



PUBLIC MEETING MINUTES - MAY 25, 2021

In Attendance:

Chairwoman Erika Neuberg	Mark Flahan, Timmons Group
Vice-Chair Derrick Watchman	Mike Wiley, Timmons Group
Commissioner Shereen Lerner	John Stroud, Timmons Group
Commissioner David Mehl	Doug Johnson, National Demographics Corp.
Commissioner Douglas York	Ivy Bellar Sakansky, National Demographics Corp.
Executive Director Brian Schmitt	Richard Leadbeater, Environmental Systems Research
Eric Spencer, Esq. Snell & Wilmer	Scott Ferguson, Environmental Systems Research
Jillian Andrews, Esq. Ballard Spahr	
Roy Herrera, Esq. Ballard Spahr	
Angela Miller, Transcriptionist	

I. Call to Order and Roll Call:

A. Call for Quorum:

The Independent Redistricting Commission convened on Tuesday May 25, 2021 at 8:03am.

Present:

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

A quorum is present.

B. Call for Notice:

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

II. Approval of minutes from May 18, 2021:

- A. General Session
- B. Executive Session

Commissioner York made a motion to approve the General Session and Executive Session

minutes from the May 18, 2021 Independent Redistricting Commission meeting. Commissioner Lerner seconded the motion. Commissioner Watchman abstained, as he was not in attendance, and the motion passed unanimously, 4-0.

III. Opportunity for Public Comments:

At 8:08am Chairwoman Neuberg opened public comments and indicated that public comments would be open for a minimum of 30 minutes and would remain open until the adjournment of the meeting.

IV. Discussion on Public Comments received prior to May 25, 2021:

Chairperson Neuberg states two of the public comments have been constructive, and action is being taken upon. She would like to thank the League of Women Voters who have commented and highlighted how essential it is that the Commissioner's all understand what legal precedent is set forth in regard to the six criteria. Another public comment suggested the Commission rely on the many experts from our University systems in Arizona and what information they could potentially offer to the Commission in a neutral way. It is also noted that there is some frustration regarding public comments. The only public comments that are made public are the comments made during the IRC meetings. Comments received via the "Contact Us" link on our website are not made public, allowing some privacy to the public. Neuberg states that all public comments are still a matter of public record and nothing nefarious is going on.

***Please note the next agenda item has been addressed out of order.

IV. Presentation from Mapping Consultant Timmons/NDC

- A. Discussion of timelines
- B. Discussion of IT interface with Census Data (when downloads are available)
- C. Utilization of legacy Census Data
- D. Discussion of Constitutional criteria and the interface with software data
- E. Access to public software tool to offer suggestions
- F. Process to ensure that any official changes to draft maps are clearly recorded based on Constitutional criteria.

Introductions were made by the guests from the mapping firm, Timmons/NDC. Mark Flahan, senior project manager. Mike Wiley, program manager, John Stroud, account Manager/Client Satisfaction, Doug Johnson, President of National Demographics Corp. (NDC), Ivey Beller Sakansky, National Demographics Corp. (NDC), Redistricting Consultant, and Richard Leadbeater from Environmental Systems Research Institute (ESRI) State Government Industry Manager.

Project overview:

Project Management Plan:

Public Engagement - Plan for public engagement and how to engage them

Data Management - How to manage the data, audit trail

Map Cartography - Face of the Commission's work, branding, how to represent IRC w/map products

System Management Plan - How to manage the system and make sure audits are available and to meet the State of Arizona criteria.

Project Communication - How to communicate with the project? Commissioners, executive staff, and the public.

Schedule - Proposed project schedule from RFP. Can be flexible as to when the Census data is available.

Software - Web browser approach, centralized IT, quality assurance checks, citizen access

Chairperson Neuberg asks Timmons/NDC their opinion on when the Commission should begin their listening tour, but there are concerns that it may be premature, since the Census data is not scheduled to be released until August 15, 2021. Timmons suggests the sooner the better for a listening tour, and that the listening tour is about communities of interest and gathering socio economic data, the only delayed data is the total population count.

Commissioner Lerner asks how ESRI fits in with Timmons/NDC. Richard Leadbeater states he is the software developer, and will make sure things run properly in the background. Lerner asks if training for the software will be available. ESRI offers virtual classes that are free and open to the public along with YouTube videos. Timmons will provide a customized 1 or 2 day training specifically for the Commissioners.

