

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION

Erika Schupak Neuberger, Chair
David Mehl, Commissioner

Derrick Watchman, Vice-Chair
Shereen Lerner, Commissioner

Douglas York, Commissioner

Location: Virtual via GoogleMeets

Members of the public may view the meeting at this link:

<https://youtu.be/eJV9qDHZt7c>

Members of the public who request to comment on an item on this agenda may provide their public comments at this link: <https://forms.gle/xNgzjtDDAtp8RPLc6>

Date: Tuesday, June 8, 2021

Time: 8:00 a.m.

The Commission reserves the right to change the order of items on the agenda. The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the following purposes: discussion or consideration of personnel matters pursuant to A.R.S. § 38-431.03(A)(1), for discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law pursuant to A.R.S. § 38-431.03(A)(2), obtaining legal advice pursuant to A.R.S. § 38-431.03(A)(3), consultation with attorneys regarding pending or contemplated litigation pursuant to A.R.S. § 38-431.03(A)(4), or any other purpose as authorized under A.R.S. § 38-431.03. The executive session is not open to the public and all legal action will take place in a meeting that is open to the public.

A copy of the agenda for the meeting is available at <https://irc.az.gov/public-meetings> at least forty-eight hours in advance of the meeting, in addition to physically being posted at the Arizona Department of Environmental Equality, 1110 W. Washington St., Phoenix, AZ 85007. Background material provided to the Commission that is not otherwise exempt by law from public inspection is available for inspection upon request.

Persons with a disability may request reasonable accommodation, such as a sign language interpreter, by contacting Valerie Neumann at ircadmin@azdoa.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission reserves the right to table any item on the agenda.

The agenda for the meeting is as follows:

- I. Call to Order and Roll Call.
 - A. Call for Quorum
 - B. Call for Notice
- II. Approval of minutes from June 1, 2021.
 - A. General Session
 - B. Executive Sessions
- III. Opportunity for Public Comments.

Public comment will open for a minimum of 30 minutes and remain open until the adjournment of the meeting. Comments will only be accepted electronically in writing on the following form: <https://forms.gle/xNgzjtDDAtp8RPLc6> (comments will be limited to 3000 characters).

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

- IV. Discussion on Public Comments received prior to today's (June 8, 2021) meeting.
- V. Executive Director's Report and discussion and Possible Action on 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.
 - b. Discussion concerning status of technology purchases.
 - c. Discussion of ADOA migration of software.
 2. Status of mandated ADOA HR training for current staff.
 - E. Discussion and Possible Action on Community Outreach Coordinator and other potential hires and duties of all IRC staff positions.
 - F. Public Records Request Form Website location update.
 - G. Travel Schedule update
 1. Attachment A – Proposed Tentative Travel and Meeting Schedule.
 - H. Discussion of State CISO Presentation concerning cyber-security.
 - I. Update from the Mapping Consultant activities.
 1. Status of mapping software training for Commissioners, staff, and legal counsel.

VI. Discussion and Possible Action regarding invitation to Legislative Leaders to present on Constitutional criteria and role of Legislature report.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice with respect to staffing issues (A.R.S. § 38-431.03(A)(3)), as well as for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law (A.R.S. § 38-431.03(A)(2)).

- VII. Discussion and Possible Action on Legal Counsel Briefing.
- A. Public Records/Records Retention (Attachment B), and Open Meeting Law Guidance (Attachment C), approval for public posting.
 - B. Status report on Ethics Guidance
 - C. Status of Stock IRC Presentation discussion and/or approval.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice to further implement and/or advance these legal issues (A.R.S. § 38-431.03(A)(3)).

- VIII. Discussion and Possible Action on Census Data and delay and ways to mitigate its disruption.
- A. Status of State Demographer's presentation.
 - B. Status of retaining Arizona professor to discuss impact of privacy differential action by US Census on Arizona Data.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice with respect to census data and delays (A.R.S. § 38-431.03(A)(3)).

- IX. Discussion of future agenda item requests.
- X. Discussion and Possible Action on the scheduling of future meetings.
- XI. Announcements.
- A. Next Meeting Date.
- XII. Closing of the Public Comments.

