- would be a  
22 conference room and storage area.

23           We're still working out logistics and making sure  
24 we'd all fit in there and that it works, so should have more  
25 updates at future meetings on that.

1                   Next please, Yasmin.

2                   All right. So our current budget, like we spoke  
3 about before, is 500,000 and the fiscal year ends at the end  
4 of June. The last Commission went through their 500,000 the  
5 first year between investing in technology, attorneys, and  
6 starting public meetings; they did not have a problem going  
7 through that money.

8                   So what I did want to discuss was making sure that  
9 before we run out of time, I've been talking to IT about  
10 getting the offices set up and computers and ordering them;  
11 it is towards the end of the year and other departments and  
12 agencies are also looking to purchase new equipment before  
13 the end of the fiscal year, so I want to make sure we get  
14 our offices outfitted with technology by the end of the year  
15 and also technology that we can use on the road for budget  
16 hearings.

17                   For next year's budget, I've been in contact with  
18 the Governor's team. They are open to our proposal; they're  
19 advocating for it. It's in the \$6- to \$8 million range.  
20 It's all very fluid; we're in a holding pattern right now.  
21 One of the things that I was very concerned about was making  
22 the funds nonlapsing so that we can continue to use them  
23 even if we don't go through them, and -- and they were very  
24 open to that.

25                   The other item for next year's budget was the

1 number of full-time equivalent positions; they had three,  
2 and I asked for at least five or six. This year we only  
3 have three so if we do make hires outside of the PIO, we  
4 will have to petition to get those positions, which is not a  
5 difficult process from my understanding.

6 But that's where I'm at with the budget right now  
7 and if anybody has any questions, I'll be happy to answer  
8 them.

9 CHAIRPERSON NEUBERG: Brian, this may bleed into  
10 the next agenda item and so it's really your choice, but you  
11 talked about the number of hires that you feel the  
12 Commission needs.

13 DIRECTOR SCHMITT: Sure.

14 CHAIRPERSON NEUBERG: Do you want to discuss that  
15 now or would you prefer to discuss that in the -- in this  
16 next agenda item? I think -- okay.

17 DIRECTOR SCHMITT: We can talk touch on it here and  
18 then discuss it in more detail next.

19 The previous Commission had five full-time  
20 employees and then four or five part-time community outreach  
21 folks to help with the public hearings; some days they did  
22 multiple in different cities, so they needed help setting up  
23 and reaching out to different groups.

24 I thought a potential for us could be bringing a  
25 outreach person on full-time that can work in coordination

1 with the PIO, and so -- so that's how I got to the five or  
2 six.

3 CHAIRPERSON NEUBERG: Thank you.

4 Please.

5 DIRECTOR SCHMITT: So the new executive assistant  
6 starts next week, and so hopefully in the future we're going  
7 to have written meetings for you -- written minutes for you  
8 all and then start to provide daily news clips; if the  
9 Commission is mentioned or there's any pertinent article,  
10 getting them to you guys so you can kind of review them and  
11 see what people are saying out there.

12 Website, hoping to add an educational component  
13 shortly. I want to start adding more of the documents to  
14 the meeting agenda just so that the public can also have  
15 some background on what we're discussing; we also, I think,  
16 we're going to talk at a later agenda item, about having a  
17 section where we can put the, like, open meeting law  
18 complaints so the public can go on there and see them; and  
19 then just an updated contact form.

20 But also if the public has any additional requests  
21 or things they'd like to see on the website, they can go to  
22 our "Contact Us," and we'll definitely look into it.

23 And then just a last quick couple items. The Board  
24 and Commissioner's training is something the Commissioners  
25 will have to do. I will send out the link to that and if

1           you all can just let me know when it's completed, I'd  
2           appreciate that.

3                     And then I have your phones, so I will get them to  
4           delivered as soon as possible.

5                     That's all I have for now.

6                     CHAIRPERSON NEUBERG: Questions of our Director?

7                     COMMISSIONER YORK: Maybe I didn't see, at what  
8           point are we going to talk about org chart, the  
9           organizational chart?

10                    DIRECTOR SCHMITT: In the hiring item that's next.

11                    COMMISSIONER YORK: Okay. I'm sorry.

12                    DIRECTOR SCHMITT: Oh, no.

13                    CHAIRPERSON NEUBERG: They bleed into each other.  
14           It's one goes into the other.

15                    COMMISSIONER LERNER: Brian, thank you for your  
16           report.

17                    I just have a question. Once you have staff and  
18           are able to do this, if we can get a better way to start  
19           receiving the public input, that would be helpful. But I  
20           know you need to get your staff on board first, but if that  
21           can be something that you can -- can work with them on, that  
22           would be appreciated.

23                    DIRECTOR SCHMITT: Definitely. That will be a  
24           priority.

25                    CHAIRPERSON NEUBERG: Okay. Thank you.

1           And, with that, I think it just naturally blends  
2 right in to Agenda Item No. VII, discussion and possible  
3 action on public information officer and other potential  
4 hires and duties of all IRC staff positions.

5           I, again, want to alert the public we may need to  
6 go into executive session for the purpose of obtaining legal  
7 advice with respect to staffing issues. I will further  
8 clarify that rationale and the codes if we choose to do so.

9           So, with that, Brian please begin in public  
10 session.

11           DIRECTOR SCHMITT: Sure. So the one position that  
12 we currently have out there is the public information  
13 officer. I interviewed them on Friday, there was some  
14 great -- great candidates; narrowed it down, we're still  
15 going through the background check process, so I can't  
16 publicly announce it right now. There's no official offer  
17 that has been made yet and we're still kind of negotiating,  
18 but hoping to get them on board as soon as possible.

19           And if you want to talk about the candidate in  
20 further detail, e-session may be more appropriate just  
21 because where we are at with the hiring process.

22           CHAIRPERSON NEUBERG: Okay. If there are further  
23 questions -- and before we go to e-session if it's  
24 necessary -- I prefer to have a conversation in public  
25 session about the other issues as well.

1           But -- but, you know what, I would love -- I know  
2 Brian that -- that you are not making this recommendation in  
3 isolation, meaning that you've been in conversation with  
4 Commissioners and other people. Do -- I don't know if the  
5 other Commissioners want to comment at all about your  
6 supervisory role or what your feeling is about this  
7 recommended hire.

8           Okay. It sounds like nobody has anything in mind.  
9 So, Brian, anything you want to discuss in terms of, you  
10 know, flushing out the organizational chart?

