

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

February 2, 2021

9:00 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 9:00 a.m. on
3 February 2, 2021, via GoogleMeets, Arizona, in the
4 presence of the following Commissioners:

5 Ms. Erika Neuberg, Chairperson
6 Mr. Derrick Watchman, Vice Chairman
7 Mr. David Mehle
8 Ms. Shereen Lerner
9 Mr. Douglas York

10 OTHERS PRESENT:

11 Ms. Yasmin Ramos, Administrative Assistant
12 Ms. Pamela Peiser, Assistant Attorney General
13 Ms. Caroline Guerrero, Assistant Attorney
14 General
15 Mr. Kyle Cummings, Assistant Attorney
16 General
17 Director Andy Tobin, ADOA
18 Mr. J.R. Sloan
19 Ms. Emily Rajakovich, ADOA
20 Mr. Edward Jiminez, ADOA
21 Mr. Michael Beller, ADOA
22 Ms. Soodabeh Saed, ADOA
23 Ms. Nola Burns, ADOA
24 Mr. Chris Carlson, ADOA
25 Ms. Ashley Ruiz

*Members of the General Public

P R O C E E D I N G

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2
3 CHAIRPERSON NEUBERG: I am going to call the
4 meeting to order. We will go right to Item I(A), which is
5 the call for quorum.

6 It is 9:04 on Tuesday, February 2nd.

7 I call this meeting of the Independent
8 Redistricting Commission to order.

9 For the record the administrative assistant
10 Yasmin Ramos with the Arizona Department of
11 Administration will be taking roll call and minutes
12 today. When your name, Commissioners, are called,
13 please indicate that you are present. If you're
14 unable to respond verbally through the technology, we
15 ask that you please type your name.

16 Yasmin.

17 MS. RAMOS: Thank you, Chairwoman. I will be
18 taking roll call now.

19 Erika Neuberg.

20 CHAIRPERSON NEUBERG: Present.

21 MS. RAMOS: Derrick Watchman.

22 VICE CHAIR WATCHMAN: Present.

23 MS. RAMOS: David Mehl.

24 COMMISSIONER MEHL: Present.

25 MS. RAMOS: Shereen Lerner.

1 COMMISSIONER LERNER: Present.

2 MS. RAMOS: Douglas York.

3 COMMISSIONER YORK: Present.

4 MS. RAMOS: For the record, it looks like we have a
5 quorum; everyone is present.

6 And also I wanted to bring to everyone's attention
7 that we also have Pamela Linnings [sic], Kyle Cummings, and
8 Caroline Guerrero from the Attorney General's Office; we
9 also have Angela Miller who will be transcribing for the
10 Commission; and also we also have ADOA staff who will be
11 introduced at a later time when they are ready to present.

12 And I will turn it back to you, Chairwoman.

13 CHAIRPERSON NEUBERG: Okay. Thank you, Yasmin.
14 And with that, we'll go to I(B), call for notice.

15 Yasmin, was the meeting and agenda for the
16 Commission meeting properly posted 48 hours in advance of
17 today's meeting?

18 MS. RAMOS: Yes. It was posted on Thursday,
19 9:00 a.m.

20 CHAIRPERSON NEUBERG: Okay. Thank you very much.

21 Moving on to Item II, we have the approval of
22 minutes for January 21st, 2021, the public meeting portion.

23 And as we discuss this, I just want to note that
24 for statutory requirements, a video recording of the meeting
25 suffices for minutes that we are obligated to produce; and

1 so, in essence, when we vote to approve minutes, we ought to
2 be thinking did we fulfill or reflect adequately what
3 transpired. Okay?

4 So the public session minutes, the recording, you
5 have had with the public comments attached. Is there any
6 discussion regarding the public minutes regarding
7 January 21st?

8 No discussion.

9 Do I have a motion regarding the public session to
10 approve the minutes of January 21st, 2021?

11 VICE CHAIR WATCHMAN: I motion, Chairwoman.

12 CHAIRPERSON NEUBERG: Who is that?

13 VICE CHAIR WATCHMAN: Commissioner Watchman moves
14 to approve the minutes.

15 CHAIRPERSON NEUBERG: Okay. Do I have a second?

16 COMMISSIONER MEHL: Commissioner Mehl seconds.

17 CHAIRPERSON NEUBERG: Okay. Commissioner Mehl
18 seconds.

19 We will do a quick roll call for votes.

20 CHAIRPERSON NEUBERG: Vice Chair Watchman.

21 VICE CHAIR WATCHMAN: Yes.

22 CHAIRPERSON NEUBERG: Commissioner Mehl.

23 COMMISSIONER MEHL: Yes.

24 CHAIRPERSON NEUBERG: Commissioner Lerner.

25 COMMISSIONER LERNER: Yes.

1 CHAIRPERSON NEUBERG: Commissioner York.

2 COMMISSIONER YORK: Aye. Yes.

3 CHAIRPERSON NEUBERG: The minutes have been
4 approved.

5 At this point, I am going to turn the agenda over
6 to Vice Chair Watchman to discuss the executive session
7 minutes; I was not present.

8 VICE CHAIR WATCHMAN: Thank you, Madame Chair.
9 Let's discuss the executive session. Is there any
10 discussion on the executive session minutes for
11 January 21st, 2021? And I believe that was sent to us last
12 week as well.

13 COMMISSIONER MEHL: I move that we approve the
14 executive session minutes.

15 VICE CHAIR WATCHMAN: Okay. We have a motion by
16 Commissioner Mehl to approve the January 21st, 2021,
17 executive session recorded meeting minutes.

18 Is there a second?

19 COMMISSIONER LERNER: Commissioner Lerner seconds.

20 VICE CHAIR WATCHMAN: Commissioner Lerner seconds.

21 Any discussion regarding the motion or the minutes?

22 There being none, let's vote. All those -- can we
23 have a roll call, Yasmin?

24 MS. RAMOS: Yes.

25 Derrick Watchman.

1 VICE CHAIR WATCHMAN: Yes.

2 MS. RAMOS: David Mehl.

3 COMMISSIONER MEHL: Yes.

4 MS. RAMOS: Shereen Lerner.

5 COMMISSIONER LERNER: Aye.

6 MS. RAMOS: Douglas York.

7 COMMISSIONER YORK: Aye.

8 MS. RAMOS: Looks like the motion is carried.

9 VICE CHAIR WATCHMAN: With the vote of 4 in favor,
10 zero opposed, the meeting minutes are approved. Thank you.

11 And I'll turn the gavel back over to our Chairman.
12 Thank you.

13 CHAIRPERSON NEUBERG: Thank you,
14 Commissioner Watchman.

15 We'll move on to Agenda Item III, which is -- which
16 is just a very brief update to the Commissioners and the
17 broader public.

18 There has been a pretty significant delay of the
19 census data and the census data is a necessary piece of
20 information for the actual mapping work to commence; and so
21 this is really just to inform everybody that, at the
22 earliest, we can expect some basic information at the end of
23 April. It's possible, though, that they're not going to
24 release partial pieces of information but will rather
25 present it all at one time, which means that that

1 information may not be available until the end of July.

2 I don't, we don't, you know, the media doesn't have
3 any more information about that. The delays have -- have a
4 lot to do with COVID. And so as we move through the agenda
5 and we think through our schedules, I just encourage us all
6 to be aware of those implications.

7 With that, I'm going to move on to Item IV, which
8 is discussion and possible action for time, place, and
9 manner of meetings.

10 With that, this is our opportunity to really talk
11 through the frequency of meeting; the style of meetings;
12 virtual, in person; the location of meetings. And I open it
13 up to discussion.

14 VICE CHAIR WATCHMAN: Madame Chair,
15 Commissioner Watchman would like to speak.

16 CHAIRPERSON NEUBERG: Yes. Please.

17 VICE CHAIR WATCHMAN: Well, I guess a few things.
18 One, you know, I was appointed to represent the indigenous
19 communities of the state, and I'm from rural Arizona. And
20 so I know our state is large and vast, so it will be nice at
21 some point when we get past COVID, to be able to get out and
22 have hearings across the state and around our state to visit
23 our wonderful communities.

24 But, between now and then, you know, it's a
25 challenge, but I think having virtual meetings between now

1 and then would be important. Because, you know, last week
2 we did get a call that potential exposure was -- was -- was
3 possible. So, yeah, that was a scare for me and my family.
4 You know, given where I'm up here on Navajo, you know, we
5 have a high rate of COVID cases.

6 And so but for me, making sure we get around the
7 state I think is very, very important. I looked in the past
8 and the past commissions had somewhere in the neighborhood
9 of fifty-plus meetings, which I think is important, but we
10 have to weigh that, obviously, into the pandemic. But I,
11 for one, until we feel safe, think we should start with
12 virtual meetings. And I'm not sure what the point is
13 changing that is, but we get out to the communities and
14 visit all of our communities, I think is very, very
15 important.

16 So I don't really have any specified dates, but we
17 should probably get on a schedule where we do hearings
18 weekly. And it's unfortunate that the census count is not
19 going to be here until July or so and so. But that's some
20 of my quick comments, and I'll listen to my fellow
21 Commissioners on other talking points. But thank you; those
22 are my initial thoughts.

23 CHAIRPERSON NEUBERG: Thank you,
24 Commissioner Watchman. And relevant to what you said, it is
25 interesting to note that the last Commission began their

1 public testimony mid-July, and began their initial grid
2 mapping and then soliciting feedback on that not 'til
3 August. So we can keep that in context.

4 Other feedback?

5 COMMISSIONER MEHL: Chairwoman, I would just like
6 to point out I agree with -- with Commissioner Watchman.
7 But there are times where it's just better to be in a room
8 together, and I think we'll have a few key decisions, one
9 will be picking an executive director; one will be picking
10 the consulting team, which will be lawyers and mapping
11 firms. And I think we can do those virtual, but, you know,
12 at some point it may be good to get in a room and talk.

13 But once we start getting to the mapping issues,
14 it's going to be a hard to -- to not be in a room where
15 we're looking at big maps on display and things together.
16 But that's obviously a ways down the road.

17 But I do think there's enough estimated census data
18 that once we pick the consulting team, we're going to
19 probably want to start running some preliminary mapping well
20 in advance of having the final census data just to at least
21 have a head start on all that.

22 CHAIRPERSON NEUBERG: Thank you.

23 COMMISSIONER LERNER: Commissioner Neuberg --

24 CHAIRPERSON NEUBERG: Yes.

25 COMMISSIONER LERNER: -- and fellow Commissioners,

1 this is Commissioner Lerner. I just have some little basic
2 little things. I'm fine with everything that's being said,
3 I do think there's time worth being together to have some of
4 these discussions, but I also feel that we want to --
5 whatever we can do virtually, we should.

6 I'd just like to ask for us to maybe adjust our
7 agendas for the future to include things like times: When
8 do we begin; when are we planning to end; when do our --
9 when are we opening up for public comment. Some basic
10 things on agendas as we're moving forward.