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

XIII. Adjournment.

ATTACHMENT A
PROPOSED STATEWIDE LISTENING TOUR
And
TOWN HALL MEETINGS
COMMUNITIES OF INTEREST

June

2021

IRC "Communities of Interest" Townhall Schedule - TENTATIVE

--	--

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8 Weekly Meeting	9	10	11	12
13	14	15 Weekly Meeting	16	17 Coconino County (In-Person)	18	19
20	21	22 Townhall (Google Meet) Northern Arizona emphasis (Combined with regular weekly IRC meeting)	23	24 Navajo County/Apache County (In-Person)	25	26
27	28	29 Weekly Meeting	30			

July

2021

IRC “Communities of Interest” Townhall Schedule - TENTATIVE

--	--

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Mohave County (In-Person)	2	3
4	5	6	7	8 Graham County (In-Person)	9	10
11	12	13 TownHall (Google Meet) Southern Arizona emphasis (Combined with regular weekly IRC meeting)	14	15 Yuma County (In-Person)	16	17
18	19	20 Weekly Meeting	21	22 Pima County (In-Person)	23	24
25	26	27 Townhall (Google Meet) Central Arizona emphasis (Combined with regular weekly IRC meeting)	28	29 Maricopa County (In-Person)	30	31

August

2021

IRC "Communities of Interest" Townhall Schedule - TENTATIVE

--	--

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Weekly Meeting	4	5 Yavapai County (In-Person)	6	7
8	9	10 Weekly Meeting	11	12 Maricopa County (In-Person)	13	14
15	16 Census Data Delivery Date	17 Weekly Meeting	18	19	20	21
22	23	24 Weekly Meeting	25	26	27	28
29	30	31 Weekly Meeting				

ATTACHMENT B

PUBLIC RECORDS/RECORDS RETENTION GUIDANCE



ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Erika Schupak Neuberg, Chair
David Mehl, Commissioner

Derrick Watchman, Vice-Chair
Shereen Lerner, Commissioner

Douglas York, Commissioner

PUBLIC RECORDS GUIDANCE

Purpose

The Independent Redistricting Commission (IRC) is committed to the transparency and document preservation standards embodied in Arizona’s public records laws.

According to statute, a public record “[m]eans all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media . . . , made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record.” A.R.S. § 41-151(2)(a) (H.B. 2058) (2021).

As required by A.R.S. Title 39, Chapter 1, Article, 2, the IRC is required to promptly produce public records (or make public records available for inspection) in a reasonable time after a request has been made. However, the IRC may deny a request to produce all or a part of a public record when the requested material contains information that is protected from disclosure by federal or state law.

Making public records requests

All requests for public records should be submitted to the IRC’s Public Information Officer.

Requests must be submitted in writing utilizing the public records submission process outlined on the IRC website at <https://irc.az.gov/>. If no specific method is specified on the IRC website, requests should be submitted through the “contact us” portal at <https://irc.az.gov/contact-us>.

By mail: Public Information Officer
Arizona Independent Redistricting Commission
1110 W. Washington St., Ste. 105
Phoenix, AZ 85007

Email: PRR@irc.az.gov

Public Records Fees

As permitted by A.R.S. § 39-121.01(D) (1), the IRC may charge a fee to cover administrative costs and the costs of reproduction and postage for hard copies of records being requested for non-commercial purposes. Additional

charges apply to public records requested for commercial purposes. *See* A.R.S. § 39-121.03.

In person inspection: No charge; however, an appointment must be made with the IRC to review records. Walk-in requests without an appointment will not be honored.

Hard copies: Checks or money orders should be made payable to: Independent Redistricting Commission. All fees must be received by the IRC in advance of the release of records.

Pursuant to Attorney General Opinion No. I86-090 (August 25, 1986), an agency may charge any fee it deems appropriate for copying records, including a reasonable fee for cost of time, equipment, and personnel in producing copies of records subject to public disclosure, but not the actual cost of staff time to search for the records.