11           DIRECTOR SCHMITT: Sure. And I can give you a  
12 quick -- I'm trying to share it.

13           All right. Sorry about that, it's not -- sharing  
14 is not working.

15           But I'll just quickly run through what the previous  
16 two Commissions had and then my idea for what our org chart  
17 might look like.

18           So the 2001 Commission, their executive director  
19 had an executive assistant, an executive administrative  
20 assistant, a receptionist, and a press secretary that were  
21 direct reports; and then they had an administrative  
22 office -- officer, contract banking management specialist,  
23 GIS analyst and demographer, and outreach coordinator that  
24 reported to the executive assistant.

25           In 2011 they had an executive director, and the

1 deputy executive director and public information officer  
2 both reported to him; the deputy executive director oversaw  
3 the technology and other executive assistant and outreach  
4 representatives.

5 So what I was thinking for our org chart would be  
6 the executive assistant would report to both the Executive  
7 Director and create a deputy director/public records  
8 manager. With that position, I think it would be a good mix  
9 of -- at first we aren't going to have a ton of public  
10 records requests or data to deal with, it's more setting up  
11 the system, but we are going to have to be focused on the  
12 public hearings and the meetings, and making sure that we're  
13 adequately staffed so if we did want to do two or three  
14 different meetings throughout the state in a day, that we  
15 have ability to do so.

16 So under the deputy, I would have a public  
17 information officer, a community outreach coordinator, and  
18 then the information technology officer; and that's the  
19 full-time staff that I would recommend.

20 CHAIRPERSON NEUBERG: So it sounds like in addition  
21 to what we have already outstanding, the positions that you  
22 would recommend -- and it sounds consistent with what legal  
23 counsel suggests -- would be a, you know, deputy  
24 director/public records expert who would handle the bulk of  
25 the logistical legal aspects of what we're doing; and it



1 sounds like community outreach in addition to a PIO, which I  
2 think is very consistent with -- with meeting our  
3 obligations to involving the state; and IT.

4 DIRECTOR SCHMITT: Yes.

5 CHAIRPERSON NEUBERG: And it -- and it sounds like  
6 that given, again, it's a crescendo with everything  
7 building, all merging on the same point, that there's  
8 probably a time-sensitive nature of getting, you know, job  
9 openings up and out there.

10 DIRECTOR SCHMITT: There is. And even with the  
11 public information officer, we're still two to three weeks  
12 out from her or him officially being on board.

13 And then I also think when we're talking through  
14 this technology piece, I know technology but not -- not that  
15 well; I'm not an IT specialist. So having someone on the  
16 team who can help build that system up, I think would be  
17 beneficial and would be a good next hire for us.

18 I'm talking to the State's Chief Information  
19 Officer later today, so I should be able to get a better  
20 grasp on what the State can provide for us and help us out  
21 with.

22 Other than that, I think -- yeah. Like, yesterday  
23 when -- I don't think anyone was expecting the apportionment  
24 numbers to come out yesterday. It was kind of a surprise,  
25 and I don't want to be caught off guard if what if the

1 census numbers do come in a little earlier. I think it's  
2 important to get the team up and going as quickly as  
3 possible so we're not surprised and we can get going if we  
4 get the information earlier than expected.

5 CHAIRPERSON NEUBERG: So what do you need from us,  
6 Brian? What -- what -- are there specific positions that  
7 you're asking to post? And please suggest next steps and --  
8 and we will entertain that.

9 DIRECTOR SCHMITT: Sure. I think posting -- I'll  
10 have to petition for the FTE positions, but then posting the  
11 three new positions would be the next step; I don't know if  
12 I would put a time frame on it like two weeks or do it until  
13 filled, just so we can get the team up and going.

14 So you got those three positions are important next  
15 step.

16 Yes, Commissioner Lerner.

17 COMMISSIONER LERNER: So it would be helpful for  
18 me -- sorry. Am I getting feedback? I'm not sure.

19 You said this and I know that it's difficult to  
20 present it, but the flowchart -- the organizations chart  
21 from the past two Commissions, I didn't see one for this,  
22 like how you are proposing it now. And it would be helpful  
23 -- I know some of these positions are needed, absolutely,  
24 and I don't want to hold you up, but I really don't have a  
25 good feel what we will be needing or advertising.

1           Would it be possible for you to provide us with an  
2           organizational chart as you would envision it, and then the  
3           job descriptions for each of the positions that you're  
4           talking about, 'cause you have to do that anyway prior to  
5           advertising, and I would like to see those before you  
6           actually get them out there. And perhaps we can also agree  
7           to review those and provide you with quick feedback because  
8           we always want to get things turned around.

9           But I'm having a little bit of a hard time  
10          envisioning it, because I -- I know we saw the previous  
11          ones, but the flow chart, I know you are unable to present.

12          DIRECTOR SCHMITT: Sure. And that, I've been  
13          working with HR and I was hopeful to have the job  
14          descriptions completed by today's meeting; we just ran out  
15          of time and -- but I should have them today or tomorrow.  
16          I'd be surprised if I don't have them by the time the  
17          meeting is over. So I will get you that and the org chart  
18          as well.

19          COMMISSIONER LERNER: And then if we have -- I  
20          guess I'm wondering, are we approving all of these positions  
21          now or -- because I'm a little bit concerned about approving  
22          them without having all that information in advance and  
23          having us have that discussion that we -- we need that. I'm  
24          not sure of the next steps for that.

25          Because I would like to see all of that information

1 prior to just approving several new positions versus one or  
2 two that we've been talking about.

3 DIRECTOR SCHMITT: And I -- I'll get descriptions  
4 this afternoon hopefully and more than happy to talk through  
5 it after that as well.

6 CHAIRPERSON NEUBERG: I also -- I -- I just want to  
7 mention that I want us to be careful that we don't cause  
8 delay; we have a lot of work to do, and we are woefully  
9 understaffed. And the three positions that our Executive  
10 Director has identified, I'm not sure, you know, how much  
11 deliberation we do, I mean, I think they're fundamental;  
12 we're going to need a deputy director/public records person,  
13 I mean, I -- you know, we are going to need an IT person.

14 And I would argue, and I mean this, I guess, is  
15 open for debate, I would say we need community -- community  
16 outreach person, just with the volume of community outreach  
17 we're already getting. And so we can deliberate on all of  
18 this, but I'd like to at least be able to move forward with  
19 giving Brian authority to get going, you know, with these  
20 hires; because if we don't, the -- if quality of our product  
21 is going to be hampered in my opinion.