11 Because, you know, for example, the public comment
12 period, we don't say when it will begin, what time it
13 begins, and it would be very helpful for members of the
14 public to know that if they can't sit here for all the hours
15 that we're here; and same thing with any of the items. We
16 may like the beginning and end time for our meetings for the
17 future. It will help us in our planning and may help others
18 who are watching in their planning as well.

19 So I'm in complete agreement with the previous two
20 Commissioners' comments, that there are times we need to be
21 together; there's also times we can try to do things
22 virtually. But maybe as we move forward, I'm looking at how
23 we can organize our agenda. We can do that, thinking about
24 public involvement as well.

25 CHAIRPERSON NEUBERG: Absolutely. And there will

1 be further discussion in other agenda items.

2 I would like to remind everybody that the agenda
3 was published in advance and Item V is opportunity for
4 public comments so we will open it, which is really the next
5 item.

6 But other comments.

7 COMMISSIONER YORK: Commissioner Neuberg, this is
8 Commissioner York. Just a quick comment.

9 I kind of agree with Commissioner Watchman; it
10 would be nice to be in market at some point in the future,
11 but also I think we can do a lot of our busywork virtually.
12 So somehow if you come up with a cadence of a schedule,
13 weekly virtual touch-ins will not be a bad idea given it's a
14 set day, and we can adjust our calendars according. And
15 that's all the feedback from me.

16 CHAIRPERSON NEUBERG: Okay. Let me ask a question
17 along the lines of virtual/in person. Is there any
18 discussion on whether or not we all need to follow the same
19 guidelines?

20 So, for example, there's three people that live in
21 Maricopa County, two much further away. Are there thoughts
22 of how having hybrid, you know, meetings or is -- is that
23 discouraged?

24 I'm curious what people's, you know, perspectives
25 are on that.

1 COMMISSIONER MEHL: I do know if you have three
2 people in one room and everybody else is virtual, the three
3 people in the one room don't show on the screens that well,
4 they actually show better individually; it's almost an
5 awkward in-between.

6 So for that reason I would prefer one or the other,
7 but I don't -- I'm not totally opposed to doing the hybrid,
8 but the hybrid does have its own awkwardness.

9 CHAIRPERSON NEUBERG: Any other?

10 VICE CHAIR WATCHMAN: Well, Madame Chair, this is
11 Commissioner Watchman.

12 CHAIRPERSON NEUBERG: Commissioner Watchman.

13 VICE CHAIR WATCHMAN: Since I'm the furthest, I
14 don't have a problem either -- either way. I think meeting
15 in person all together at the same time is good and, you
16 know, virtually as well. But I have any own business, so,
17 you know, I'm free to travel anywhere, and so that's just
18 the nature of my job. And so, you know, I will go with
19 basically what I think would be in the best interest of the
20 Commission, you know.

21 Obviously, you know, being together and having
22 great discussions in room or on the same chat would be
23 probably the best -- the best of both words, and so. But I
24 just want to say, you know, I'm routinely open and so --
25 even though I'm the farthest, so I have no problem having to

1 travel, you know. So I do on the spur of the moment most of
2 the time. So, thank you.

3 CHAIRPERSON NEUBERG: Thank you.

4 Commissioner York.

5 COMMISSIONER YORK: Yeah, my comments regarding
6 hybrid is I think given today's world and the advancement of
7 the virtual technology, at some point we will have a hybrid.
8 I don't think it's desirable in meetings process, but the
9 reality is that I'm guessing that will happen at some point.

10 If we can let the public understand that that might
11 be the case.

12 CHAIRPERSON NEUBERG: Thank you.

13 We started a conversation on frequency.

14 Commissioner York mentioned particularly in these early
15 months while it sounds like it will probably lean more
16 virtual, potentially weekly meetings while the hiring
17 process is getting underway. Does that sound like a
18 comfortable frequency for the Commissioners?

19 COMMISSIONER LERNER: This is Commissioner Lerner.

20 I tend to agree with that, and I would like to see something
21 on schedule. I'm perfectly happy to do a weekly as well,
22 'cause I think we will probably have plenty to talk about as
23 we get organized and as we move forward. So if we could get
24 that scheduled on a weekly basis, that would be great. And
25 virtual I think initially with all of this.

1 I tend to agree with Commissioner Mehl on it might
2 be that, for example, when we're in the midst of hiring, we
3 might want to come together, so there might be times when we
4 do that; but in the mean time the virtual format seems to
5 work.

6 CHAIRPERSON NEUBERG: Okay. So at this point what
7 I'm hearing in terms of consensus is that we're wanting
8 routine; we're wanting weekly; we want mostly a virtual
9 model while COVID is still rampant and there's, you know,
10 not full vaccination or protection; and that we -- we can be
11 flexible with a hybrid model, but with a strong preference
12 of convening in person with sensitive issues like hiring and
13 things like that.

14 I believe we can discuss the specifics of a day --
15 well, actually let me ask. Does the Commission want the
16 same day and time every week to the extent possible?

17 COMMISSIONER LERNER: From my perspective,
18 Commissioners, I think that is actually helpful to us and
19 helpful to the public as well to know when we're going to be
20 meeting on a regular basis.

21 COMMISSIONER MEHL: I would be good with that.

22 COMMISSIONER YORK: I would agree.

23 VICE CHAIR WATCHMAN: I agree, Madame Chair. I
24 think that's -- that's good policy.

25 CHAIRPERSON NEUBERG: All right. We can talk about

1 the specific day and time when we calendar in our next
2 meeting, but for now if somebody would be willing to or is
3 interested in presenting a motion summarizing our general
4 strategy for our meetings going forward as it relates to
5 frequency virtual, hybrid, and -- and with routine.

6 Do I have a motion?

7 COMMISSIONER LERNER: I'll go ahead and move. I'm
8 looking at everybody's face, we're all looking at whoever is
9 going to do it.

10 So I move that we develop a routine day of meeting,
11 that we will be virtual for the foreseeable future, and also
12 we will meet when we feel there is need for it in person. I
13 think that's it. And we will decide on the dates and the
14 time at a later point in the agenda.

15 CHAIRPERSON NEUBERG: Do I have a second?

16 COMMISSIONER YORK: I second. Commissioner York.

17 MS. PEISER: Was there desire to ask any questions
18 regarding the legal requirements for meeting or to get any
19 legal advice on this?

20 VICE CHAIR WATCHMAN: Madame Chair, I'll -- I'll
21 entertain that thought. You know, obviously, we have to
22 follow the statutes, and so if Pam has any input for us, I'm
23 certainly open to that.

24 I know we have a motion and a second but, you know,
25 maybe it's -- an additional legal input would be helpful for

1 this discussion.

2 CHAIRPERSON NEUBERG: Pam?

3 MS. PEISER: And did you want to do that in
4 executive session or in the open session?

5 COMMISSIONER MEHL: I think open session at the
6 moment is fine.

7 CHAIRPERSON NEUBERG: Yeah. I --

8 COMMISSIONER MEHL: I assume as long as we do our
9 public notices properly in advance each week, is there any
10 reason we can't be meeting weekly?

11 COMMISSIONER LERNER: Correct.

12 MS. PEISER: That's correct. So as long as
13 everything is properly noticed. Obviously when you look at
14 the calendar, you got to keep in mind it's the 48 hours.
15 We're about to go into a government holiday drought, so
16 there won't be a lot of holidays that are cropping up and
17 eating your time.

18 But if your -- if you're not setting something up
19 at this time for a recurring meeting, then you'll be looking
20 at having this discussion in an ongoing manner.

21 CHAIRPERSON NEUBERG: Yeah. Pam, we have an item
22 on the agenda, No. XII, in which we're going to be
23 discussing the specific schedule, and so I was just trying
24 to follow the agenda as closely as possible. But all of
25 this is, of course, a given that we will observe, you know,

1 the 48-hour notice rule for agendas; and moving forward, I
2 think the agendas will likely be a little more consistent,
3 routinized as Commissioner Lerner mentioned, so I think it's
4 going to be a little bit more of a smoother flow.

5 Anything else, Pam, to add on that?

6 MS. PEISER: None unless there are more questions
7 for me.

8 VICE CHAIR WATCHMAN: I have a question,
9 Madame Chair.

10 If we're going to do routine meetings, say for the
11 next few months and given the 48-hour notice, is there -- is
12 there a way to post a meeting notice that for next couple
13 months, as an example, that with we're going to follow, you
14 know, an outline so that we -- you know, I know the 48-hour
15 notice is sometimes troubling, but get something there for a
16 time span; this is the agenda. There's a lot of things
17 we're going to have to do that is going to be routine until
18 we get to the nuts and bolts, so. It's just a thought so,
19 you know, we can avoid having to miss those 48-hour
20 opportunities.

21 So that's -- I guess that's a legal question. Can
22 we post, you know, a generic agenda so that, you know, we
23 can have our routine weekly meetings? Because we do need to
24 talk about, obviously, oversight, administration, rules, and
25 training.

1 So I'm just wondering that as a thought,
2 Madame Chair.

3 CHAIRPERSON NEUBERG: Commissioner Watchman, are
4 you asking Pam for legal advice?

5 VICE CHAIR WATCHMAN: Yeah, I'm asking Pam. I'm
6 asking Pam. Yes. Sorry about that.

7 CHAIRPERSON NEUBERG: Pam?

8 That's okay.

9 MS. PEISER: Thank you. So just to clarify -- and,
10 again, if at any point anybody wants to move this into
11 executive session for legal advice, we can. But to clarify,
12 there's a difference between an agenda versus a notice. The
13 notice itself can be posted as regular scheduled meetings;
14 the agenda is what's going to happen at each meetings, that
15 has a time frame for posting as well.

16 Once it's up and you get within that closed window
17 for changing it, you're married to that agenda. And so if,
18 let's say, there's a meeting scheduled for Friday morning
19 and the notice has not been changed from the prior week --
20 or I should say the agenda from the prior week, and that's
21 your standard agenda, then you're stuck with the exact same
22 items.

23 So when you post your agenda, if there are times on
24 it, you're potentially married to the times that are on
25 there; if you have certain subjects on there or parameters

1 for the subjects, like they say "discussion" but not
2 "discussion and action," that limits what you can and can't
3 talk about. Although you do have the flexibility within the
4 agenda, assuming it's been properly noticed, to move things
5 up or down. But the substance is set within a certain time
6 frame.

7 CHAIRPERSON NEUBERG: Any other questions,
8 Commissioner Watchman?

9 VICE CHAIR WATCHMAN: No, I'm fine. Thank you,
10 Madame Chair.

11 CHAIRPERSON NEUBERG: Okay. So just to clarify as
12 we're discussing, you know, the time, place and manner of
13 meetings, the frequency, it is with the, you know,
14 commitment to fulfill all public notice responsibilities,
15 meetings, the agenda will be up 48 hours in advance; and as
16 I mentioned earlier -- and our next item will be discussing
17 public comments -- we want to be as transparent and as
18 accessible as possible.