The IRC may charge the following rates for copies of public records:

Paper copies:

- IRC paper records (black and white) \$0.25 per page
- IRC paper records (color copies) \$0.75 per page
- Copies of material in CD format (when necessary) \$1.00 each CD
(add \$0.05/page if material must be scanned & burned to the CD)
- Scanned documents \$0.05 per page
- Map products; first copy \$25.00 each
Additional copies \$ 7.00 each
- Specialized computer-generated reports (via printed copy or email) \$10.00 first page
(each additional page in the document) \$0.25 each add'l
- Electronic database \$70.00
- Postage or Fed Ex if requested items are mailed or shipped Actual cost

Electronic copies: No charge if the documents are already in electronic form. If a request requires the IRC to convert hard copies into electronic copies, a \$0.25 per page fee will be charged.

Website: If requested records or materials are available on the IRC’s website (<https://irc.az.gov/>), the records are deemed already available to the public free of charge. The IRC does not provide hard copies of materials that are already available for downloading through its website. This does not apply to requests for materials made through a reasonable accommodation request pursuant to the American Disabilities Act or similar laws.

Commercial purpose: Records that are requested for commercial purposes will be charged for the value of the reproduction on the commercial market as allowed pursuant to A.R.S. § 39-121.03. A “commercial purpose” is defined by as “the use of public record for the purpose of the sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale, or

obtaining of names and addresses from such public records for the purpose of solicitation, or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record.” A.R.S. § 39-121.03(D).

Timing of response to public records requests

If the requester provides an email address, the IRC will acknowledge the public records request within 2 business days of receipt.

The IRC will make every effort to provide prompt access to and/or copies of public records in a reasonable amount of time. Some requests may be fulfilled in a few days. However, some requests may take longer to fulfill based on the nature of the request, the quantity of records sought, the technological complexity of locating/producing the records, staff availability, the necessity for off-site retrieval, and legal reviews. If a request is expected to take more than 30 calendar days to process, the IRC will notify the requester in writing and provide a reasonable estimate of how much additional time will be required. In such cases the IRC will also strive to produce available records on a rolling basis.

Requests for information that does not constitute a public record

The IRC will make all public records available for inspection or copying; however, the IRC is not required to create records that do not currently exist, such as compiling data or answering questions, in response to a public records request.

Legal review

In some cases, records may be required to undergo a legal review prior to the release or review of materials by the public to avoid disclosure of information protected by law. Certain personal, financial, or proprietary information may be redacted prior to release. The IRC may also assert recognized privileges, such as the attorney-client privilege, legislative privilege, or the deliberative process privilege, to justify withholding a document from public disclosure. A document may be withheld based on the best interests of the State as well. If the IRC concludes that a request includes information protected from disclosure, the IRC will provide a written response to the requester that identifies the materials withheld or redacted and explain why the information is protected from disclosure.

Records Retention

The IRC will appoint a Records Officer (RO) in accordance with A.R.S. § 41-151.14. The RO will complete all necessary trainings in public records retention and serve as the IRC’s liaison to the Arizona State Library, Archives and Public Records. See https://azlibrary.gov/sites/default/files/arm-guidance-records_officer_handbook_final_4_10_2015.pdf. The RO is also responsible for establishing, maintaining, and enforcing the IRC’s records retention system.

The IRC will follow the General Records Retention Schedule applicable to all Arizona state and local agencies. See <https://apps.azlibrary.gov/records/general.aspx>. In particular, the IRC is subject to the following schedules:

- GS-1018 Administrative and Management Records
- GS-1058 Election Records
- GS-1017 Financial Records

- GS-1006 Human Resources/Personnel Records
- GS-1064 Information Technology (IT) Records
- GS-1030 Legal Records
- GS-1003 Public Information and Marketing Records
- GS-1032 Purchasing and Procurement Records
- GS-1038 Risk Management Records

All IRC Commissioners and staff members are expected to preserve IRC public records in accordance with the applicable retention schedules. This includes any public records sent, received, or stored on personal electronic devices.

Emails and text messages present special challenges for records retention. The *content* of a communication, not the *method* of communication (e.g. email or text), governs whether and how long the communication must be preserved as a public record. Commissioners and staff are personally expected to implement a reasonable system to categorize and preserve email and text communications that constitute public records. For example, Commissioners and staff members may establish retention periods for specific subfolders within their email system and move emails to those subfolders to comply with retention requirements.

