



PUBLIC MEETING MINUTES - JUNE 1, 2021

In Attendance:

Chairwoman Erika Neuberg
Vice-Chair Derrick Watchman
Commissioner Shereen Lerner
Commissioner David Mehl
Commissioner Douglas York
Executive Director Brian Schmitt
Eric Spencer, Esq. Snell & Wilmer
Jillian Andrews, Esq. Ballard Spahr
Roy Herrera, Esq. Ballard Spahr
James Whitehorne, U.S. Census Bureau
Michael Hawes, U.S. Census Bureau
Angela Miller, Transcriptionist

I. Call to Order and Roll Call:

A. Call for Quorum:

The Independent Redistricting Commission convened on Tuesday June 1, 2021 at 8:08 am.

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 25, 2021:

A. General Session

Commissioner Lerner made a motion to approve the General Session minutes, and Commissioner Mehl seconded the motion. The motion was unanimously approved 5-0.

III. Opportunity for Public Comments:

At 8:11am 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 June 1, 2021:

Commissioner Lerner advises that the date listed on the agenda for Item IIV “Discussion on Public Comments received prior to May 25, 2021, should read June 1, 2021. Commissioner Lerner also makes the public aware that the incorrect date listed on the public comments form from the May 25, 2021 meeting, and the technical problems accessing the form were administrative and are being addressed, so it does not happen again in the future. Chair-person Neuberg apologizes for the technical glitch and wants to assure the public that all the public comments have been received from the May 25, 2021 meeting and are being reviewed.

Commissioner Lerner addressed merging the public comments from both the public meetings and comments received from the website to be posted for public viewing, and wanted to know if we are able to do this, or have to wait until we have an IT person on board. Chair Neuberg states that it is not a matter of a technology issue, but rather the way the comments are being viewed. The comments from the public session are mirroring what would happen if people came to a live meeting and had a comment. Neuberg states that the comments received on the Website give the public some sense of privacy, even though the comments are open to public records requests.

Legal counsel advises there is no legal distinction between the two types of comments and this matter can be a policy decision. Commissioner Mehl does not believe the public perceives the comments any differently and supports the idea of combining all comments for public viewing. Vice-Chair Watchman approves. Legal counsel advises that this is an administrative action approved by Chair-Person Neuberg and there is no need for a vote on this issue.

V. Presentations from the Census Bureau

James Whitehorne, Chief Census Redistricting and Voting Rights Data Office presents on 2020 Census Geography and Redistricting Data. Mr. Whitehorne discusses the different types of geography that the Census Bureau keeps in its database, Legal, Statistical and Administrative, and which it provides to the states. Census blocks are the piece of geography which are most relevant when building redistricting plans. It is the smallest level of geography that you obtain data for. The blocks are not permanent, they are thrown

away, and each decade are regenerated. There is a dual time frame Census Data delivery rollout, which will allow as much data distributed as quickly as possible. The plan the Census Bureau is working toward, is putting out legacy format file data which will be distributed by August 16th to all the states. DVD's and flash drives will be provided in September to the official recipients. The general public will have access to the data at www.data.census.gov in September. The legacy data that will be provided in August is the same data that will be available in September, just delivered in a different format. The September data will be more user friendly. Prototype or sample data will be available at www.census.gov/rdo which is the link for the data as it becomes available. This presentation is posted on the IRC Website.

Michael Hawes, Senior advisor for Data Access and Privacy presents on the 2020 Census Disclosure Avoidance System. The Census Bureau recognizes that the privacy landscape has changed over the years. They are continuously working on improving the public's privacy. The challenge is, that everytime any statistic calculated from a confidential data source is released, a small amount of private information is leaked. If too many statistics are released, too accurately, the confidential data source may be revealed. Advances in computing power and algorithms made the Census Bureau have to modernize their privacy protections by using the Differential Privacy Disclosure Avoidance System. For more information the public can sign up for a Newsletter, www.census.gov search for Disclosure Avoidance. This presentation is posted on the IRC website.