19 And -- and it will, I believe, that the agenda will
20 become, you know, quite consistent over time as we get into
21 the nitty-gritty of what we do.

22 So -- so thank you, Pam, for all of that to make
23 sure we're thinking through our obligations to the public
24 and the Constitution.

25 Any other comments on this issue before we go back

1 to the motion?

2 And we may want to modify the motion or amend the
3 emotion -- the motion to make sure that we capture --
4 capture the commitment for the public meetings' notice.

5 COMMISSIONER LERNER: I have no other comment on
6 the motion, but I think it can move forward as it stands
7 'cause it was fairly general on what we're planning on
8 doing.

9 CHAIRPERSON NEUBERG: Okay. Do we have a second?

10 COMMISSIONER MEHL: Second.

11 CHAIRPERSON NEUBERG: Okay. We'll have a quick
12 roll call for a vote.

13 CHAIRPERSON NEUBERG: Vice Chair Watchman.

14 VICE CHAIR WATCHMAN: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Mehl.

16 COMMISSIONER MEHL: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Lerner.

18 COMMISSIONER LERNER: Aye.

19 CHAIRPERSON NEUBERG: Commissioner York.

20 COMMISSIONER YORK: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Neuberg is a
22 yes, and so the motion is carried.

23 We are moving on now to Item V, opportunity for
24 public comment.

25 The public comment period will now officially be

1 open at 9:31 a.m. for a period of 30 minutes and will end at
2 10:01. Comments will only be accepted electronically in
3 writing on the link provided on the notice and agenda for
4 this public meeting; and comments will be limited to 3,000
5 characters.

6 And onto Item No. VI, which is discussion and
7 possible action on handling public comments.

8 And as we begin to have discussion about this, I'd
9 like to frame it by stating public comment is not required
10 but may be taken. And I think as we think about this, up to
11 now, the majority of comments that we've received from the
12 public has to do with wanting more accessibility and
13 transparency.

14 You know, it's a -- this process is filled with --
15 with tension, and I think to the extent that we can be as
16 transparent and open and as responsive to the concerns and
17 needs of our citizens, I think that we will be very well
18 served.

19 And as again we move into this conversation, I want
20 to remind us all as already stated, members of the
21 Commission may not discuss items that are not specifically
22 identified on the agenda. Therefore, pursuant to A.R.S.
23 38-431, action taken as a result of public comment will be
24 limited to directing staff to study the matter, responding
25 to any criticism, or scheduling the matter for further the

1 consideration and decision at a later date.

2 Does anybody have any discussion regarding a
3 standard practice for public comments going forward such as
4 method, time, place, manner, and how we address it moving
5 forward?

6 COMMISSIONER LERNER: Commissioners, if I could
7 make a suggestion, I guess the follow-up I added at the
8 incorrect place earlier. I would like to suggest that we,
9 first of all, include in our agendas a spot, just as we're
10 trying to standardize our meetings, standardize when we will
11 be allowing for public comments on our agendas so people
12 will know if it's at 9:30, or whatever the time is that we
13 decide.

14 And then I will also suggest that perhaps we add an
15 agenda item each -- and I'm not sure if it's -- maybe this
16 is the wrong place for this, too, add an agenda item each
17 week to allow us to discuss, if needed, any previous public
18 comments, because -- from the previous week. So we would
19 always be one week behind, so to speak, but at least it
20 would give us time to review the public comments, and at
21 that point then we could bring up anything in the public
22 comments that we feel we needed to discuss so we can address
23 those.

24 So those would be my two suggestions.

25 CHAIRPERSON NEUBERG: Thank you,

1 Commissioner Lerner.

2 Other discussion?

3 COMMISSIONER MEHL: I would be fine with what
4 Commissioner Lerner suggested.

5 CHAIRPERSON NEUBERG: Thank you, Commissioner Mehl.

6 Other comments?

7 As of now, the method has been where comments are
8 to be submitted electronically with a maximum of 3,000
9 characters. Just to give you a context of what this means,
10 we started our first meeting, had thousands -- not
11 thousands -- hundreds of comments, the last meeting had
12 dozens; and so, you know, this seems to be an effective
13 method right now for us to be able to tap into a wide array
14 of feedback in a method that's consumable for us, and it's
15 something potentially down the road when we have more
16 substantive material to share as it relates to the data, you
17 know, we can change this up.

18 But for now I'm hearing general consensus that
19 we're wanting a standard time in the schedule; that the
20 method that we're taking comments is working; and that even
21 though we'd be one week behind, we can schedule in a regular
22 agenda item to address the comments that we're hearing.

23 I have one comment and something to look at a
24 little more in depth, Commissioner Lerner. You mentioned a
25 standard time for the public comments. There's one

1 challenging part of that that requires us to literally
2 interrupt a flow. And so to have it at the exact same time
3 every single week would require us to -- you know, which I'm
4 kind of doing -- set an alarm, stop the process, you know,
5 and -- and -- which is, if we think that the broader public
6 would prefer that and that works better for us, I'm
7 amenable.

8 Do we want more flexibility? Open to conversation.

9 COMMISSIONER LERNER: Well, Commissioners, it may
10 not have to be 9:30 a.m. It perhaps could be that it is
11 always going to be immediately after approval of minutes.
12 So that people of the public could always know that it's
13 always at the very beginning of the meeting, rather than in
14 the middle or at the end, I'd be completely fine.

15 I guess that's more of what I'm thinking is
16 something so that if I'm a member of the public and I want
17 to -- and I've done this, right? We've all probably done
18 this where we go to a City Council meeting or something and
19 we want to put in comments, we know that those comments come
20 at Item III or Item V, and we know how to plan our day, so
21 to speak. So that's all I'm asking.

22 So perhaps we put the comments after approval of
23 minutes, we open them up before we get into the other
24 business that we have, then they're open for that 30-minute
25 period, and -- and then we move on from there. Maybe that's

1 better than a particular time.

2 CHAIRPERSON NEUBERG: Any other comment?

3 Okay. So it sounds like consensus with, you know,
4 a specific order in the agenda; the method we're using is --
5 is satisfying the need; and that we will have a regular
6 agenda item to go through the comments and address them.

7 Do I have a motion in support of this?

8 COMMISSIONER LERNER: I'll so move.

9 CHAIRPERSON NEUBERG: Okay. Do I have a second?

10 COMMISSIONER YORK: I'll second.

11 COMMISSIONER MEHL: Second.

12 CHAIRPERSON NEUBERG: Any further discussion on the
13 motion?

14 We'll move to a vote call.

15 CHAIRPERSON NEUBERG: Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: Ayes.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Aye.

23 CHAIRPERSON NEUBERG: And I am an aye.

24 The motion is carried.

25 We're moving on to Item VII, which is the

1 presentation, discussion and possible action on services
2 provided by the Arizona Department of Administrations.
3 We'll be hearing from Human Resources, Facilities,
4 Information Technology, Procurement, and Finance.

5 And so I turn it over now to ADOA.

6 DIRECTOR TOBIN: Thank you, Madame Chairwoman.
7 This is Andy Tobin at ADOA. I'm glad you are all doing
8 well; it's nice to a have you-all here again.

9 As you're aware, we put together some short
10 briefings with my executive staff to kind of give you a
11 heads up on how we -- how we can be helpful, and I wanted to
12 share this. It's not -- it's comprehensive but it's
13 squeezed down; I know we have a busy agenda. So I'm happy
14 to take questions when we're done.

15 I don't have the agenda in front of me, so I'm not
16 exactly sure who you have going first. So I thought it was
17 Emily Rajakovich with Human Services, but -- is that fair,
18 Emily?

19 MS. RAJAKOVICH: Good morning. Happy to be up
20 first.

21 DIRECTOR TOBIN: Great. So we're very lucky to
22 have Emily. What I'll do is I'll have my staff as they're
23 completing, introduce each other.

24 So Emily Rajakovich has come to us actually through
25 the Governor's Office for now here over a year. When Emily

1 first started with us, COVID was not here; one month later,
2 it was. So in the meantime, we have done some miraculous
3 things as ADOA: We have a new job board that's here, we've
4 upgraded our HR iOS system; under Emily's leadership we've
5 gone out and had new procurements for both our employee
6 healthcare and our employee wellness benefits; just a
7 plethora of really best practices and updates that have come
8 out of our office, as you can imagine, through this crazy
9 time of COVID.

10 So I want to thank her publically for being here,
11 and I want to turn you over to here her, and I know we're
12 trying to keep these down to five minutes each. So we thank
13 you for having us here today; happy to be of help.

14 CHAIRPERSON NEUBERG: Thank you, Director Tobin.

15 MS. RAJAKOVICH: Thank you, Director Tobin.

16 Good morning, Madame Chair and Commissioners. It's
17 a pleasure to be here with you this morning. Again, I'm
18 Emily Rajakovich; I'm the State Human Resources Director out
19 of Department of Administration.

20 So our Human Resources Division, we administer the
21 State personnel system. We have more than 34,000 state
22 employees and a hundred or so state agencies, boards, and
23 commissions. And, really, we have three primary functions
24 which I'll cover very briefly here. We maintain the
25 technology infrastructure for all things related to human

1 resources, that's our IT system, which houses our payroll
2 and personnel personal information on all of our employees;
3 our state job board, which we've recently revamped a couple
4 of months ago; our hiring system; as well as the State
5 Employee Self-Service Website, where employees would track
6 compensation, enter time for their time card and paycheck.

7 We also oversee the classification and compensation
8 system, the pay structure for the State as well as the
9 personnel rules that govern the State Personnel System. The
10 rules that apply to leave, management, et cetera, et cetera,
11 that employees are held to through their employment with the
12 State.

13 Our Human Resources Division also provides agencies
14 with employee relations support. These would be your HR
15 administrative inquiries and investigations, staffing,
16 recruitment, job classification, recognition, workforce
17 planning, succession planning, and operational HR support
18 out at the agencies, and we do that in a number of ways.

19 And, finally, we have what we call our People's
20 Solutions Team, which is responsible for the development of
21 our State workforce. So we operate the performance
22 management; this is your performance appraisal. It's
23 through State agencies; we do an annual engagement survey of
24 all of our employees and other tools and resources to build
25 our State workforce: Leadership, development, and training,

1 and other ways our -- our employees can develop through
2 their employment with us.

3 So I -- I want to move next into some ways
4 specifically our HR team may be able to aid in your upcoming
5 steps as you seek to make some hires.

6 So what we could offer is assistance in posting a
7 job, the position description development, recruitment,
8 advise on compensation structure for any hires that you may
9 do; and then once that hire is made, once we have the person
10 accepting a position, our HR team can assist with the
11 onboarding of employees, you know, what it means to work for
12 the State of Arizona, cover the benefits that employees are
13 eligible for. You know, so we really do the soup to nuts on
14 the hiring new employees for the State and supporting
15 agencies in doing so.

