



PUBLIC MEETING MINUTES - JUNE 15, 2021

In Attendance:

Chairwoman Erika Neuberg
Vice-Chair Derrick Watchman
Commissioner Shereen Lerner
Commissioner David Mehl
Commissioner Douglas York
Executive Director, Brian Schmitt
Public Information Officer, Michele Crank
Eric Spencer, Esq. Snell & Wilmer
Jillian Andrews, Esq. Ballard Spahr
Roy Herrera, Esq. Ballard Spahr
Debbie Wilks, Transcriptionist

Mark Flahan, Timmons Group
Doug Johnson, NDC Research
Ivy Beller Sakansky, NDC Research

- I. Call to Order and Roll Call ([5:22 YouTube](#))
 - A. Call for Quorum
 - B. Call for Notice:

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

A quorum is present.

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 June 8, 2021: ([7:16 YouTube](#))
 - A. General Session
 - B. Executive Session

Commissioner Mehl motioned to approve the General Session and Executive Session minutes, Vice-Chair Watchman seconds the motion. The motion is unanimously approved 5-0.

III. Opportunity for Public Comments: [\(8:32 YouTube\)](#)

At 8:04am 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 8, 2021: [\(9:22 YouTube\)](#)

Commissioner Lerner thanks the public for their comments on public meetings and their input will be considered when planning the upcoming Listening Tour meetings. Commissioner Mehl states that many of the public comments will be taken into account when revising the schedule. Chairperson Neuberg agrees with the other commissioners comments, and reiterates that the plan Executive Director Schmitt proposed last week was a great starting point, in which the Commission is able to incorporate the public's suggestions for future planning.

V. Update from mapping consultant, Timmons/NDC. [\(12:03 YouTube\)](#)

The mapping consultants state they are meeting with the software manufacturers on the redistricting solution and putting a plan in place. They are working on the socio-economic data report which includes items such as age, language spoken at home, renter v. homeowner, income level, single family, etc.- things that would define a community of interest. Timmons/NDC will be attending all the Listening Tour meetings, and state the logistics of the meetings are being worked out. The most important item will be getting input back on which communities stay together. Timmons/NDC suggest that the Commission educate and engage the public on how they can become a constructive part of the process. Timmons/NDC will provide the data and tools to evaluate the information received to help the Commission make decisions.

From their previous experience, public meetings begin with an introduction to the voter's rights act, constitutional requirements, a brief definition of redistricting, and how people can participate in the process. They suggest that the Commission use social media as an outgoing media channel, and not monitor or evaluate comments coming in. Some lessons that they have learned from previous experiences are, to not rely on written minutes to get the word out, give the public a brief summary of what decisions were made by the Commission either on social media or their website. Try not to only focus on the people in the audience, because there are millions of people in the state, who may not be able to attend or watch a meeting. State ground rules in the beginning to keep them focused on the substance of the meetings.

Timmons/NDC leave the meeting at 8:52am.

VI. Executive Director's Report and discussion and Possible Action thereof: *(57:30 YouTube)*

- A. Office location update
- B. Budget update, including status of FY2021 Expenditures
- C. FTE Positions
- D. Discussion of proposed timeline for IT integration and migration
- E. Public Records Request Online submission portal update

Executive Director Schmitt provides an update to the Commissioners on the status of the office move. Currently, the office is half moved into the new space, and are looking to complete the move by this Friday, depending on several IT issues and build out items left to do.

The legislature is still at a standstill regarding the budget. The IRC has about \$430K remaining in its budget for fiscal year 2021, and Schmitt plans on using all the funds allocated.

Schmitt is continuing the search for a vendor to assist with the IRC's migration to Microsoft. He is looking into possibly piggybacking on one of the smaller agencies who have a Microsoft contract as an option, rather than having to go through a request for proposal which takes a bit more time.

The Public Records request online submission form should be live soon, after a few minor changes are made by IT.

The Outreach and Deputy Director positions have been posted, and numerous applications for each of the positions have been received. Schmitt will start looking through them and forward them on to the Commission for review.

Schmitt seeks approval from the Commission to pay two legal invoices, \$119,207.50 for Ballard Spahr, and \$160,712.50 for Snell & Wilmer.

Vice Chair Watchman moves to approve and pay the two legal bills, Commissioner Mehl seconds. The motion is approved unanimously 5-0.