22 COMMISSIONER LERNER: Chair Neuberg, I'm not trying  
23 to prevent that, but I also want to make sure I'm  
24 understanding the full range of staffing that's going to be  
25 needed. Is this all of it? Are we going to be needing two

1 or three people later on?

2 That's why I'd like to see the flow chart and get a  
3 handle from our Director of what he believes his full needs  
4 are before we just sort of -- before we do sort of a  
5 one-at-a-time kind of approach. That's why I'm asking to  
6 get a better...

7 COMMISSIONER YORK: This is Commissioner York.  
8 With respect to Commissioner Neuberg and Lerner, I kind  
9 of -- I agree with Commissioner Neuberg to an extent, we did  
10 already have discussions around two of those positions, so  
11 maybe we give Brian the go-ahead to start recruiting those  
12 jobs as he receives with job descriptions for the rest and  
13 the org chart so we don't delay him, at least on technology  
14 and public records.

15 VICE CHAIR WATCHMAN: This is Vice Chair Watchman.  
16 At the very least, I'd like to see the org chart, you know,  
17 that way it outlines, you know, it looks like our Director  
18 had some time to put together the org chart for the last  
19 two, so he should be done with proposing an org chart. So  
20 if with could see that today, that would be very beneficial.

21 CHAIRPERSON NEUBERG: That's always in some ways,  
22 though, our responsibility to give feedback to Brian. He  
23 shared with us the org charts from the first Commission, the  
24 second Commission, he's made a proposal for the org chart  
25 now -- I know we visually don't have it.

1 I -- I know we all like things, you know, upfront  
2 to know and I'm not sure we know some of the -- the more  
3 supplemental hires. Regardless of what ultimate org chart  
4 is presented, I think we're going to need these three  
5 positions; but what I'd like most is to find consensus with  
6 a way to expedite the process that everybody is comfortable  
7 with.

8 So what do my fellow Commissioners need to see?  
9 And then, Counsel, are we allowed to move forward with  
10 posting this?

11 My concern is if we don't publicly approve these  
12 positions today, regardless of what due diligence you do in  
13 the next week, we probably can't approve these positions  
14 'til next week and then post; and then you hire them in two  
15 weeks and then you give two-weeks' notice, I just want to  
16 let you know you're looking then at about five weeks from  
17 now.

18 VICE CHAIR WATCHMAN: Well, this is  
19 Commissioner Watchman, at least the org chart, you know,  
20 because I think it behooves us to put things in writing;  
21 yes, it's recorded. But, you know, a picture -- a picture  
22 does show a thousand words. And so in support of it and to  
23 add to what Commissioner Lerner is saying, the very least  
24 the org chart, I would like to see that. Because that way,  
25 I understand, the public understands kind of how we're

1 thinking this through.

2 And so my point is that we had a nice Executive  
3 Director report, so some time spent on regurgitating that,  
4 so it seems like it's a ten-minute task to get to us, you  
5 know, a proposed org chart.

6 So I'll do it, you know, to get it done so that we  
7 have something to approve. I'd like to have something in  
8 writing. It behooves us to do that too.

9 Yes, we definitely have to be expedient, yes, we  
10 got -- you know, we got a big chore ahead of us, but we also  
11 have to document for the record vis-à-vis, you know,  
12 reports, I think it's in our best interest to do that, so.

13 DIRECTOR SCHMITT: And I am -- I just sent it to  
14 Yasmin to see if her sharing might work.

15 CHAIRPERSON NEUBERG: Yes, that would be so  
16 helpful. Thank you.

17 DIRECTOR SCHMITT: Sure.

18 CHAIRPERSON NEUBERG: Can I ask the legal counsel  
19 while we're doing this, if we don't approve the posting of  
20 these positions, you know, no matter what due diligence we  
21 do, that nothing can be done until next week; am I correct?

22 MR. HERRERA: Well, my view would be that it would  
23 be in your best interest to approve these positions before  
24 moving forward. So that means reviewing the organizational  
25 chart this meeting, and then approving next meeting or doing

1           it all today, that's really up to the Commission.

2           CHAIRPERSON NEUBERG:   Okay, and while we have our  
3           counsel then responding, can -- can I ask:  Is there concern  
4           about a delay about creating an IT team and a team that can  
5           handle public records?

6           So we're balancing a lot of needs right now.  
7           What -- what are the concerns about a delay in further  
8           staffing?

9           MR. JOHNSON:  Well, I would revert back to some of  
10          the legal discussion that we had in executive session about  
11          the importance of these positions to some of the legal  
12          issues that we provided recommendations on in executive  
13          session; I don't want to go on to here.  But I will -- I  
14          will reiterate that these positions are vital to get into  
15          place as soon as possible to ensure that we're in a position  
16          to be able to meet the demands of what the census department  
17          and the map consultant and everything else that's going to  
18          have to take place.

19          CHAIRPERSON NEUBERG:  Okay.  But with that, we have  
20          our technology -- see, if we had an IT person.

21          MR. JOHNSON:  Right.

22          CHAIRPERSON NEUBERG:  But we don't.  But here's --  
23          Yasmin is our IT person.  Thank you, Yasmin.  We have our  
24          proposed org chart.

25          Brian, please.



1           DIRECTOR SCHMITT: Sure. So as you can see, the  
2 executive assistant would report to the both the deputy and  
3 Executive Director; and then underneath them would be the IT  
4 officer, public information officer, and community outreach  
5 coordinator.

6           It also -- why I built it out like this was I  
7 thought we could, for the listening tour, we could break up  
8 into teams and try and hit two or three cities or places at  
9 once that are in one day; and so the PIO and deputy and IT  
10 could go to one spot, community outreach and Executive  
11 Director and executive assistant could do another spot, and  
12 just kind of ping-pong back and forth but lean on each  
13 other's strengths, so. My thoughts behind it.

14           COMMISSIONER LERNER: This is Commissioner Lerner.  
15 Thank you. This is what we were hoping to see. So I  
16 appreciate that.

17           So I -- I can easily support moving forward  
18 immediately with the information technology officer and the  
19 public records manager.

20           From my perspective, I'd like you to think through  
21 a little bit with number of different ways, you know, with  
22 maybe bringing in some people on a part-time basis, that's  
23 the one I think I would just like to have you think through  
24 and come back to us a little bit more detail about that --  
25 that particular position.