16 You know, I'll mention, Director Tobin talked about
17 how we've all -- our work has evolved, and we've really had
18 to be quite flexible in our HR policies as it relates to
19 COVID. We have -- a large portion of our state workforce is
20 working remotely now for their safety; and as we learned
21 more about COVID, we developed HR policy guidance specific
22 to COVID needs in the workplace. So we have HR guidance, a
23 workplace toolkit on safety for employees, you know, really
24 offer that guidance, in consultation with our health
25 partners, for State employees and the State agencies.

1 So with that, I'm happy to answer any questions or
2 we can move to the next topic.

3 Thank you again for having me.

4 DIRECTOR TOBIN: Thank you. We sure appreciate it.

5 Madame Chairwoman, any questions for our HR
6 department?

7 Oops, I think you're on mute.

8 CHAIRPERSON NEUBERG: I am, I'm sorry.

9 COMMISSIONER LERNER: Having -- I had worked for
10 the State government so I understand a little bit about the
11 process.

12 Because of our time frame that we are working
13 within, will it be possible for us to expedite some of the
14 typical procedures that happen?

15 Because sometimes hiring can take quite a -- quite
16 a while, so are there some things that we can be doing in
17 the future to help us expedite things to be able to bring
18 people on a little bit quicker?

19 MS. RAJAKOVICH: Madame Chair, Commissioner Lerner,
20 you know, we can work to understand what your timeline and
21 needs are, and certainly fit the process within those needs,
22 and we could make a proposal or recommendation based on your
23 timelines. But it can be a lengthy process too, but I think
24 understanding your timeline would be helpful as we could aid
25 in recruiting.

1 CHAIRPERSON NEUBERG: Any other questions of HR?
2 I think we're ready to move on, Director Tobin.
3 Thank you, Emily.

4 DIRECTOR TOBIN: Okay. Well -- that's okay. I
5 think I see Ed Jimenez there, so it's up to you, Emily, I'll
6 let you take the lead.

7 MS. RAJAKOVICH: Oh, absolutely. Oh, yeah. Sorry.
8 I forgot to introduce my esteemed colleague Ed Jimenez, who
9 is the State Procurement Officer who comes to us with a
10 remarkable career in the private sector, you know, leading
11 leadership at Boeing and the Procurement Office.

12 So, Ed, I will turn it over to you on your role to
13 DOA and your offerings for the Independent Redistricting
14 Commission.

15 MR. JIMENEZ: Okay. Thanks, Emily. Thank you for
16 the nice intro; appreciate that.

17 Good morning everybody. Nice to meet you-all here.
18 As stated, I'm the State central procurement authority, and
19 I thought the best way for me to maybe get you up to speed
20 on the State Procurement Office is if I have just a
21 one-slide infomercial for you and just talks about
22 procurement and all the things that we do to help you. So
23 if you'll allow me to pull it up.

24 There. I'll share. And real quick, could you-all
25 see my screen?

1 All right. Thank you. Let me get this cleared
2 here real quick.

3 So we are all things procurement for the State of
4 Arizona. If you -- I'll go from the left side down and then
5 over to the right side, if you would.

6 So I'm delegated the authority for Director Tobin
7 for all state procurement responsibility. We follow the
8 Arizona Procurement Code, which I think many of you are
9 familiar with, it's out there online; and we have the
10 Procurement Compliance Group which helps all of our 130-plus
11 agencies with their delegation authority, training, and
12 education about procurement integrity, the code ethics, if
13 we would, and so we do regular training sessions with them
14 there.

15 For -- for you folks, we have about a thousand-plus
16 contracts out there that are available, and I'll show you
17 those real briefly when I get further along here, and
18 they're open to agencies, board, commissions, co-op members
19 if you would.

20 Our co-op contracts generate 501 million on the
21 cooperative contracts; which up on the top side you see
22 there's 903 active co-up members, member who have signed up,
23 and really across 14 states.

24 Our state agencies, they take advantage of our SPO
25 Academy. Our SPO Academy has various training sessions,

1 public lot, procurement 101, ethics training, training on
2 our procurement system which is our Arizona Procurement
3 Portal, which I'll talk about briefly; and then recently, we
4 just established a new contract for PPE services and
5 supplies, which so if you need any PPE requirements, we have
6 a statewide cooperative contract you can take advantage of.
7 There are 21 suppliers who were awarded to participate in
8 that out of about 75 who applied. A very competitive
9 process, if you will.

10 Again, I talked about the active co-op members we
11 have. Active suppliers, we have in Arizona 38,408 suppliers
12 currently in our procurement system. Users of the
13 procurement system is roughly 3,153 out there, and these are
14 all of the state agencies, not just procurement folks or
15 finance folks or program folks who have authorized roles
16 within the procurement system for their agency and division,
17 if you would.

18 And we have a new supplier co-op module. This
19 module is used to track the expenditures of the suppliers
20 and have them report quarterly reports how much spent by
21 agency and entity, so we can keep track of the spend out
22 there, if you would.

23 And then we have a brand new SPO website. If you
24 go to SPO.az.gov, that is where our website resides. It's
25 very informative, very user friendly, and I'm going to take

1 you there in a second.

2 And then lastly, a couple last things here, we have
3 the set-aside program. We have certain suppliers who have
4 certain folks that have handicap disabilities, and we've
5 gained about 70 jobs for those type of folks through the
6 training of those suppliers, and we recently supported all
7 the election shelter activities with critical PPE supplies
8 to keep everybody safe, the public and folks who
9 participated in the election.

10 And what I'll do real quickly to show you here --
11 and Yasmin has this, she can send it to you folks. This is
12 the new State Procurement Website you can get to with that
13 link I just -- I just showed you.

14 What will be beneficial for you folks based on what
15 I heard about needing to hire people, lawyers maybe, and
16 maybe some mapping-type things, we have a "Contracts By
17 Category" link here, and all you need to do is based on the
18 type of service you might be looking for -- I will go quick
19 here on "Legal" -- that will show you the legal contracts we
20 currently have in a statewide database. I'm sure the
21 Attorney General's office will be involved and help assist
22 you as well, but you'll be able to see the contracts we have
23 and various types we have for legal services, for example.

24 And then I think in the -- in the website, there's
25 a statewide national contract for what they call "lee," and

1 they do a lot in the mapping area so we can get you familiar
2 with that. Nola Barns will have a little bit more
3 information on that one for you.

4 But basically you can pick any of these categories
5 for types of services you might want: Public safety, office
6 supplies, language services if you would, IT resources --
7 that's JR's camp, but all these things. So whatever you
8 need a start up with your team there, you can -- you can
9 probably go here to this site. And then we'll also give you
10 our contact information, if you don't see something here, we
11 can assist you.

12 And as the previous person had asked about how do
13 you -- how can we expedite the process, we can work with you
14 on that as well and stay within the procurement code. We
15 can do those things.

16 What's -- what's critical for us is understanding
17 the customer's needs. So what is it you're looking for,
18 what's the statement of work, and then we can help you get
19 through that process fairly quick.

20 And so that's -- that's my story.

21 Any questions, anybody?

22 DIRECTOR TOBIN: And Madame Chairwoman, it's Andy
23 Tobin. I -- I believe the Independent Redistricting
24 Commission is exempt from procurement roles. I think I'll
25 put that on the table for your counsel to address. But as

1 you can see, we want to be available to you, so that's why
2 we were anxious to do this presentation.

3 I want to assure you that Ed did not buy that cad-
4 -- that car behind him through his time at this co-op. It's
5 a good photo, but it's a nice car nonetheless. So, anyway.

6 MR. JIMENEZ: Thanks for -- thanks for that,
7 Director. It's an auction car from about six years ago.

8 CHAIRPERSON NEUBERG: Thank you.

9 DIRECTOR TOBIN: Ed, would you --

10 MR. JIMENEZ: Any questions?

11 DIRECTOR TOBIN: Would you introduce Nola Barns, he
12 just mentioned her name, and then Nola can introduce JR when
13 she's finished.

14 MR. JIMENEZ: I'm happy to.

15 So next up will be Nola Barns, she leads our
16 General Services Division. She's all things property,
17 buildings, you know, landscaping, lights, I mean, she does
18 everything out there. And she's a great partner; I've got
19 to do a lot of partnering with Nola Barns, and our teams
20 worked together very well. She's handled all the
21 construction contracts out there, she has a great team of
22 folks who manage that process; very knowledgeable. And it's
23 always like a one-stop shop when you go get with Nola and
24 her team.

25 So we really appreciate working with her. So with

1 that, Ms. -- Ms. Nola, I'll turn it over to you.

2 MS. BARNS: All right. Thank you, Ed.

3 Madame Chairperson, members of the Commission, my
4 name is Nola Barns; I'm the division director of the General
5 Services Division in the Department of Administration.

6 So my area handles, well, as Ed mentioned, just
7 about everything. We are the landlord for State-owned
8 buildings in the Capitol Mall, and several buildings in
9 Tucson; we handle facilities, operations, and maintenance;
10 building tenant services, tenant improvements; we do capital
11 outlay planning for the DOA building system to manage
12 capital outlay for about 4,000 structures around the state;
13 we do project management for Capitol construction projects;
14 we handle resolution of real property issues; disposing and
15 acquiring property; resolving real property disputes with
16 easements and things of that nature; we manage the State's
17 private sector leasing program; we handle the mailroom,
18 surplus property for the State, fleet resources, and then
19 monuments and memorials and events in Wesley Bolin Plaza.

20 So that's it in a nutshell. And I think the things
21 that are probably most pertinent to your future discussion
22 for now are mailroom services and allocation of hard-wall
23 space if you're not going to be all things virtually.

24 I have three options for potential space for you
25 all and I can either go into that now about those addresses

1 and the basic rental obligations there if you would like, or
2 we could take that up at a future meeting. So just let me
3 know how you'd like me to proceed.

4 And then I have Chris Carlson here who will just
5 talk about the mailroom, because I think that's probably
6 your most immediate need is figuring out how to get mail to
7 the Commission.

8 So I'm available for any questions or feedback.

9 DIRECTOR TOBIN: Madame Chairwoman, would you like
10 Nola to present the options for space today?

11 CHAIRPERSON NEUBERG: Let me do a quick check-in
12 with my fellow Commissioners. You know, we are going to
13 need space just in terms of timing of our key
14 responsibilities. I want to check in with my colleagues to
15 see, do we want this right now?

16 DIRECTOR TOBIN: I saw -- I saw Doug with a thumb
17 down.

18 CHAIRPERSON NEUBERG: I won't take it personally.

19 DIRECTOR TOBIN: Yeah.

20 CHAIRPERSON NEUBERG: Yeah, Commissioner Mehl, we
21 can't hear you.

22 DIRECTOR TOBIN: You're on mute. There you go.

23 COMMISSIONER MEHL: There we go.

24 I think we're going to need space as soon as we
25 have an executive director and then add other staff. I'm

1 guessing we're 30 days from an executive director, which is
2 really not that long. So I would suggest Chairwoman, that
3 you get together and look at the space that's being proposed
4 and say "yes" to something, and I think I would be happy to
5 give you that authority to do that without coming back to
6 us.