VI. Executive Director's Report and discussion thereof:

- A. Office update
- B. Budget update, including potential future legal cost appropriations
- C. FTE positions
- D. Discussion on ADOA resources/updates:
 - 1. IT
 - a. Discussion of proposed timeline for IT integration and migration
- E. Discussion and possible action on Community Outreach Coordinator and other potential hires
 - 1. Discussion on duties of all IRC staff positions

Executive Director Schmitt informs the Commission that Michele Crank, the IRC's Public Information Officer has started today. Schmitt is working with ADOA on tentatively posting the other positions this week. This action may be contingent on the budget, and states he will provide updates as he gets them. ADOA has also provided a vendor to assist with the migration from Google to Microsoft. The vendor is able to provide a part time contract IT person to assist us, if needed, until we are able to hire someone. The budget is still being negotiated in the Legislature, which is on break until June 10th. Commissioner Neuberg asks about the travel schedule, which may depend on the mapping consultants, our PIO and technology. Schmitt states he will put together ideas of what a travel schedule will look like and present it in the next week or so. Commissioner Lerner would like the travel schedule finalized sooner rather than later, and to define how the meetings will work, and the expectations of these public meetings. Chairperson Neuberg asks if there are any additional

needs to move forward with the software migration. Schmitt informs the Commission that he is only waiting on the cost from the vendor and will present that information as soon as it is received. Commissioner York asks the Legal team if they suggest that the Microsoft migration take place before traveling. The legal team states that that is their recommendation.

VII. Discussion and possible action on Legal Counsel Briefing:

- A. Consideration and possible adoption of Commission guidance on open meeting law compliance, ethics and conflicts of interest avoidance, and public record request processing.

Legal counsel presents drafts for guidance on open meeting law compliance, ethics and public records requests processing that they have prepared at the request of the Commission at last week's meeting. Public Records requests and methods of how to accept requests, should be, to accept the requests by mail or email at a specific email address, or make it available on the website. A draft fee schedule is also proposed, which once finalized, should be posted on the website. Timing of acknowledging receipt of public records requests, would be an internal policy decision. Rolling productions are a good public records policy, rather than waiting until all the information is compiled. Legal Counsel also advises that the Commission should also agree on a custom retention schedule policy for the IRC.

Different records receive different retention periods and several options are proposed.

Open Meeting Law Guidance provides transparency and openness of the principals of how the Commission will adhere to the Open Meeting Laws.

Ethics Policy suggestions are for the Commission to adapt the House or Senate Ethics Rules, or a combination of the two. Commissioner York suggests the House rules be adopted as they have already been vetted and are more onerous. Chairperson Neuberg agrees with Commissioner York's suggestion, in which the House rules would hold them to the highest standards. Final versions of guidance will be presented at next week's meeting for approval. Commissioner Lerner asks how public records were retained for the last Commission. The legal team advised that there was no custom retention schedule policy available for the previous Commission, at the Public Library and archives, so there is no guidance to follow.

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

- A. Status of State Demographer's presentation.

The State Demographer presentation date has not yet been confirmed. The Legal team expects to have an update by the end of the week.

IX. Update from the Mapping Consultant, Timmon/NDC.

Chairperson Neberg reports the mapping consultant is currently having their internal kickoff meeting today and will share information with the Commission at next week's meeting.

X. Discussion of future agenda item requests

Commissioner Lerner would like to discuss how the public hearings would be run. Lerner suggests the Commission look at how other states have held their meetings. Another future agenda topic she would like to add would be, what the Commission should do with the maps that are submitted by the public, and hopes the mapping consultant can provide direction on that topic. Vice-Chair Watchman brings up the topic of having a "stock" PowerPoint presentation available to provide information to the public, on what the Commission does. Commissioner Lerner would like the Commission to further discuss the topic of inviting special guests to the meetings, and how does the Commission say yes or no to different groups. Commissioner Mehl shares Lerner's hesitancy of inviting guests to the meeting and feels the public's ability to send comments to the Commission would provide enough information. Chairperson Neberg believes the invitations would be helpful to hear from special groups. Vice Chair Watchman agrees with holding off on invitations, where does it end?

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

The meetings will take place at 8:00am every Tuesday for the next few weeks.

XII. Announcements:

A. Next meeting date.

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

XIII. Closing of Public Comments:

Public comments are closed at 10:27am

XIV. Adjournment:

A motion to adjourn is made by Vice Chair Watchman, Commissioner Mehl seconds the motion. The Commission votes to adjourn 5-0. The meeting was adjourned at 10:29am.