1           But I could support the IT and public records  
2 immediately to move forward based on -- on the -- what have  
3 you described it and what we've been talking about in terms  
4 of our reviewing it.

5           DIRECTOR SCHMITT: Okay. Thank you. And, yeah,  
6 I'm more than happy to share the job descriptions once I  
7 have them.

8           COMMISSIONER MEHL: This is Commissioner Mehl.

9           COMMISSIONER LERNER: I --

10          COMMISSIONER MEHL: I agree with Shereen and I  
11 would therefore make a motion that we approve the position  
12 of deputy director/public records manager and the IT officer  
13 for Brian to move forward and to post those two jobs, and  
14 ask him to circulate job descriptions to each of the  
15 Commissioners for comment prior to posting the description,  
16 but for him to have the authority to move forward with that.

17          COMMISSIONER LERNER: This is Commissioner Lerner.  
18 I'll second that motion.

19          CHAIRPERSON NEUBERG: Any further discussion?

20          Do -- do we need to clarify an end date of posting  
21 this job, any further direction about time frame?

22          You know, Brian, I mean, I defer to you, actually.  
23 If we can keep it open ended provided that we're not legally  
24 then, I mean, what if we find the ideal person early, you  
25 know, then how do we close it?

1 I mean, you know, so I love it being open-ended,  
2 but I don't want to hurt ourselves in the process.

3 DIRECTOR SCHMITT: Sure, and I think we're able  
4 to -- I would want to double-check with HR and Legal, but  
5 that we could post it and have it up until position is  
6 filled.

7 CHAIRPERSON NEUBERG: Okay. Excellent.

8 So, with that, we have a motion to approve a deputy  
9 director/public records person and an IT staff member. Any  
10 further discussion?

11 Oh. Yes, Commissioner Lerner.

12 COMMISSIONER LERNER: Just a quick question.

13 Brian, can you do a minimum of something like that  
14 to say open a minimum of two weeks and then open until  
15 filled, or is there no minimum required?

16 DIRECTOR SCHMITT: I will find out; I don't know.

17 CHAIRPERSON NEUBERG: Okay. Is that going to  
18 affect our motion? Do -- do we give discretion for Brian to  
19 post it with, you know, broad authority regarding the end  
20 date?

21 COMMISSIONER MEHL: My motion did give him broad  
22 authority, and we'll let him figure it out.

23 CHAIRPERSON NEUBERG: Okay.

24 Okay. So do we need any clarification on that?  
25 Who seconded?

1 COMMISSIONER LERNER: I did.

2 CHAIRPERSON NEUBERG: Commissioner Lerner seconded.  
3 Any further conversation?

4 With that, we'll do a vote to approve the posting  
5 of two positions, the deputy director/public records and IT  
6 position.

7 Commissioner Watchman.

8 VICE CHAIR WATCHMAN: Aye.

9 CHAIRPERSON NEUBERG: Commissioner Mehl.

10 COMMISSIONER MEHL: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: Aye.

13 CHAIRPERSON NEUBERG: Commissioner York.

14 COMMISSIONER YORK: Aye. Commissioner Neuberg is  
15 an aye.

16 With that 5-0, we will post those two positions,  
17 and Brian will come back to us to further discuss additional  
18 community outreach positions.

19 With that, we will move to Agenda Item No. VIII,  
20 discussion and possible action on options for mapping  
21 consultants.

22 We have two options laid out in the agenda: (A),  
23 the scoring and evaluation of mapping consultant applicants;  
24 or (B), the option for opportunity of offerers to provide  
25 clarification information.

1           Right now, in essence, we could move forward with  
2           the ranking and decision-making process; or, given the  
3           volume of public comments and the issues that are being  
4           raised, we can provide further opportunity for the offerers  
5           to clarify their positions.

6           I -- I'd say that there are two issues that we  
7           ought be thinking about as we think about this: One is for  
8           us to do due diligence in making the best decision possible  
9           with mapping consultants, so if is clarification we need,  
10          let's think about that; and the other is a responsibility to  
11          ensure that the procurement process is done with integrity  
12          and confidentiality.

13          And, with that, given I think the sensitivity of  
14          procurement and the decision that's ahead of us, I would  
15          suggest that the Commission vote to go into executive  
16          session.

17          And if somebody does so move, it will be for the  
18          purpose of obtaining legal advice pursuant to A.R.S.  
19          38-431.03(A)(3), as well as for the purpose of discussion or  
20          consideration of records exempt by law from public  
21          inspection, including the receipt and discussion of  
22          information or testimony that is specifically required to be  
23          maintained as confidential by state or federal law A.R.S.  
24          38-431.03(A)(2), pursuant to A.R.S. 41-2534(D), the content  
25          of proposal submitted under the State request for proposal

1 procurement process is confidential until contract award so  
2 as to avoid disclosure of content prejudicial to competing  
3 offers during the process of negotiation.

4 I know that's a lot of legalese. With that, I will  
5 entertain a motion to go into executive session to get  
6 guidance from our attorneys or procurement and these legal  
7 questions.

8 MR. JOHNSON: Chairman Neuberg, before you get that  
9 motion, I just want to make sure that the motion also  
10 includes inviting the technical representatives from ADOA  
11 and Attorney General's Office into executive session to help  
12 provide that guidance.

13 CHAIRPERSON NEUBERG: Absolutely. The -- the staff  
14 with procurement has -- as we've done, is necessary,  
15 absolutely, for this process.

16 With that, I'll entertain a motion to go into  
17 executive session.

18 COMMISSIONER YORK: This is Commissioner York. I  
19 so move that the Commission go into executive session.

20 CHAIRPERSON NEUBERG: Do I have a second?

21 COMMISSIONER LERNER: Commissioner Lerner. I  
22 second.

23 CHAIRPERSON NEUBERG: Any further discussion?  
24 Commissioner Watchman.

25 VICE CHAIR WATCHMAN: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Mehl.

2 COMMISSIONER MEHL: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Lerner.

4 COMMISSIONER LERNER: Aye.

5 CHAIRPERSON NEUBERG: Commissioner York.

6 COMMISSIONER YORK: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
8 aye.

9 And, with that, we are going to go into executive  
10 session and with no estimated time of when we're going to  
11 come back, I apologize.