7 DIRECTOR TOBIN: Sweet.

8 CHAIRPERSON NEUBERG: And --

9 DIRECTOR TOBIN: Would you, Nola, make sure that
10 Chairwoman Erika Neuberg gets those three options, and we --
11 we'll be happy to set up space to have a walkthrough with
12 you, Madame Chairwoman.

13 CHAIRPERSON NEUBERG: Thank you, that would be
14 helpful. And we will have our admin Yasmin, who is doing
15 all things, you know, helpful to us right now, communicate
16 with all Commissioners just to keep you updated on the
17 specific locations and the process. So thank you.

18 And anything else, Nola?

19 MS. BARNS: If you did want to hear about the
20 mailroom. We could also provide that to you in an e-mail
21 or, you know, an offline discussion. But Chris Carlson is
22 available because the mail will probably come quicker than
23 the space needs. So if you want him to just briefly go over
24 that, he can do that.

25 Chris, do you have a minute to go through that,

1 please.

2 MR. CARLSON: Yeah, of course. My name is Chris
3 Carlson; I also work for the Department of Administration in
4 the General Services Division and am the surplus and
5 mailroom manager.

6 So for our mailroom services available, we do
7 interagency mail at no charge; outbound services, including
8 USPS and FedEx is postage plus a 14 percent surcharge; we
9 also do presort in order to bring that cost down overall.
10 We also offer scanning and electronic delivery of inbound
11 mail; we're still developing a price structure for that.

12 But we also have all of our mailroom staff taking
13 federal and state privacy courses in order to protect all
14 incoming mail.

15 We offer printing and inserting services, which is
16 also a pricing structure in development currently. Those
17 are both pretty new services we're offering because of COVID
18 and all the working at home.

19 We also deliver USPS, UPS, and FedEx to all the
20 suites in the Capitol Mall. We have a shuttle that travels
21 between Phoenix and Tucson every day, and the charge for
22 that is \$0.75 per pound for what you're sending.

23 We also allow the mailroom address to be used in
24 case nobody will be at your suite or you need a package
25 secured so you can come and pick it up from the mailroom at

1 your leisure.

2 CHAIRPERSON NEUBERG: Chris, I apologize. I'm
3 going to have to interrupt you just for the sake of -- of
4 closing public comments.

5 It is now 10:01 and public comment is now closed.

6 Please note members of the Commission may not
7 discuss items that are not specifically identified on the
8 agenda. Therefore, pursuant to A.R.S. 38-431.01, action
9 taken as a result of public comment will be limited to
10 directing staff to study the matter, responding to criticism
11 or scheduling the matter for further consideration and
12 decision at a later time.

13 Thank you.

14 Go ahead. I apologize.

15 MR. CARLSON: No problem. Thank you.

16 We are currently doing a mailroom remodel, which
17 will also add lockers that will allow you to pick up any
18 parcels or mail for extended hours, but our current mailroom
19 hours are 8:00 a.m. to 5:00 p.m.

20 And I believe that is all the services that we're
21 offering right now. If you have any questions, I'm open to
22 any.

23 DIRECTOR TOBIN: So thank you, Mr. Carlson. I sure
24 appreciate it. Thank you, Nola, for presenting from your
25 division.

1 So if it has to do with space and, you know, and
2 operations, we have the best here at ADOA, and I thank Nola
3 for her leadership.

4 I'm happy to move on to the next category, Madame
5 Chairwoman, if that's all right with you. We have our IT
6 support here as well who is JR Sloan. So thank you for
7 giving us an opportunity to present.

8 JR is the head of all Arizona State IT. JR, you
9 know, moved in that position a little over a year and a half
10 ago. Not only does he manage all of our State IT, which is
11 supportive of all of our agencies out there, but when, you
12 know, all the communications systems, all of the new
13 production systems that are going into effect now JR also
14 does. It will take me longer to tell you about his résumé
15 than it will take to do the update, but I think it's worth
16 the visual for you folks to see we have your back with what
17 JR does.

18 So, thank you.

19 MR. SLOAN: Thank you, Director Tobin.

20 Madame Chairwoman, Commissioner, it's a pleasure to
21 speak with you today. Just to talk a little bit about ASET,
22 Director provided a good introduction and overview. You
23 know, as a division of the Department of Administration, we
24 do take responsibility for some statewide IT resources like
25 the shared hosted data center, which is a actual data center

1 physically located, you know, here in town, but it's at the
2 Iron Mountain Data Facility, if you're familiar with that,
3 which is a world-class facility.

4 We also are responsible and I work with Ed on
5 statewide contracts for consumption of cloud-based computing
6 services. So for providers like Amazon Web Services,
7 Microsoft, Google, we make those contracts available and
8 ensure that, you know, any of our State agencies that take
9 advantage of those contracts are getting the benefit of the
10 buying power of the State as we enter those things; and then
11 we work as a coordination point to bring best practices for
12 how to properly configure and secure those environments.

13 We run the State Security Operation Center out of
14 our division, and so we set security policy as well as IT
15 policy and standards for agencies.

16 And the other thing, another major thing that we
17 do, as Director said, we watch over the major IT projects in
18 the state. So, really, any IT project over \$25,000 is going
19 to flow through our organization; anything over a million
20 dollar gets -- gets additional oversight. And we provide,
21 kind of, end-to-end reporting, and we seek to ensure our
22 agency partners are successful in executing their IT
23 projects, as well as aligning those with the strategies of
24 the State.

25 So to get to maybe what I find most interesting for

1 you-all, which will be, you know, the more tactical things
2 that we do. Assets supports, you know, providing services
3 to, you know, boards, commissions, agencies; and for folks
4 like you, down to the details of laptops, phones, you know,
5 e-mail, and, you know, productivity tools and software,
6 getting all those things set up and configured for you.

7 So I have two members of our my team that I've
8 asked to join today who will be the primary points of
9 contact to directly support you and will probably work maybe
10 more closely with your executive director when that position
11 is filled, but to meet the needs of the Commission going --
12 going forward.

13 So I want to introduce Michael Beller, who is the
14 director of Strategic Portfolio Management, and Soodi Saed
15 who is a member of our Engagement Management Team.

16 Michael.

17 MR. BELLER: Good morning, Madame Chair, members of
18 Commission. I'm Michael Beller. As stated, I'm the
19 director of Portfolio Management, so I am concerned with all
20 things scalability, efficiency, and cost effectiveness of
21 our IT services. So I'll try to keep it relevant to things
22 that -- that you are -- that you're interested in.

23 A brief overview from the top, we provide
24 enterprise e-mail, creative tools, things like Adobe, Adobe
25 Sign, e-mail services, cell phones are another great example

1 of that.

2 The Commission can get most of what it needs for
3 probably around \$10,000 is what you're looking at anyway.
4 It will depend on your consumption.

5 One of the things that we did in researching your
6 current state, we took a look at the website that's existed.
7 It's roughly about 20 years out of date, so it's
8 AZredistricting.org. It's a GoDaddy domain that is
9 currently registered to the Leg Council.

10 So one of the challenges that we see is it's not
11 part of our -- our enterprise infrastructure for Web
12 management, so it's difficult to maintain those public
13 records. Prior to this meeting, I did some research; I had
14 the opportunity to sit with the Secretary of State's Office,
15 library and archives who sets the record retention policy.

16 There's two critical items on your website
17 currently, one is the -- they pertain to the General
18 Schedule 1058, which is the schedule for maps, precincts,
19 and districting; the requirements to maintain those records
20 is permanent. The second is the public records around these
21 meetings, which also is -- is permanent as well.

22 So we, in advance of this meeting, took the
23 opportunity to create a new logo. The logo is roughly
24 20 years out of date. So if -- if it pleases the
25 Commission, I can share with you the logo today that we're

1 proposing.

2 CHAIRPERSON NEUBERG: Please.

3 MR. BELLER: Okay. So this is a standard State of
4 Arizona logo. You'll notice that Independent Redistricting
5 Commission which is at the bottom which -- which identifies
6 the nature of the Commission. The previous -- the previous
7 logo is at the top. So I can share this document with you.

8 It includes -- it includes the -- our link to an
9 example, which is an independent oversight committee where
10 we did a similar -- a similar website. So this is an
11 example of that website.

12 I apologize; I can't actually go to the website,
13 but it's not securable. I'm not allowed to go there from my
14 State computer. So this is the website as it is today.

15 One of the things -- one of the things that ASET
16 does is ASET maintains the platform for the website. So we
17 don't maintain the website itself, we work with staff to
18 maintain the website; but we maintain the infrastructure,
19 and that's as we go through security upgrades, personnel
20 change we make sure that the information is maintained. So
21 one of the primary concerns for this is it's maintained
22 through GoDaddy, and it's not maintained through the
23 standard security infrastructure that the State provides, so
24 that would be one -- one long-term recommendation.

25 This leads me to -- to the proposed website. So we

1 just stood this up as a placeholder for -- for the
2 Commission. This would be an example where we can migrate
3 the information from the -- from the previous website to
4 this website and ensure that it is maintained into
5 perpetuity and that everybody can access it.

6 The other person that's on the call today that I
7 wanted to introduce to you is Soodi. So Soodi is the part
8 of the Engagement Manager Team. She's responsible for
9 helping ensure that agencies get everything they need. So,
10 for example, she works to take the guesswork out of
11 anything. If you need a website upgrade or somebody is
12 having a technology problem or needs to get a cell phone,
13 she can make sure that we're not -- nothing has fallen
14 through the cracks, and that she's carrying you through that
15 process.

16 MS. SAED: Thank you so much, Michael.

17 Good morning, everyone. My name is Soodi Saed and
18 I'm your assigned engagement manager. My role is basically
19 to assist you with your IT needs. I will be your first
20 point of contact for anything that you need from the
21 Strategy Enterprise Technology Group, also known as ASET.

22 I would be more than happy to set up meetings with
23 you over the next few days or few weeks to dive into your IT
24 needs and see how we can provide support.

25 I'm looking forward to working with you and see how

1 we can help.

2 MR. BELLER: Thanks, Soodi.

3 Are there -- there any questions from the
4 Commission?

5 COMMISSIONER LERNER: I just -- thank you for this;
6 this is informative. I was just wondering if -- you showed
7 some things about the website and all, it was kind of hard
8 to see it. Would it be possible for you to send us those
9 links or something so we can get a closer view? I had a
10 hard time kind of getting a feel for it.

11 MR. BELLER: Sure.

12 COMMISSIONER LERNER: If possible.

13 MR. BELLER: Sure, Madame Commissioner. We -- we
14 prepared the documentation, it's all in a one-pager. I'm
15 happy to provide it as well as a copy of the research.

16 MS. PEISER: Everything that's going out to the
17 different Commissioners will go to the administrative
18 assistant who can then disseminate it as needed to comply
19 with open meeting law.

