

PUBLIC MEETING MINUTES - MAY 4, 2021

**Attendees:**

Chairwoman Erika Neuberg  
Vice Chairman Derrick Watchman  
Commissioner Shereen Lerner  
Commissioner David Mehl  
Commissioner Douglas York  
Executive Director Brian Schmitt  
Brett Johnson, Esq. Snell & Wilmer  
Eric Spencer, Esq. Snell & Wilmer  
Dennis Burke, Esq. Ballard Spahr  
Roy Herrera, Esq. Ballard Spahr  
Michael Hildebrandt - Arizona Department of Administration  
Nicole Sorenson - Arizona Department of Administration  
Jessica Klein - Arizona Attorney General's Office  
Angela Miller, Transcriptionist

I. Call to Order and Roll Call:

A. Call for Quorum:

The Independent Redistricting Commission convened on Tuesday May 4, 2021 at 9:00am.

Present:

5 - Chairwoman Neuberg, Vice Chair Watchman, Commissioner Lerner, Commissioner Mehl, and Commissioner York

B. Call for Notice:

Yasmin Ramos confirmed that the meeting agenda was properly posted at least 48 hours prior to the meeting.

II. Approval of minutes from April 27, 2021:

Commissioner Lerner made a motion to approve the minutes from the April 27th Independent Redistricting Commission meeting. Vice Chair Watchman seconded the motion and the motion passed unanimously, 4-0.

III. Opportunity for Public Comments:

Chairwoman Neuberg opened public comments and indicated that public comment 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 4, 2021 meeting:

Legal counsel advised the public that the commissioners have been observing a Blackout Period Embargo from 5:00PM Thursday, April 29, 2021 at 5:00PM until the conclusion Item VIII, Discussion and Possible Action on Options for Mapping Consultants.

V. Discussion and Possible Action on Legal Counsel Briefing:

A motion to move into Executive Session to discuss possible action on legal counsel briefing was made by Commissioner York, seconded by Commissioner Lerner and passed unanimously; 5-0.

Upon the Commission's return from Executive Session, Chairwoman Neuberg advised the public of the nature of the topics discussed in Executive Session regarding the future possibility of hiring consultants/expert witnesses to assist with the redistricting process. She indicated that Counsel will continue to investigate and research any particular needs the Commission may have.

\*Please note: Agenda items were addressed out of order.

VIII. Discussion and Possible Action on options for mapping consultant:

Chairwoman Neuberg opened up the floor to a motion, and noted that the three firms were provided an opportunity to provide clarification, were provided the public comments, and shared their responses to the public comments. It was also noted that Nicole Sorenseon, legal counsel for ADOA, Michael Hildebrandt from ADOA, Jessica Klein from the Attorney General's Office and Angela Miller, court reporter would be attending the Executive Session. A motion was made to go into Executive Session by Vice Chair Watchman, and seconded by Commissioner Mehl. The motion passed unanimously; 5-0.

Upon return from Executive Session Chairwoman Neuberg advised the public of the procurement process in regards to the mapping consultant. Chairwoman Neuberg opened up the floor to comments or a motion. Commissioner Mehl made a motion to award the contract to Timmons/NDC and Commissioner York seconded the motion. The motion carried by the following vote:

Yes: 3 - Commissioner Mehl, Commissioner York, and Chairwoman Neuberg  
No: 2 - Commissioner Lerner and Vice Chair Watchman

\*Please note: Jessica Klein and Michael Hildebrant left the meeting at the conclusion of Item VIII

VI. Executive Director's Report:

Executive Director Schmitt indicated that he is working with ADOA to finalize the potential new office space and that it is located just down the hall from the current temporary space. He informed the commission that he requested an increase in FTE authority, but that it had not been approved yet. He also let the commission know that he is unable to post the already approved positions until the increase is approved.

VII. Discussion and Possible Action on Public Information Officer and other potential hires, and duties of all IRC staff positions:

Executive Director Schmitt indicates that he has made a recommendation for the Public Information Officer position, and that if there are any specific details the Commission would like to discuss that it should be done in Executive Session. Commissioner Lerner made a motion to move into Executive Session, Commissioner York seconded the motion, and the motion was approved unanimously; 5-0.

Upon reconvening from Executive Session, Executive Director Schmitt recommended hiring Michele Crank. He indicated that her start date would be June 1, 2021 due to contractual obligations on her part. A motion to approve the hiring of Michele Crank as Public Information Officer was made by Commissioner Lerner, seconded by Commissioner Watchman, and the motion was approved unanimously; 5-0.

IX. Discussion and Possible Action on Census Data and delay and ways to mitigate its disruption:

- A. Presentation on other states' litigation regarding Census Data and Deliverable Timelines: Eric Spencer from Snell & Wilmer and Roy Herrera from Ballard Spahr gave a presentation on differential privacy. Chairwomen Neuberger opened the floor for a motion to move into Executive Session to discuss the unique application for Arizona. Motion to move into Executive Session was made by Commissioner Watchman, Seconded by Commissioner Lerner and the motion was approved unanimously; 5-0.

The Commission reconvened in public following Executive Session and discussion was held regarding hiring an expert in differential privacy to see how this issue affects Arizona. Chairwoman Neuberger opened the floor for a motion.

Vice-Commissioner Watchman made a motion to authorize Counsel to select and retain an expert in differential privacy, the motion was seconded by Commissioner Mehl, and approved unanimously; 5-0.

- X. Discussion of future agenda item requests:
  - Legal counsel training and sub-committees.
  
- XI. Discussion and Possible Action on the scheduling of future meeting:
  - Chairwoman Neuberger indicated that the next two meetings will be on May 11, 2021 and May 18, 2021 between 8:00AM and 12:00PM due to prior commitments for several of the Commissioners.
  
  - A. Travel Schedule
    - No recommendations for travel at this time.
  
- XIII. Closing of the Public Comments:
  - Chairwoman Neuberger closed public comments at 4:01PM.
  
- XIV. Adjournment:
  - Chairwoman Neuberger made a motion to adjourn, it was seconded by Commissioner York, and the motion was approved unanimously; 5-0. Meeting adjourned at 4:02PM.