12 (Whereupon the proceeding is in executive session  
13 from 10:43 a.m. until 11:01 a.m.)

14

15 \* \* \* \* \*

16

17 (Whereupon the proceeding resumes in general  
18 session.)

19 CHAIRPERSON NEUBERG: Okay. Looks like we have our  
20 legal counsel and our Commissioners and our  
21 transcriptionist; and, with that, we will get right back to  
22 our public meeting.

23 We are still on Agenda Item No. VIII, thank you for  
24 your patience while we were able to convene with our  
25 counsel.

1           You know, based on, you know, learning, you know,  
2           our responsibilities and thinking through the options, we  
3           have two options: One was to move forward with the scoring  
4           and evaluation of the mapping firms we interviewed last  
5           week; alternatively, we explored the possibility of offering  
6           the offerers, those who were applying, the opportunity to  
7           provide clarifying information based on the volume and  
8           intensity of public comments that we've received.

9           It sounds like the best sweet spot for us may be to  
10          provide these firms an opportunity to respond to the  
11          complaints such that we can ensure we have a process of  
12          fairness and integrity with the firms in addition to  
13          ensuring our ability to do due diligence and do our  
14          research.

15          With that, one possible compromise and idea for us  
16          to consider that was raised would be for us to keep open  
17          public comments until Thursday at 5:00 p.m., at which we  
18          would close ourselves, the five Commissioners -- not the  
19          public but just the five Commissioners -- to a blackout  
20          where we would not allow ourselves to see any additional  
21          public comment; we will provide and -- and make available  
22          the public comments to the three firms that have submitted  
23          proposals, allow them to provide written clarification  
24          without the ability to alter their proposals, but provide a  
25          written clarification to the public comments by Monday, May



1 -- is that 3? -- I'm sorry I'm looking at my dates here --  
2 yes, May 3rd; and then for us to be able on May 4th to be  
3 able to move forward to all information available to us.

4 So, with that, I open it up to comments, thoughts  
5 of the Commissioners, questions on your mind before we pose  
6 a motion. I would like to catch the public up to speed.

7 Okay. If nobody has comments, it means it was a  
8 consensus. It feels collectively we felt it was balancing  
9 the pros and cons we'd like to give the firms an opportunity  
10 to clarify their positions and do due diligence and ensure  
11 that legally we're honoring the integrity of -- of the  
12 procurement process.

13 With that, I will entertain a motion to, I guess,  
14 extend our exposure to public comments 'til Thursday at  
15 5:00 p.m., at which point there will be a moratorium where  
16 the five of us would agree to not read or -- or, you know,  
17 expose ourselves to public comments; the firms will then be  
18 given the opportunity at the close of public comment to  
19 respond to us through written format, we will have that on  
20 Monday -- and, to be honest, I need to ask what time of day,  
21 we should clarify that.

22 COMMISSIONER MEHL: I would suggest noon.

23 CHAIRPERSON NEUBERG: Brett, did -- did you, I'm  
24 sorry, you kind of the cut out?

25 MR. JOHNSON: Sorry, Eric wasn't doing his job.

1           We recommended 8:00 a.m. We do think we appreciate  
2 the truncated process of -- but that this is normal in  
3 procurement and legal matters about that short time frame,  
4 it gives them three calendar days to put together the  
5 clarification; and the reason being that if it's received by  
6 8:00 a.m., Yasmin needs the opportunity to collect all of  
7 those and get them out to the Commissioners and allow you at  
8 least a 24-hour period to -- to review those clarifications  
9 before coming back to session.

10           CHAIRPERSON NEUBERG: I -- I like that 8:00 a.m.  
11 deadline. I believe all the firms are -- their eyes are  
12 watching, that -- that they're already involved, and they'll  
13 be able to honor this timeline; and -- and with all due  
14 respect, it gives us the time to read and study and do what  
15 we need to do so that by Tuesday's meeting we have what we  
16 need, you know, in our hands.

17           VICE CHAIR WATCHMAN: So, Madam Chair, this is  
18 Vice Chair Watchman. I so move with the motion basically  
19 with what you indicated.

20           CHAIRPERSON NEUBERG: Okay. Do we have a second?  
21 Any further discussion with that?

22           Okay. With that, we're making a motion --

23           COMMISSIONER YORK: Well, I have a discussion  
24 point.

25           VICE CHAIR WATCHMAN: Who was the --

1           COMMISSIONER YORK: I'd like to add that we follow  
2 the recommendation of Agenda Item VIII(B) also to the  
3 motion.

4           CHAIRPERSON NEUBERG: Yes.

5           COMMISSIONER YORK: The motion was around the time  
6 frame, but that's what we're doing.

7           CHAIRPERSON NEUBERG: Exactly. We are approving  
8 Item VIII(B), the opportunity for three mapping firms to  
9 have access to public comments which are a matter of public  
10 records anyway, and respond by 8:00 a.m. on Monday for the  
11 Commissioners to have 24 hours to review in advance of our  
12 meeting on Tuesday.

13          COMMISSIONER YORK: Correct.

14          VICE CHAIR WATCHMAN: Correct. That's my motion,  
15 Madam Chair.

16          CHAIRPERSON NEUBERG: And who -- and who is  
17 seconding?

18          COMMISSIONER YORK: Commissioner York.

19          Any further discussion?

20          Okay. Commissioner 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, the motion passes, and we will move  
6 on to Agenda Item No. IX, open meeting law training and  
7 discussion.

8 This is an incredibly important topic, open meeting  
9 laws tend to be the area in which Commissions like ours get  
10 in trouble.

11 I want to suggest that the Commission go into  
12 executive session which will not be open to the public for  
13 the purpose of obtaining legal advice with respect to open  
14 meeting law compliance pursuant to A.R.S. 38-431.03(A)(3).

15 I understand, again, there will be a frustration  
16 with the executive session. The intent of this is to  
17 provide us to have that attorney-client opportunity to  
18 understand the boundaries and to ask the sensitive  
19 questions; and for us to collectively come back and report  
20 on that, and literally memorialize or come to agreement with  
21 what our collective understanding of the open meeting law is  
22 and what we agree to comply to.

23 Given, again, the sensitivity and the importance of  
24 this, I think we will be well served to take advantage of  
25 the opportunity to consult with our attorneys in executive

1 session.

2 MR. JOHNSON: And real quick, Chairman --  
3 Chairwoman Neuberg, if I may, I just want to make sure that  
4 it's clear that for this portion we do not need the  
5 procurement officer and Jessica Klein, and that they can be  
6 released from this meeting.