20 MR. SLOAN: If I can, I'd just like to underscore
21 that the, you know, the sample website that was set up, was
22 really just to show. We have templates, we've moved some
23 information over, just to show kind of what's possible. You
24 know, you as the Commission and your staff would have
25 complete control over the content of the site; and they're

1 designed in such a way that you don't have to know things
2 like HTML code and Web development; you folks will be given
3 login credentials, and you really just work in a text editor
4 that feels very much like a word processor, and then that
5 information gets posted up to the site for you.

6 CHAIRPERSON NEUBERG: This is very helpful
7 information. It's -- Michael was generous when he said that
8 the site is a bit outdated.

9 You know, I think we all understand there needs to
10 be an overhaul and -- and, you know, thank you so much that
11 the ADOA is available to help in the short term to just
12 catch us up to speed, so that, you know, we can relay the
13 information in a user-friendly way that the modern
14 generation, you know, connects to.

15 DIRECTOR TOBIN: Thank you, Madame Chairman. Thank
16 you, Soodi and Michael. And JR, thanks for bringing your
17 team onboard today and be a part of this process, I'm very
18 grateful. I know you worked out a lot in this, so thank
19 you.

20 MR. SLOAN: My pleasure. Thank you.

21 DIRECTOR TOBIN: Madame Chairwoman, I have -- I
22 believe -- I'm not sure where I'm leaving off here. Have I
23 introduced Ashley Ruiz yet -- I don't think so -- our head
24 of Accounting?

25 So I'd like you to welcome Ashley Ruiz. Ashley is

1 new to our executive team but not new to state government
2 and has a plethora of successes along the way following her
3 time with the -- with state government. But I've asked her
4 to head up, really, a new division here at ADOA, it's -- she
5 serves as our -- as our chief accountant over here and has
6 -- and her staff manages to keep the most important numbers
7 available with the executive, as you can imagine, which is
8 like what's our balances, you know, are we making our
9 payments on time, all that stuff. All of this is on Ashley
10 Ruiz. We're thrilled to have her here, and she's incredible
11 for us, the State Comptroller of the State of Arizona, I
12 give you Ashley Ruiz.

13 MS. RUIZ: Thanks so much, Director.

14 Good morning, everybody. Yeah, so as I'll mention
15 a couple of things that our division does and the name of
16 our division, and then go into kind of the more specific
17 services that we offer out to small boards, small
18 commissions, and smaller agencies as all.

19 So previously the ADOA had a general accounting
20 office, and while we still have the general accounting
21 office, we've kind of streamlined all of the budget, finance
22 and reporting responsibilities that are within ADOA, and
23 we've umbrellaed them under the Division of Business and
24 Finance. So the general accounting office still definitely
25 exists, it just now exists within a larger division.

1 And so as Director mentioned, we oversee the
2 State's finance and account system, AFIS, we also manage all
3 of the appropriations that are enacted by the legislature
4 every year, and then we also have a group called our --
5 sorry, let me -- I have a little presentation-- called our
6 Central Services Bureau. And our Central Services Bureau
7 has a team of dedicated financial reporting, budget,
8 accounting, and payroll staff that assist smaller boards and
9 commissions and smaller agencies that can't necessarily
10 afford or they don't really have the bandwidth for one --
11 one or two dedicated FTEs to those kinds of activities. So
12 they assign an ISA with our CSB group, and we provide those
13 services to them.

14 So I just have a really quick presentation that
15 I'll go through. Let me make sure that I can bring it up
16 for everybody, and I'll just kind of go through our staff,
17 our services, and about how much those services cost.

18 Okay. So hopefully everybody can see the
19 presentation that I have up -- oh. I accidentally clicked
20 "share" instead of -- sorry.

21 All right. Hopefully everybody can see that. So,
22 again, the name of the group is the Central Services Bureau.
23 We do have a staff that includes an Accounting Manager and a
24 Financial Services Supervisor; that's our leadership staff
25 within the group. Combined just with those two individuals,

1 I think it's, like, over 30 years of accounting and budget
2 experience between the two of them, so they're the best
3 leaders for this group.

4 We also have two Accountant 4s, who are responsible
5 for providing our customers all financial reporting, so
6 status of funds, required reports to OSPB and the
7 legislature.

8 And then we also have a support staff, five
9 Accounting Techs who do the day-to-day work of budget and
10 accounting, including, you know, paying bills, accounts
11 payable, accounts receivable, payroll, and -- and things of
12 that nature.

13 Just a high overview of the services that we do
14 offer. Like I said, pretty much end-to-end budget
15 accounting and financial services, accounts payable,
16 accounts receivable, all AFIS processing, purchasing through
17 our State E-Procurement System that Ed described, our APP
18 system, budget preparation and submission -- which this is
19 actually -- I'm not sure if the Independent Redistricting
20 Commission has to prepare a budget, but we do provide those
21 services -- payroll; and then, of course, financial
22 reporting, cash flow, and year-end closing reports as well.

23 And then if your -- if your group doesn't require
24 such large -- you know, such large services or big kind of
25 scope of services, we also provide backup services as well.

1 So that's approving documents, receiving deposits and things
2 like that; and these can all kind of be mixed and matched
3 à la carte, if you will.

4 And then the last thing, we assign ISAs with all of
5 our customers that are reviewed annually. The average costs
6 for a pretty robust ISA, including most of those end-to-end
7 budget and accounting and financial services, is about
8 25,000 to 40,000 annually. And, again, that's based on
9 transition account and size of the budget.

10 And then also we have those backup services, which
11 is just a 500 annual base that we charge just to help out
12 when needed.

13 And with that, that's -- that's all that I had
14 prepared for the group today. But, of course, if anybody
15 has any questions, I'm happy to answer any.

16 DIRECTOR TOBIN: So, Madame Chairwoman, I know
17 that's a lot in a very short period of time, but I know this
18 Commission is up -- up to it, and I know they -- they have
19 great expectations of us. And we're happy to be here and be
20 that supportive edge for you in any direction you choose,
21 and we just want to make sure that we're doing all we can to
22 be of assistance to the Independent Redistricting Commission
23 so you can get on with your task, so.

24 And, with that, I don't have any further reports or
25 presentations for you, but I do thank you for your time, and

1 I thank the entire Commission for your services.

2 CHAIRPERSON NEUBERG: And, Director Tobin, we thank
3 you; we thank all of your colleagues at the Department of
4 Administration, you're providing invaluable resources for
5 all of us. This is a lot of information; we'll digest it,
6 and we appreciate all of that.

7 With that, I don't know if any of my Commissioners
8 have any motions or any action items they want to propose
9 from this presentation. Or, if not, we'll move on to the
10 next item.

11 Thank you very much, all of you. You've been
12 fabulous.

13 DIRECTOR TOBIN: Thank you.

14 CHAIRPERSON NEUBERG: Okay. It looks like we're
15 ready to move on to the next item.

16 Let me ask a question of the group here, we're
17 going to move to Item VIII, which is discussion and possible
18 action on a pending open meeting complaint. There is a -- a
19 possibility that we will move into executive session to seek
20 legal counsel, and so my question for you right now is: Do
21 we want to break right now and then come back, talk about it
22 publicly, and then go into executive session if we decide to
23 do so?

24 Or, do you prefer to dive in for maybe a few
25 minutes, digest the information, and if and when we go into

1 executive session we'll break then?

2 I'm open to your preferences. It's been a while
3 already.

4 VICE CHAIR WATCHMAN: We can dive in. This is
5 Commissioner Watchman. I'm okay with that.

6 COMMISSIONER YORK: Commissioner York would agree
7 with it.

8 CHAIRPERSON NEUBERG: Okay. Let's dive in.

9 We're on Item No. VIII. And we did receive a
10 complaint, and let me just again, I know this is repetitive
11 for the group, but for legal purposes I am going to repeat
12 the language.

13 The next item on the agenda is discussion and
14 possible action on pending open meeting complaints. Please
15 note the Commission may vote to go into executive session,
16 which will not be open to the public, for the purpose of
17 obtaining legal advice and providing direction to counsel
18 per A.R.S. 38-431 section (A) (3) and (4).

19 For the sake of our conversation, we're going to
20 refer to this as the "Howard Complaint." It was submitted
21 on Thursday, January 21st, and it states:

22 "Immediately after being sworn in on January 14th,
23 the interim chair asked for a motion to adjourn
24 into executive session which was not scheduled,
25 they then presumably discussed the questions and

1 process for the candidate interviews."

2 The Complainant says: "I do not believe either of
3 these conversations was privileged."

4 "And then on January 21st the Commission went live
5 11 minutes after the scheduled meeting to begin due
6 to technical difficulties. After approving the
7 minutes, they immediately adjourned into executive
8 session again, giving no indication for time frame
9 of reconvening the public session."

10 It goes on to basically say that the discussion of
11 the final candidates to serve as Chair, this person did not
12 believe that that was a privileged conversation.

13 And to just reiterate, I think the feel -- you
14 know, the essence of the complaint, to quote it "there are
15 five Commissioners on the AIRC, but there is a sixth chair
16 at the table, a chair for the public."

17 "I look forward to your response."

18 And so with that, we can open up to discussion.

19 COMMISSIONER MEHL: Yeah, I appreciate the concerns
20 of the public, and I think we need to be very sensitive to
21 this going forward and be careful going into executive
22 discussion. But -- but certainly going into executive
23 session for the discussion on the candidates was something
24 that was very typical of the previous two commissions, and I
25 think was appropriate.

1 COMMISSIONER LERNER: And I will agree with
2 Commissioner Mehl, and it was unanimous by the Commissioners
3 at the time that we felt it was an appropriate course of
4 action. It was not done in any way to harm the public, but
5 that's what we felt was necessary at the time.

6 VICE CHAIR WATCHMAN: I -- I echo the two
7 Commissioners' thoughts, you know, and certainly I did see
8 the public comment as -- as well, and I appreciate the
9 public comment. And, you know, we as a Commission, trying
10 to get our feet wet with all the rules and regulations, I
11 myself am comfortable with the public side, so this is new
12 to me.

13 So as far as my fellow Commissioners said, we
14 obviously need to be cognizant of it going forward. So
15 that's pretty much, you know, all I have to say.

16 CHAIRPERSON NEUBERG: I echo what my fellow
17 Commissioners have said. You know, I encourage the public
18 to have some patience; we're all getting our feet wet, none
19 of us have done this before. There are a lot of legal
20 requirements, and because of that, I think the nature of the
21 five of us is that we want to err on the side of caution and
22 do things properly.

23 But we very much hear the message of -- of this
24 complaint, and I think that it's incumbent upon us to
25 acknowledge that it's consistent with the feel of the other

1 public comments that we're getting, which is basically
2 please do as much of your work in the public eye as
3 possible. And -- and we hear that and we -- we take that to
4 heart.

5 Before -- I want to see if there's any other
6 comments or questions on that. We now have a -- a, you
7 know, legal question -- potentially a legal question of how
8 do we respond? And I'm not quite as certain about the legal
9 protocols about responding to complaints like this, and --
10 and so that's a separate conversation.

11 So to first finish up the first conversation, if
12 any other Commissioners want to speak to the heart of the
13 matter before we speak to the legal issue.