Commissioner Lerner asks how the public will have access to all the drafts, and access to input on the drafts, and how does Timmons plan on using the public input into the draft maps? Timmons will be assisting the Commissioners on consolidating 50-60 maps into 4-5 focus maps.

Commissioner Mehl inquires as to what the Commission's next steps should be for the next 30 days. Timmons suggests a kick off meeting to discuss a project plan, schedule, mapping & cartography, and communications. Chairperson Neuberg asks if Timmons can provide more answers at next week's meeting. Mark Flahan from Timmons states they should have weekly targets and goals with details by next week.

The Timmons Group, NDC and ESRI are released from the meeting at 8:57am.

- V. Executive Director's Report and discussion thereof:
 - A. Office update
 - B. Budget update
 - C. FTE positions
 - D. Discussion and Possible Action on ADOA resources/updates:
 - 1. Presentation on specific IT proposed costs for approval

2. Discussion of proposed timeline for IT integration and migration

Executive Director Schmitt informs the Commission that the office move is scheduled toward the end of June, once the suite number is confirmed, that information will be released to the public.

The budget bills were introduced yesterday, and are to go before the senate committee this morning. Schmitt informs the Commission of the proposed \$7.9 million dollars in non-lapsing funds for the IRC for the next fiscal year. The budget ties in with the FTE and the hiring of those positions, once approved, he is able to move forward with the hiring process.

Executive Director Schmitt seeks approval for purchasing new hardware and software for Commissioners and staff. Commissioner Lerner states that the Commissioners have already received computers from ADOA and would like clarification as to if this request is to replace them. Schmitt states that this request is to replace all the current IRC computers that were from ADOA, since they are from 2015. He did look at multiple quotes and checked with IT and the e-Discovery team at Ballard Spahr to make sure the new computers were compatible with their system. Commissioner Lerner noted that one of the public comments questioned why we were moving to Microsoft and wanted to clarify that for the public. Schmitt informed the Commission that the reason for the move to Microsoft was for legal purposes, mostly discovery, and setting the Commission up in the event there were future lawsuits. Eric Spencer from Snell & Wilmer informs the Commission that the move will help the IRC system integrate with the legal teams system, to better respond to public records requests, and be prepared for litigation.

Commissioner Lerner asks who Executive Director Schmitt has been speaking with about the budget. Schmitt states he has been speaking with the Governor's office.

Commissioner Mehl moves to approve the purchase of Hardware and Software, Vice-Chair Watchman seconds the motion. The motion is unanimously approved 5-0.

Vice-Chair Watchman requests updated fiscal/financial reports, and information as to the details of the \$7.9 million budget request, and what the allocation plans are. Watchman asks if the remaining budget from this fiscal year will still be available to the Commission and not lapse. Executive Director Schmitt states he should have updated reports by next week, as the first legal bill has come in. Schmitt stated that he does not foresee an issue with forfeiting the remaining budget as plans are to front load some of the higher Commission costs so none of the current fiscal funds are forfeited.

Commissioner Mehl requests that information for the IRC meeting be supplied to the Commissioners the afternoon before the meeting. Executive Director Schmitt informs the Commission that he plans to prepare packets the Friday before the scheduled meetings on Tuesdays.

VI. Discussion and Possible Action on potential hires and duties of all IRC staff positions.

Executive Director Schmitt does not have any updates on this item until the budget is approved.

VII. Discussion and possible action on Legal Counsel Briefing:

- A. Public Records Compliance - Formal Guidance for Posting
- B. Open Meeting Law Compliance - Formal Guidance for Posting
- C. Conflicts of Interest and Government Ethics - Formal Guidance for Posting or Adoption of Arizona Legislative Rule

Chairperson Neberg would like to share the training that the Commissioners received from legal counsel during Executive Session with the public, and requests that the presentations be posted online. Neberg requests to have our legal counsel summarize or provide formal guidance of what the Commission agrees is their interpretation of these three topics. The legal team feels it is appropriate to post the powerpoints online, and summaries or guidance can be drafted and discussed at the next meeting. Commissioner Mehl moves that the Commission approve the posting of the training online and the Commission directs legal counsel to present guidance for consideration. Commissioner Lerner seconds the motion. The motion is unanimously approved 5-0.