7 CHAIRPERSON NEUBERG: We'll miss them.

8 Okay. Anything else?

9 Do I have a motion?

10 COMMISSIONER YORK: This is Commissioner York. I  
11 would like to motion that we go into executive session.

12 CHAIRPERSON NEUBERG: Do I have a second?

13 COMMISSIONER LERNER: This is Commissioner Lerner.  
14 I second that motion.

15 CHAIRPERSON NEUBERG: Any further discussion?

16 Okay. With that, Vice Chair Watchman.

17 VICE CHAIR 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, I do expect this to be, you know,  
2           what do we say -- no time frame, but it will be lengthy.  
3           Maybe an hour?

4           Up until Commissioner Vice Chair Watchman's recess.  
5           Anyway, all right, we'll see you in executive session.  
6           Thank you.

7           (Whereupon the proceeding is in executive session  
8           from 11:11 a.m. until 12:26 p.m.)

9  
10                           \* \* \* \* \*

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

14           CHAIRPERSON NEUBERG: With that, I think we can  
15           reconvene our public session.

16           Thank you for everybody's patience; we were  
17           discussing Agenda Item No. IX in executive session. We had  
18           the opportunity to receive advanced training from our legal  
19           counsel on open meeting laws.

20           The good news is the public, everything you missed  
21           you'll -- you will get to see hopefully next week; it was a  
22           thorough presentation of the nuances of the -- the  
23           requirements. Our counsel is going to come back and present  
24           a synthesis of what we collectively have talked about with  
25           what is comfortable and legally sound with regard to open

1 meeting, and we will present that to the Commission and to  
2 the public next week.

3 And, with that, unless there's any further  
4 clarification from our counsel or Commission members, we  
5 will move to Agenda Item No. X, discussion and possible  
6 action on census data and delay and ways to mitigate its  
7 disruption.

8 Yes, please.

9 COMMISSIONER LERNER: Just at some point, I don't  
10 know if this is possible or not, can we return to Item No.  
11 VIII for clarification on a point that I thought about while  
12 we were having our previous meeting?

13 While we were in executive session something  
14 occurred to me. Is it possible?

15 CHAIRPERSON NEUBERG: Is that something that  
16 relates to private legal counsel that we need to return to  
17 executive session for?

18 COMMISSIONER LERNER: No. It's just for  
19 clarification, it is not --

20 CHAIRPERSON NEUBERG: Okay. We have the authority  
21 to move back and forth to agenda items, so let's revert back  
22 to Agenda Item No. VIII.

23 Commissioner Lerner, please.

24 COMMISSIONER LERNER: So what occurred to me as we  
25 were -- is that maybe we can just share with the public

1 exactly the process that they need to follow for item (B),  
2 VIII(B). What is -- what happens are there -- there's going  
3 be a public comment period that we have, if people have  
4 already submitted public comments should they resubmit  
5 public comments? Should they be -- I guess it's a just a  
6 clarification on how with the public comment portal  
7 remaining open, I just wanted to make sure it's clear on if  
8 people have submitted, do they submit now between now and  
9 Thursday, or will all of those be compiled for the past week  
10 or so?

11 CHAIRPERSON NEUBERG: Right. I mean, you know, my  
12 understanding, I mean, it's everybody is entitled to do  
13 what -- what they would like to do; we have collected public  
14 comments. We will continue to receive them until 5:00 p.m.  
15 on Thursday.

16 In terms of other legal questions if they're  
17 allowed to submit multiple ones or how to sift through that,  
18 I defer to our legal counsel.

19 MR. JOHNSON: Right, just for clarification. So  
20 the offerers -- the three offerers will receive an e-mail  
21 from the procurement officer from ADE SPO and who will lay  
22 out kind of what the requirements are underneath the  
23 procurement code. In regard to the public, the public can  
24 continue to make comments as they choose, if somebody wants  
25 to repeat their comments, obviously, that's allowed.



1           The public comment on the website will continue  
2 even past Thursday, what we want to make sure everybody  
3 understands is is that past 5 o'clock on Thursday, those  
4 comments will not be provided to the Commissioners for  
5 review as they're normally done, I understand from Yasmin,  
6 on a daily basis. Okay?

7           So if they -- if a person from the public wants to  
8 come on at 5:05 and make a public comment, that will still  
9 be posted; the Commissioners will just not receive that  
10 until after the evaluation process and after the mapping  
11 consultant is chosen. At that time, everybody will receive  
12 that.

13           And that that also provides an opportunity for what  
14 we call a blackout period between 5 o'clock on Thursday  
15 through the evaluation process, and allows the offerer on  
16 Monday at 8:00 a.m. to provide a clarification as to  
17 whatever they want, but they're not able to change their  
18 offer for consideration by the Commission during the  
19 evaluation process according to the evaluation criteria.

20           But, as always, encourage the public to comment as  
21 much as possible; but because we have a hybrid meeting law  
22 issue as well as procurement issue, we want to make sure  
23 that we are meeting our obligations underneath the  
24 procurement code and going into that blackout period.

25           COMMISSIONER LERNER: Thank you.

1                   That helps me too. Thank you.

2                   That was all I needed Chair Neuberg. Thank you.

3                   CHAIRPERSON NEUBERG: Yeah, excellent  
4 clarification.

5                   Okay. With that, Agenda Item No. X, the issue of  
6 census data delay and ways to mitigate its disruption.

7                   I have nothing to report. Anything from my  
8 colleagues?

9                   Okay. With that, we'll move to Agenda Item No. XI,  
10 update, discussion, and possible action on Guzman complaint  
11 provided by legal counsel, including written response to the  
12 investigation inquiry.

13                   The Commission may vote to go into executive  
14 session. If we do, I will give that rationale.

15                   But to update the public and the Commission, when  
16 our attorneys were doing their due diligence to finalize the  
17 Howard complaint, we did discover that there was a third  
18 complaint by Ms. Guzman, it was filed on March 26th; it was  
19 dismissed on April 13th.

20                   The complaint alleged that the AIRC violated open  
21 meeting laws and equal protection clause of the Constitution  
22 by appointing Brian Schmitt as our Executive Director; and,  
23 in essence, it was questioning for the justification for  
24 going into executive session.