14 Okay. Legally, I don't know if Counsel on the call
15 right now feels that this is a conversation to begin in the
16 public discourse. If, at this point, you know, we'd like a
17 little feedback from you. I'm inclined, and I don't want to
18 prejudge, you know, I'm -- we identified in the agenda the
19 possibility of going into executive session, and as I said
20 earlier, we want to err on the side of caution as it relates
21 to fulfilling our legal obligations.

22 So if there's anything legal counsel wants to say
23 at this point before we make a determination on that.

24 COMMISSIONER YORK: I think at this point, Madame
25 Chairman, we need to move to executive session.

1 CHAIRPERSON NEUBERG: Okay. Do I have a motion to
2 adjourn to executive session?

3 COMMISSIONER YORK: So moved.

4 CHAIRPERSON NEUBERG: Do I have a second?

5 COMMISSIONER MEHL: Do we really need to go into
6 executive session now or should it -- would it be better for
7 the public to hear the advice we're given on how to respond
8 to these questions?

9 I don't know that that's something that we really
10 need to do in executive session.

11 CHAIRPERSON NEUBERG: I'm open to the legal counsel
12 here. I -- I don't have the legal expertise to -- to know
13 what the appropriate method of response are.

14 So if legal counsel wants to chime in.

15 MS. PEISER: If you are interested in legal advice
16 that maintains the attorney-client privilege, we would do
17 that in executive session. If you wish to waive the
18 attorney-client privilege, then the conversation can happen
19 in the open general session.

20 CHAIRPERSON NEUBERG: Okay. You know, just with
21 the sensitivity of this and given my lack of legal
22 expertise, if we are going to err on the side of caution, we
23 may want to move to do a very brief -- I don't anticipate
24 this is going to be a long period, but we may want to err on
25 the side of caution.

1 Thoughts?

2 COMMISSIONER YORK: Well, back to my original
3 comment, I believe that we need to have this discussion in
4 executive session to basically get ourself aligned to answer
5 the complaint.

6 COMMISSIONER MEHL: I'll second that.

7 CHAIRPERSON NEUBERG: Okay. We'll do a quick vote.
8 Commissioner Watchman.

9 VICE CHAIR WATCHMAN: Aye.

10 CHAIRPERSON NEUBERG: Commissioner Mehl.

11 COMMISSIONER MEHL: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Lerner.

13 COMMISSIONER LERNER: Aye.

14 CHAIRPERSON NEUBERG: Commissioner York.

15 COMMISSIONER YORK: Aye.

16 CHAIRPERSON NEUBERG: And I'm an aye.

17 With that, we will move into executive session.

18 We will move into a different link. And for the
19 public, we don't anticipate that this will be an extremely
20 lengthy conversation, and we look forward to sharing
21 feedback.

22 Thank you.

23 (Whereupon the proceeding is in executive session
24 from 10:29 a.m. until 10:45 a.m.)

25

1 * * * * *

2 (Whereupon all members of the public are
3 present and the proceeding resumes in general
4 session.)

5 CHAIRPERSON NEUBERG: We are going to go back into
6 public session.

7 Thank you to legal counsel.

8 We've been advised that the County Attorney's
9 Office is tasked with looking into this complaint, and we've
10 authorized the attorneys -- oh, actually, excuse me, we are
11 going to discuss ways in which we can respond to this
12 complaint. The County Attorney's Office will investigate,
13 and we have the option of talking about this, one, through a
14 process perspective and then an action item.

15 And so with that, I open it up to discussion. If
16 anybody wants to share recommendations about how to move
17 forward with the Howard complaint.

18 COMMISSIONER LERNER: Madame Chair, I will
19 recommend that our attorneys work with the County Attorney's
20 Office on reviewing the complaint and answering any
21 questions and addressing any issues that need to be
22 addressed.

23 CHAIRPERSON NEUBERG: Do I have a second?

24 COMMISSIONER YORK: I would second that.

25 CHAIRPERSON NEUBERG: Okay. A quick vote call.

1 Commissioner Watchman.

2 VICE CHAIR WATCHMAN: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Mehl.

4 Commissioner -- I think I heard an "aye." You may
5 have been on mute.

6 COMMISSIONER MEHL: Aye. Aye.

7 CHAIRPERSON NEUBERG: I saw it but didn't hear it.

8 Commissioner Lerner.

9 COMMISSIONER LERNER: Aye.

10 CHAIRPERSON NEUBERG: And Commissioner York.

11 COMMISSIONER YORK: Aye.

12 CHAIRPERSON NEUBERG: And I am -- I am an aye.

13 And then in terms of the process, you know, I think
14 that this item is very consistent with some of our other
15 discussions in terms of our intentions to have a process
16 that is open and fair while maintaining our legal, you know,
17 authority to be able to seek private counsel in executive
18 session.

19 And I think it's important to note that the
20 possibility of going into executive session was
21 appropriately written in the agenda, and so the
22 Commissioners followed the script and followed the statutory
23 guidelines. We will have the County Attorney's Office look
24 into it, but in terms of the process perspective we are
25 hearing very much the public sentiment.

1 Any -- anything else on this issue?

2 Okay. We're going to move on to Item IX, which is
3 presentation of general open meeting and public records law
4 review. This will be a briefing from our legal counsel.

5 We're going to move this to the end of the agenda,
6 just given time management concerns, because we really need
7 to move on to Item No. X, which is discussion and possible
8 action on executive director and other administrative
9 support positions.

10 And as we begin to have dialogue about this, I
11 think there are three buckets to really think this through:
12 One, is an interim executive director position, whether
13 that's something that we'd like to seek; and then in terms
14 of the full executive director position there's a question
15 of a job description, what we're looking for; and then
16 there's a discussion of process, how is it that we go about
17 hiring.

18 And so with that, I would like to open up
19 discussion, and we can really start with any of those three
20 buckets or wherever you-all feel is the best place to start.

21 COMMISSIONER LERNER: I have a question maybe in
22 terms of process, I guess, to some extent. If we move
23 forward on developing a job description now, if we can -- I
24 guess the question is, can we be potentially hiring -- and
25 it would then go into the interim question, if we can be

1 hiring within a month to six weeks if we work on the job
2 description now, advertise, and we're meeting on a weekly
3 basis, let's say, to get through that?

4 I guess that would be my preference would be to try
5 to expedite our hiring process rather than hire an interim.
6 So work on a job description now to move forward.

7 CHAIRPERSON NEUBERG: Commissioner Lerner, let me
8 clarify. When we talk about an interim director, what is
9 available to us through the Department of Administration, is
10 in past commissions they have appointed. The Commission is
11 not required to go through the process of hiring, the
12 Department of Administration assigns somebody or chooses
13 somebody who may be available to serve in an interim
14 executive director position.

15 Of course, we as the five Commissioners, have the
16 ability to review, you know, credentials and choose on our
17 own whether this is somebody we would like to work with.

18 But in the process of hiring an executive director
19 and in light of the presentations that we heard from the
20 Department of Administration, there's -- there's a lot of
21 knowledge about state government, processes of hiring, that
22 if we had somebody in place with governmental knowledge to
23 facilitate and serve as the glue to help us expedite that
24 process, that may be advantageous. Because I've heard from
25 the Commission the word "expedite," and I think as we think

1 about an interim director, the question is would that
2 expedite our process of finding our -- our, you know,
3 ultimate executive director that works for us.

4 COMMISSIONER LERNER: Thank you for the
5 clarification.

6 COMMISSIONER MEHL: I have a question for -- for
7 Mr. Tobin. Andy, is there someone that can be assigned that
8 would be helpful to us right now?

9 MS. RAMOS: Director, you're muted.

10 DIRECTOR TOBIN: Thank you, Mr. Chairman --
11 Madame Chairman and Commissioner Mehl.

12 So, listen, we are -- I'm not going to sugarcoat
13 this. We, you know, I -- we read the statutes, there's
14 nothing in there saying I should be appointing, you know, an
15 executive director. You know, temporary, interim, or what
16 have you. So I will share with you that it's not our
17 intention to do so.

18 I think the fastest course here is for us to, you
19 know, get a job description, put it out there and let you
20 folks go vote on it. I have all those people who came that
21 are uniquely talented, and they are all deeply sincere about
22 helping, I will tell you they are absolutely buried. This
23 COVID thing sent 500 people from our building home in -- in
24 less than three weeks and they're not back yet. You're in a
25 building right now that doesn't have very many people in it.

1 So I do not have a sitting spare for you, an
2 executive director spare. You know, I -- I'm wanting to be
3 helpful myself, but I'm not -- I don't think for obvious
4 reasons I should be jumping into that role 'cause I don't
5 think it will help the board. I was -- I was on one of
6 these once before.

7 So, I -- I apologize to you, Madame Chairwoman,
8 that I don't -- I don't have an appointment for you today,
9 an executive director appointment; I don't see one coming.
10 I think that -- I think the fastest way to get this thing
11 going is let -- is let the Human Services Division post --
12 post a job opening for you, and let's get some applications
13 in so that you and your Commissioners can narrow it down and
14 pick somebody very quickly.

15 I get to get Yasmin back because once you pick an
16 executive director I'm hoping they'll come along with an
17 administrative assistant as well.

18 So, but, we're -- we're going to support you as
19 much as we can, but I don't have any intention of appointing
20 an administra- -- interim executive director right now.

21 CHAIRPERSON NEUBERG: And my --

22 COMMISSIONER MEHL: And, Mr. Tobin, is Yasmin going
23 to be able to continue to help us until we have those two
24 positions filled --

25 DIRECTOR TOBIN: Well --

1 COMMISSIONER MEHL: -- of executive director and --

2 DIRECTOR TOBIN: Well, I will be honest with you,
3 we are -- we are -- we are in a very weak spot with our --
4 you know, with doing so much outside. So I don't want -- I
5 don't want to say that we won't be able to help but, you
6 know, potentially having an administrative assistant and the
7 executive director put out for -- for public bid is a good
8 idea, and to do that, like, immediately.

9 Yeah, Yasmin -- Yasmin didn't real realize she was
10 going to be doing this three weeks ago, so I'm just telling
11 you. And I do have some issues, she's employed by the
12 Arizona Department of Administration, so I don't have my
13 lawyer in your meetings -- your executive meetings when you
14 break off, so I -- I feel like I'm not doing her a service
15 as well.

16 So I think the fastest I can get a job description
17 out there to the public and start giving you folks real
18 applications from real people who want to be part of this --
19 this movement and have the talent, I think is the best.

20 CHAIRPERSON NEUBERG: As we talk this through, I
21 want to just make sure that we're focused on a very
22 practical challenge, and that has to do with open meeting
23 laws. We are restricted from doing any business directly
24 with each other; and so because of that, we are dependent
25 upon somebody like Yasmin or some person who has the

1 authority to communicate. Otherwise, the process of moving
2 through all of these stages becomes a little unwieldy. Who
3 would be the person to communicate?