VIII. Discussion and Possible Action on Census Data and delay and ways to mitigate its Disruption.

- A. Status of invitations to Census Bureau and State Demographer to provide a presentation.
- B. Status of search of academic professors to analyze Census Bureau privacy differential impact.

The Legal team confirmed that the Census Bureau is confirmed to present at the June 1st meeting. The Commission will receive presentations from the Chief of Redistricting and Voting rights Data, and the Senior Advisor for Data Access and Privacy. One presentation will be focused on Differential Privacy and the use of Census Bureau and differential privacy, the other will be about actual data, the rollout of the data and how it will be released.

The State Demographer has been contacted, and the team is currently working with them on topics and scheduling them to present to the Commission in June or July.

The legal team has reached out to academic professors at the State Universities regarding the differential privacy impact and if they would be able to provide an analysis on the Differential Privacy issue and the impact on the State of Arizona. They are currently figuring out the logistics

Commissioner Mehl asks if there are any updates to the litigation nationwide on the Census issues. The Legal team informs the Commission that as of this morning, in the Ohio case, the Census Bureau filed a stipulation where the Bureau agreed to provide bi-weekly updates as to their progress on meeting the August 16th Legacy Data delivery date. Beginning on

June 14th a statement would be affirmed that the Bureau is on track. Regarding the Alabama case, there are no updates.

X. Discussion of future agenda item requests:

Commissioner Lerner would like clarification on speaking requests for the Commission. Chairperson Neuberg suggests that all speaking requests should go through Executive Director Schmitt. Vice Chair Watchman requests a template IRC powerpoint presentation for the Commissioners to use when they are asked to make a presentation. The information provided would be for the Commissioners all to provide the same data and information. Topics to include an overview, focus points, why the Commissioners are there, who the Commissioners are, and what their job is.

XI. Discussion and Possible Action on the Schedule of future meetings:

- A. Discussion of travel and logistical issues
- B. Discussion and potential direction to Arizona Legislature Majority and Minority Members (or legislative staff) to present on redistricting.

Chairperson Neuberg and Commissioner Lerner are ready to begin traveling for the Listening Tour. With the option to virtually participate in the listening tour meetings, Chairperson Neuberg asks legal counsel if two commissioners are in attendance of a listening tour event and a third Commissioner joins, would that be considered a quorum? The legal team advises that as long as legal decisions are not being made during the listening tour meetings, a quorum is not necessary and would not violate any open meeting laws. Commissioner York suggests that any travel should have a purpose and an agenda, especially since the two biggest areas of growth are in Maricopa and Pinal counties. Commissioner Mehl suggests the public meeting notice for the listening tour should state what the purpose of the meeting is, and what the public is being asked to comment on. Commissioner Lerner agrees that the Commission should have plenty of meetings in population centers, but also the rural areas. Executive Director Schmitt will work on a draft Listening Tour notice for review at the next meeting.

Chairperson Neuberg opens up discussion about possibly inviting legislators to speak to the Commissioners to share what their vision is for the Commissions, and what their responsibilities are. Commissioner Lerner has mixed feelings about the idea as the Commission was appointed to be an independent Commission and take the politics out, but states they are one of many stakeholders, and Lerner questions if they should have a separate voice from the public or whether they should be part of the public voice.

The legal team informs the Commission that the legislature has a constitutional right to provide a formal recommendation to the Commission after the draft maps have been completed. This proposal is a way to begin that invitation early, not confine it to the post

draft map period but to extend an olive branch prior to the draft maps being created to create a more cohesive and adversarial relationship. Commissioner York thinks this is a clever idea. Commissioner Lerner supports this idea after hearing from the legal team. Vice-Chair Watchman thinks it is worth considering invitations to others, from the Executive branch, cities, counties, tribes leadership, etc., and supports the idea. Commissioner Lerner suggests that if the Commission is very clear on the parameters of discussions, they could move forward.

Please note Commissioner Lerner has left the meeting at 10:00am.

XII. Announcements:

A. Next meeting date.

The next meeting is scheduled for June 1, 2021 at 8:00am.

XIII. Closing of Public Comments:

Public comments are closed at 10:03am

XIV. Adjournment:

A motion to adjourn is made by Commissioner York, Vice-Chair Watchman seconds the motion. The Commission votes to adjourn 4-0. The meeting was adjourned at 10:05am.