25                   The dismissal clarified that the Complainant failed

1 to state a claim upon which an open meeting law violation  
2 occurred and, in essence, was more about expressing  
3 frustration with the hire.

4 With that, in addition to notifying everybody about  
5 this complaint and its quick dismissal, I think it might be  
6 helpful for us to think about posting these complaints  
7 online along with the legal disposition of it, both for  
8 transparency purposes so everybody can be aware of these  
9 kinds of complaints. I think it's also an educational tool  
10 for understanding open meeting law and the rationale for  
11 going into executive session.

12 We're under a lot of scrutiny, as our public is  
13 thinking about our responsibility and whether or not they --  
14 they -- you know, feel that we're violating a law, they  
15 could go through these complaints that have already been  
16 adjudicated, look through the rationale and reasoning, and  
17 determine upon themselves whether or not the time investment  
18 makes sense.

19 And so, with that, I open it up to questions about  
20 the complaint, about the dismissal, and about a policy of  
21 posting the complaints, redacting any -- I mean, the  
22 complaints -- the complaints are public record, the names  
23 are public, but we would go above and beyond to redact any  
24 kind of identifying address or anything that -- that would  
25 be problematic for the Complainant.

1           We're usually not this quiet. Nobody has an  
2           opinion.

3           I mean, so -- so generally, I mean, do you think  
4           it's a good thing? Does anybody have a problem with posting  
5           it online? Does anybody have a question of legal counsel  
6           with pros/cons, if it can get into any hot water?

7           I don't know if Legal actually wants to chime in  
8           while we're in public session just if you have thoughts  
9           about this.

10          COMMISSIONER LERNER: This is Commissioner Lerner.  
11          I'm fine with posting it online. I think that way people  
12          are aware of what's going on. I think it's a great idea  
13          and...

14          COMMISSIONER YORK: This is Commissioner York. I  
15          think that we can only do it once -- once the compliant has  
16          been settled, though.

17          CHAIRPERSON NEUBERG: It has been; it has been  
18          dismissed.

19          COMMISSIONER YORK: No, I understand that. But in  
20          the future, if there's future complaints.

21          COMMISSIONER LERNER: That's what I was thinking as  
22          well.

23          CHAIRPERSON NEUBERG: If there's no further  
24          discussions or questions, if -- if somebody would like to  
25          entertain a motion to post the complaint and the

1 adjudication, the response from the attorneys online, I will  
2 entertain that motion.

3 COMMISSIONER LERNER: This is Commissioner Lerner.  
4 I move -- so moved.

5 CHAIRPERSON NEUBERG: Okay. Do I have a second?

6 COMMISSIONER YORK: This is Commissioner York. I  
7 second.

8 CHAIRPERSON NEUBERG: Okay. Any further  
9 discussion?

10 Okay. We'll do a vote to post the complaints and  
11 the responses online.

12 Vice Chair Watchman.

13 VICE CHAIR 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 And, with that, the motion passes.

23 We will now move to Agenda Item No. XII, discussion  
24 of future agenda item requests.

25 In addition to what has already been brought up

1           today and referenced as a topic that we need to continue to  
2           debate and discuss, are there any other agenda items that  
3           anybody would like to propose?

4                     Okay. As always, if in the next 48 hours -- you  
5           know, we like to get these agendas up early or before the  
6           deadline -- sometime on Thursday, please feel free to share.

7                     With that, we will move to Agenda Item No. XIII,  
8           discussion and possible action on the scheduling of future  
9           meetings.

10                    I think there are two items here. Number (A) is  
11           just travel schedule.

12                    If there's anything that Brian has in mind. I know  
13           we're -- we're building a team and we're waiting a little  
14           bit on our IT and public information officer to truly flesh  
15           out a broader travel schedule.

16                    But in addition to that, I would like to also bring  
17           up May 11th. We convene every Tuesday. On May 11th, I  
18           believe that Commissioner York has a hard stop at 1:00 p.m.  
19           We are in the midst of I think, you know, just, you know, a  
20           lot of work coming up, and it's possible that we -- we may  
21           need, and I don't know if we need to do a recess from noon  
22           to 1:00, so it's possible we would only have three hours to  
23           do work that morning --

24                    MS. RAMOS: Chairwoman?

25                    CHAIRPERSON NEUBERG: Yes.

1 MS. RAMOS: This is Yasmin.

2 I believe it is 11:00 a.m. Is that not the case,  
3 Commissioner York? I think I read 11:00 a.m. instead of  
4 1:00 p.m.

5 COMMISSIONER YORK: Well -- this is Commissioner  
6 York. I mean, our meetings originally were scheduled from  
7 9:00 to 12:00. I depart to go out of town at 1 o'clock; I  
8 can go all the way to 1 o'clock on the 11th.

9 MS. RAMOS: Thank you for clarifying.

10 CHAIRPERSON NEUBERG: Okay. So -- so -- with  
11 sometimes needing a recess at noon, I think we can reliably  
12 count on the 9:00 to noon hour on the 11th. My question is,  
13 I'm concerned there may be additional business that we may  
14 have; and if we don't plan for it now, it's very difficult  
15 to make happen both with our schedules and getting the  
16 48-hour notice of agenda items.

17 Do we want to look at our schedules for a possible  
18 backup in case we have urgent business that needs to get  
19 done that week?

20 And it's also possible, I know that we're in the  
21 midst of some legal training. You know, we could even  
22 earmark, you know, if we're doing an additional day, you  
23 know, potentially loading some of the training on that day.

24 I just want to make sure we're giving ourself  
25 option to not cause any unintentional delays.

1           So I'm really asking Commissioners and legal  
2           counsel, Brian, Yasmin, I mean our entire team.

3           COMMISSIONER YORK: The only other day I have  
4           available was Monday.

5           CHAIRPERSON NEUBERG: You're not -- you're not  
6           available on the 13th or 14th, the Thursday or Friday?

7           COMMISSIONER YORK: No, I'm sorry, I'm not.

8           CHAIRPERSON NEUBERG: Okay. Okay. But you are  
9           available on Monday the 10th.

10          COMMISSIONER YORK: (No audible response.)

11          CHAIRPERSON NEUBERG: Okay.

12          COMMISSIONER MEHL: And I am not available on  
13          Monday the 10th.

14          CHAIRPERSON NEUBERG: Okay. Well, this makes it  
15          easy.

16          COMMISSIONER LERNER: And I have not sent this in  
17          yet because it was a little bit in advance, but I may have a  
18          similar hard stop on May 18th.