The Executive Director, in consultation with the IT Director, must implement a system to prevent auto-deletion of emails in Commissioners' and staff members' general email inboxes for at least one year from receipt. Commissioners and staff members are expected to timely preserve their email records in accordance with applicable retention schedules prior to any auto-archiving by IT systems.

Preservation of Records by IRC Contractors

The IRC's contractors and subcontractors are not subject to public records requests under Arizona law. However, the IRC's contractors and subcontractors must preserve all books and records (including internal records) that relate to the performance of their contractual duties for the IRC. *See* A.R.S. § 35-214(a); SPO Uniform Terms and Conditions § 3.3.



Arizona Independent Redistricting Commission

In accordance with A.R.S. § 39-121 and A.R.S. § 39-121.01, all documents housed in the Office of the Arizona I, are considered to be public records, and are to be made available for public inspection upon request. However, various confidentiality laws and privileges may apply to certain records or parts of records. Public records not protected from disclosure will be made available.

First Name	Last Name	Company / Organization		
Mailing Address		City	State	ZIP Code
Phone Number	Fax Number	Email Address		

If you are submitting a request for a commercial purpose, you must disclose this pursuant to A.R.S. § 39-121.03. Please note that a commercial usage fee may apply. For the purposes of this section, "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

I affirm that the records are for personal use and not for commercial purposes (check):

Please describe the records requested in detail:

Email request to: PRR@irc.az.gov

Mail to: Public Information Officer, 1110 W. Washington, Ste. 105, Phoenix AZ 85007

ATTACHMENT C

OPEN MEETING LAW GUIDANCE

Arizona Independent Redistricting Commission
Guiding Principles in complying with Arizona’s Open Meeting Law

As a constitutional entity, the Arizona Independent Redistricting Commission (“IRC”) adheres to its obligations to comply and enforce the Arizona’s Open Meeting Law with the utmost diligence and respect for the purpose of the law.

The IRC knows that public confidence in its process is necessary in fulfilling its mission. That is why it is committed to accountability through transparency.

Below are a list of Guiding Principles that the IRC has developed to imbue further confidence in the public of the IRC’s commitment to transparency.

1. **Premium on Openness.** The IRC will maximize public access to its process. And, when in doubt, the IRC will resolve all doubts in favor of openness.
2. **Extensive Training in the law.** IRC Commissioners dedicated the time to analyze and understand the application of the Open Meeting Law to the IRC’s activity and for each Commissioner to retain a copy for future reference.

IRC Commissioners have participated in two comprehensive trainings of Arizona’s Open Meeting Law within the first weeks of its meetings. Commissioners and staff have committed to refreshing that training as it moves forward in its work.

3. **Communications Outside Meetings.** IRC Commissioners will communicate with staff for clarification or information about an item on the agenda but will not poll other members or conduct separate or serial discussions with a majority of the Commissioners on a potential action item.
4. **Responding to Complaints.** Staff and legal counsel have been instructed that when receiving an Open Meeting Law complaint to be candid and respond promptly.

5. **Agenda**. The IRC is committed to providing agendas that provide specific information so that the public is notified, aware and prepared for the Commissioners considerations and deliberations.
6. **Clarity at Meetings**. Underlying the importance of its mission, the IRC is cognizant of the specific attention its deliberations receive and is committed to conveying its deliberations and decisions with clarity so that public understanding of the IRC is not hindered.
7. **Calls to the Public**. Although Calls to the Public are optional under the Open Meeting Law, the IRC has and will strive to include them in its agendas and will strive towards the most reasonable degree of accommodation of the public.
8. **Public and Social Events**. The IRC will strive to announce the date, time and purpose of public events and identify that a quorum might be present and Members and staff will be scrupulous in avoiding discussions that could be perceived as deliberations or the taking of legal action.

Prior to appearances on behalf of the IRC, Commissioners and staff will seek legal guidance from the IRC's legal counsel as to the event, topics and participation by the IRC.

9. **Minutes**. The IRC is committed to public distribution of meeting minutes as promptly as possible.
10. **Executive Sessions**. Particularly in the early stages of formation and activity, the need for a number of executive sessions for the IRC is necessary. In the spirit of the Open Meeting Law, the IRC has directed legal counsel to favor structuring the agenda towards opportunities to limit executive sessions.