VII. Discussion and Possible Action on proposed revised travel schedule. *(1:06:11 YouTube)*

Executive Director Schmitt explains that last week's proposed Listening Tour schedule was to elicit responses and get thoughts from the public and the Commission. Schmitt has proposed an updated schedule which would include a visit to every county in the state, and offer satellite locations, so people do not have to travel so far to attend the meetings. No meeting dates are proposed yet, as there are a lot of logistics involved, but wants to make sure the public knows they will be given at least two weeks advance notice of the hearing. Schmitt states that the satellite locations are aspirational, the main locations need to be confirmed first. The earliest meeting date would be mid to late July. Logistics to offer a digital or virtual option, and to allow the Commissioners to attend via conference call or video conference are being looked into. Schmitt gives an example of how a meeting will run: The meeting will start with a presentation from the mapping consultants, then an explanation of what information will be most helpful to the Commissioners, and then open the meeting up to public comments.

VIII. Discussion and Possible Action on stock IRC presentation for public use. *(1:17:43 YouTube)*

The legal team previously provided the Commission a draft presentation to be used at the Listening Tour meetings. Timmons/NDC is currently reviewing the data. The presentation will include the constitutional criteria. Commissioner Lerner requests that the provision from Prop. 106 be included in the presentation. A revised presentation will be distributed to the Commission for review and reaction.

IX. Discussion and possible action on Community Outreach Coordinator and other potential hires, including duties of all IRC staff positions. *(1:31:26 YouTube)*

Executive Director Schmitt states that he has received 20 applications for the Deputy position and 56 applications for the Community Outreach Coordinator position. He is aiming to begin interviews by the end of the week, or early next week. Schmitt advises the Commissioners that there is a bit of a time crunch because if the perfect candidate is found, they might not be able to start until July. The possibility of reaching out to interns from the universities and tribal colleges for assistance is an option Schmitt will look into.

X. Discussion and Possible Action on legal counsel briefing. *(1:37:40 YouTube)*

- A. Amended IRC Ethics/Conflict of Interest Rule Guidance (Attachment A)
- B. Posting meeting transcripts to the Commission website.

Commissioner Mehl moves to adopt the Amended Ethics/Conflicts of Interests Guidance (Attachment A). Commissioner York seconds the motion. The motion is approved 5-0.

The Commission discusses posting of the meeting transcripts to the IRC website, and the legal compromise that the Commission would be making to allow the transcripts to be public. The IRC does not have the manpower to make sure the written transcripts match word for word the video. The legal team has looked into a disclaimer, but it would not eliminate all legal risks. The legal team could also compare the transcripts to the video, but there is a cost associated with that.

The Commission discusses an alternative option to posting meeting transcripts. It is suggested that by notating a timestamp of the YouTube video, next to each item discussed on the agenda, would make it easier for the public to locate a particular topic, rather than scrolling through the whole video to locate a particular topic discussed.

Commissioner Lerner moves that the future minutes include a timestamp of the beginning of each item on the agenda. Commissioner Mehl seconds the motion. The motion is unanimously approved 5-0.

XI. Discussion and possible action on census data, census delays, and ways to mitigate its disruption. *(1:51:23 YouTube)*

- A. Status of Arizona-based professor to speak on differential privacy in light of recent privacy loss budget established by U.S. Census Bureau.

The legal team advises the Commission that the Census Bureau has released their Epsilon value, 19.61. Earlier this summer, the Epsilon value that was being used on their test data was in the 8-10 range. The higher the Epsilon value, the more it favors accuracy at the expense of privacy. There are no new developments in the Alabama litigation. The legal team has reached out to several Arizona based professors to have them give their opinion on differential privacy to the Commission. The concern is being able to find someone to do this in a short period of time.

XII. Discussion of future agenda item requests. [\(1:56:10 YouTube\)](#)

A presentation by the legal team is forthcoming on constitutional criteria as it relates to the redistricting criteria.

XIII. Announcements: [\(1:59:14 YouTube\)](#)

XIV. Next Meeting Date [\(1:59:24 YouTube\)](#)

June 22, 2021 at 8:00am.

XII. Closing of Public Comments: [\(2:00:02 YouTube\)](#)

Public comments are closed at 9:55am.

XII. Adjournment: [\(2:00:41 YouTube\)](#)

A motion to adjourn is made by Commissioner Lerner. Vice-Chair Watchman seconds the motion. The Commission votes to adjourn 5-0. The meeting adjourned at 9:56am.