19          CHAIRPERSON NEUBERG: Okay.

20          COMMISSIONER LERNER: And so I do want to -- maybe  
21          we can figure out -- if we can figure out an alternative day  
22          that week, if it's enough time. Maybe where we -- if we  
23          need an extra time for a couple of hours, but I do want to  
24          mention that.

25          CHAIRPERSON NEUBERG: And what time on the 18th,



1 Commissioner Lerner, is your hard stop?

2 COMMISSIONER LERNER: I can do the three hours.

3 CHAIRPERSON NEUBERG: Okay. Your hard stop is at  
4 noon, okay.

5 My suggestion with this is maybe we -- you know,  
6 Brian reaches out to Commissioners and attorneys and staff  
7 and we can flesh out. I do think within those two weeks,  
8 having that very narrow opportunity on Tuesday that's going  
9 be a challenge I think, and I do think we're going to have  
10 to find an additional day.

11 COMMISSIONER MEHL: Should we look at starting at  
12 8:30 on those two Tuesdays?

13 COMMISSIONER LERNER: I could easily do that.

14 COMMISSIONER YORK: We could add a day the week of  
15 the 4th.

16 CHAIRPERSON NEUBERG: I'm amenable to that if our  
17 staff is amenable to that. Unfortunately -- and maybe we  
18 can report back to you next week -- when we can really think  
19 through our agendas multiple weeks out.

20 I'm just not sure that the three-and-a-half-hour  
21 block two weeks in a row while we're hiring our -- a broad  
22 team, is just going to be -- and while we're still receiving  
23 training, is going to be sufficient time.

24 COMMISSIONER LERNER: So, Chair Neuberg, if Brian  
25 maybe sent out a Doodle to the Commission --

1 CHAIRPERSON NEUBERG: Yeah.

2 COMMISSIONER LERNER: -- over that two-week period.  
3 Whatever you use, Brian, it's what I use. I don't know,  
4 whatever tool you use.

5 COMMISSIONER YORK: Doodle works.

6 COMMISSIONER LERNER: And then we can see over the  
7 next two weeks where we can fit in some other time.

8 DIRECTOR SCHMITT: Sure. I'll get that out.

9 COMMISSIONER MEHL: And I would like to point out  
10 that since we're taping these trainings that if only one of  
11 us is going to be gone, then -- then they can still commit  
12 to reviewing those trainings separately, and then we could  
13 still be moving on.

14 CHAIRPERSON NEUBERG: I think that's a great point,  
15 Commissioner Mehl. But, you know, if at the end of, you  
16 know, that May 11th week Commissioner York is the only one  
17 gone, if we could tape the training and find a way to -- to  
18 maximize our time, we'll look into this between now and next  
19 Tuesday.

20 MR. HERRERA: Madam Chairwoman, just if you guys  
21 are considering changing the meeting time, I would not worry  
22 about legal counsel in that, we will adjust to whatever you  
23 guys decide to do that works for the Commissioners. So you  
24 don't need to worry about us.

25 CHAIRPERSON NEUBERG: Okay. Thank you.

1           Okay. So -- so as of now, we can count on our  
2 meeting next week, May 4th at 9 o'clock as usual, and we  
3 will come back to you next week with our proposal for  
4 additional time and fleshing out those dates.

5           Anything else on future meetings?

6           With that, we'll move to Agenda Item No. XIV, which  
7 we did the announcement of our next meeting date: Next  
8 Tuesday, May 4th, 9:00 a.m.

9           Agenda Item No. XV, closing of public comments.

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

17          With that, a reminder as of 5:00 p.m. on Thursday,  
18 the Commissioners will have a blackout to public comment as  
19 it relates to the mapping firms until there is a hire.

20          With that, we'll move to adjournment, Item No. XVI.

21          I will entertain a motion to adjourn if there are  
22 no other issues to bring up.

23          COMMISSIONER LERNER: Chair Neuberg?

24          CHAIRPERSON NEUBERG: Yes.

25          COMMISSIONER LERNER: Was I -- did I understand

1           that next week we have our new assistant coming in does this  
2           mean that this is Yasmin's last day with us? Or, Yasmin,  
3           will you be here next week?

4                    MS. RAMOS: I'll probably sit in with her just to  
5           kind of guide her on how to do this streaming. So you'll  
6           still see me.

7                    COMMISSIONER LERNER: Thank you. I just wanted to  
8           check. Thank you.

9                    CHAIRPERSON NEUBERG: Oh. I think, Yasmin -- I  
10          think Yasmin is with us to the end, right?

11                   MS. RAMOS: No.

12                   CHAIRPERSON NEUBERG: No?

13                   MS. RAMOS: To the end of today or next meeting.

14                   CHAIRPERSON NEUBERG: I'm not sure, we're going to  
15          have to talk about this.

16                   But thank you, Commissioner Lerner. Yeah, let's --  
17          she'll be on the spot next week.

18                   COMMISSIONER LERNER: Yeah. Thank you.

19                   VICE CHAIR WATCHMAN: Motion to adjourn,  
20          Madam Chair.

21                   CHAIRPERSON NEUBERG: Okay. Motion to adjourn.

22                   Do we have a second?

23                   COMMISSIONER YORK: I second.

24                   CHAIRPERSON NEUBERG: Okay.

25                   Vice Chair Watchman.

1 VICE CHAIR WATCHMAN: Aye.

2 COMMISSIONER YORK: Did we close public comments?  
3 I think we missed that.

4 CHAIRPERSON NEUBERG: We did; I just did that. But  
5 I forget all the time whether I vote for executive session,  
6 so.

7 So we're voting to adjourn. Vice Chair Watchman  
8 was an eye.

9 Commissioner Mehl.

10 COMMISSIONER MEHL: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: Aye.

13 CHAIRPERSON NEUBERG: Commissioner York.

14 COMMISSIONER YORK: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
16 aye.

17 And, with that, we adjourn this meeting.

18 Thank you so much for everybody's partnership, and  
19 I look forward to seeing you next week.

20 (Whereupon the proceeding concludes at 12:48 p.m.).

21

22

23

24

25

C E R T I F I C A T E

STATE OF ARIZONA )

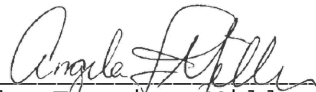
) ss.

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 11th 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 11th of May, 2021.



\_\_\_\_\_  
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