4 So we're deeply appreciative of Yasmin's time,
5 she's amazing.

6 You know, will there be enough resources such that
7 our basic needs of communication can be fulfilled?

8 DIRECTOR TOBIN: So I am -- Madame Chairwoman, if
9 that's a question to me, my answer is is that I don't know
10 what it is that Yasmin can't do to create this communication
11 for you in the meantime. I just don't.

12 I mean, at the -- at the end of the day, directing
13 all of these appropriate résumés to your office directly so
14 that Yasmin can then take them individually and direct them
15 to your Commissioners, I think that's part of what our
16 expectation is as well, so.

17 CHAIRPERSON NEUBERG: Well, it has to do with
18 hours. I mean, she has a full-time job with ADOA. It's the
19 number of hours that we are in a position to ask for. I
20 mean, that's really the bottom line is what -- you know, can
21 we have the services that we feel that we need in order to
22 do our job?

23 DIRECTOR TOBIN: Well, Madame Chairwoman, I -- I
24 think you deserve those services, and I think that the
25 fastest way to get to them is -- is, you know, to have us go

1 out for a bid for all the services you need as quickly as
2 possible and get permanency to this and get somebody up and
3 running as fast as we can.

4 I -- I do not --

5 MS. RAMOS: I apologize -- -

6 DIRECTOR TOBIN: -- Yasmin to hand off to you at
7 this time either, is --

8 MS. RAMOS: I apologize for interrupting but we
9 lost Commissioner Mehl.

10 DIRECTOR TOBIN: Okay.

11 MS. PEISER: It may be worth holding on for a
12 moment --

13 CHAIRPERSON NEUBERG: Yes.

14 MS. PEISER: -- just so Director Tobin doesn't have
15 to repeat himself.

16 CHAIRPERSON NEUBERG: Okay. Let -- let's give a
17 minute for Commissioner Mehl to dial back in.

18 (Whereupon Commissioner Mehl is not present at
19 11:03 a.m.)

20 (Brief pause in proceedings.)

21 DIRECTOR TOBIN: So thank you panel for doing --
22 oh. Okay. We have somebody back on?

23 CHAIRPERSON NEUBERG: I don't see Commissioner Mehl
24 yet.

25 DIRECTOR TOBIN: Yeah.

1 MS. RAMOS: I actually just got off the phone with
2 him, it looks like he's having technical difficulties, but
3 he will try to join by phone.

4 CHAIRPERSON NEUBERG: Okay.

5 While we're waiting -- I guess we can wait.

6 (Brief pause in proceedings.)

7 CHAIRPERSON NEUBERG: Pam? I don't know if it
8 would be appropriate to -- to ask any additional questions
9 or -- or do we just wait?

10 MS. PEISER: You still have a quorum, so you can
11 continue on, but you do need -- and that would be for, I
12 want to say Ms. Miller -- to note that Commissioner Mehl is
13 not presently here, and then when he rejoins she would note
14 again that he's returned.

15 CHAIRPERSON NEUBERG: Okay. Why don't we give it a
16 couple more minutes, and if he doesn't rejoin we can proceed
17 with dialogue and hope that he joins in soon.

18 (Brief pause in proceedings.)

19 COMMISSIONER YORK: So Commissioner Neuberg, I
20 would like to move along with the discussion around a job
21 description and a posting, and a job description for the
22 administrative assistant.

23 I know in previous commissions there has been some
24 descriptions created, and I'd like to use those as a
25 reference going forward.

1 DIRECTOR TOBIN: Great.

2 CHAIRPERSON NEUBERG: If everybody is comfortable
3 moving forward with dialogue while we wait for
4 Commissioner Mehl to join, let's -- let's proceed.

5 Commissioner York.

6 COMMISSIONER YORK: I believe that the previous
7 Commission did try to go out to open market for executive
8 director and had created a executive director job
9 description.

10 Am I correct, Director Tobin?

11 DIRECTOR TOBIN: That was my understanding, too. I
12 haven't actually seen the exact job description, but it's
13 also my understanding is that that does exist, as well as
14 one of the admin.

15 And I think there's -- there's potentially, I think
16 there's one for your consulting -- mapping consultant, too,
17 so.

18 My view you -- you-all should have all of that data
19 and you should be instructing me or the Chairwoman to go out
20 and post that for --

21 (Whereupon Commissioner Mehl rejoins the meeting in
22 progress at 11:08 a.m.)

23 DIRECTOR TOBIN: -- applicants to start to begin
24 the process here.

25 COMMISSIONER YORK: So my -- my thought process or

1 my request to the Commission would be to gather that data
2 and review it prior to our next meeting to make a suggestion
3 to Director Tobin to go ahead and have his -- his staff to
4 produce a -- a job description for the public.

5 DIRECTOR TOBIN: I think, Madame Chairwoman and --
6 and Commissioners, I think you also have -- you either -- as
7 I'm reading this, you'll either select the Attorney
8 General's Office or you can go out for those job
9 descriptions as well. You're not -- you're not required to
10 use the Attorney General's Office. It says here that you
11 shall have -- you have standing in the authority to whether
12 the Arizona Attorney General or counsel hired by or selected
13 by you shall represent your legal services.

14 So I think ten years ago I think they hired two
15 outside counsel at one of their very imminent meetings right
16 after selection and -- anyway.

17 MS. RAMOS: Director Tobin, sorry to interrupt.

18 Just for the record, Commissioner Mehl has
19 rejoined.

20 DIRECTOR TOBIN: Thank you. Commissioner David
21 Mehl has returned, okay.

22 COMMISSIONER LERNER: I concur with
23 Commissioner York's. I know we sent a few job descriptions
24 but I did not see the one for the executive director, so
25 I -- it would be very helpful if we could see what was done

1 last year -- last -- ten years ago just so we have something
2 to start with.

3 DIRECTOR TOBIN: Yasmin, did you send any job
4 descriptions, Yasmin, from -- from the previous?

5 MS. RAMOS: I did send something over I think on
6 one of them, I think it was ASO-4, I think that's the one
7 that it's called. That's the one where they moved the
8 deputy director into the director position if I'm not
9 mistaken.

10 CHAIRPERSON NEUBERG: We have not seen the job
11 description for the executive director; we've seen the job
12 descriptions for the subordinate positions.

13 But -- but, yes, I think that this is something
14 that -- that we can absolutely get, and -- and if there are
15 perspectives or opinions of the Commissioners about what
16 we're looking for to put our own imprint on that, that would
17 be appropriate to discuss during this agenda item.

18 COMMISSIONER MEHL: I think we should assume we may
19 not find an existing description for an executive director
20 from the last go around and -- and we should just
21 concentrate, I think, on a fairly brief job description that
22 would have the key leadership or key background things that
23 we think are the most important, but not get too extravagant
24 in the details of it.

25 DIRECTOR TOBIN: You could -- we cab --

1 CHAIRPERSON NEUBERG: Please -- please share.

2 DIRECTOR TOBIN: We can provide a draft of
3 something that's close for this Commission to review and
4 work on it if we can't find an original one, if that's fair.

5 COMMISSIONER YORK: That's fair.

6 COMMISSIONER LERNER: That would be great.

7 VICE CHAIR WATCHMAN: Yeah, that would help us a
8 lot.

9 COMMISSIONER MEHL: I think we should review at the
10 same time the -- the administrative assistant and let's
11 go --

12 COMMISSIONER YORK: I agree.

13 COMMISSIONER MEHL: -- and if we get samples of
14 both of those that we then can -- and I guess we're not
15 allowed to e-mail one another, but we can all e-mail Yasmin
16 some comments, and she could combine all the comments and
17 send them out.

18 COMMISSIONER LERNER: I agree -- agree with that
19 suggestion. I think we did get an administrative assistant
20 draft that we could look at, but the one that it was missing
21 was the director. We have a deputy director example, but it
22 was signed by the past director. So it would be really
23 helpful if you could provide us with that job description, a
24 draft, and then we work from there.

25 So I agree, the more we have to respond to the

1 easier it will be for us.

2 DIRECTOR TOBIN: I'll personally meet with Yasmin
3 after today's meeting and see what we got and begin the
4 process with the HR department and get you folks what you
5 need to make those choices.

6 CHAIRPERSON NEUBERG: Thank -- thank you, Director
7 Tobin. And that relates to our earlier conversation about
8 making sure that Yasmin has enough hours to be able to
9 facilitate all of this. You know, because I do get -- get a
10 feel it's a consensus amongst the Commissioners that we want
11 to expedite as quickly as possible getting staff in place.

12 I do want to, you know, as we're talking about
13 multiple positions, we focused on executive director, people
14 are bringing in admin. You know, I think that there is a
15 hierarchy that the executive director will likely be a staff
16 manager and responsible for overseeing or at least being an
17 integral cog in the system. And so, you know, as we're
18 discussing our priorities, I would like to hear your
19 feedback if executive director is really number one, because
20 from that he or she may be able to play a significant role
21 in training, hiring, and doing the, you know, other hires
22 after that.

23 COMMISSIONER MEHL: Madame Chair, I think that we
24 should hire only the executive director first, but I would
25 still recommend we go out with -- with the job description

1 and posting for the administrative assistant so that the
2 moment we've hired an executive director, he can review the
3 applicants and start working on hiring the administrative
4 assistant.

5 So I agree with not -- us not hiring that
6 administrative assistant directly, but getting it all teed
7 up and ready to so we're as quick as we can be.

8 COMMISSIONER LERNER: I concur.

9 VICE CHAIR WATCHMAN: I agree.

10 CHAIRPERSON NEUBERG: Okay. Any other dialogue
11 about -- you know, I'm hearing that we don't want to be
12 limited by past job descriptions, we want to, you know, keep
13 it basic so that we cast a wide net. Anything that anybody
14 wants to go on record right now in terms of sharing what
15 you're personally looking for in this role?

16 I'd like to share, you know, given the open meeting
17 laws, you know, I feel that as a Chair I need a partner who
18 is excellent in communication skills to be the conduit
19 between all of us; somebody who can handle stress, you know;
20 and somebody with -- with good governmental knowledge about
21 how things are done.

22 If there's any other specifics that anybody wants
23 to share now as we, you know, shape this, please -- please
24 join in.

25 COMMISSIONER MEHL: I would add that someone who is

1 knowledgeable about -- about the different areas of the
2 state.

3 CHAIRPERSON NEUBERG: Okay. Any other discussion
4 about expediting executive director, other administrative
5 support positions?

6 My sense is the consensus is we want to expedite
7 the process; we need to move forward as fast as possible to
8 get some staff in place; we have a few descriptive items; we
9 will wait to receive guidance from ADOA in terms of past
10 descriptions; and then we will have Yasmin consolidate that
11 information and get it back to all of us Commissioners so we
12 can move forward as fast as possible with getting some kind
13 of job description out and get the hiring process expedited.

14 MS. PEISER: As a point of clarification, Chair, I
15 assume you're also meaning that when Ms. Ramos sends out the
16 information it would be done in compliance with the open
17 meeting laws.

18 CHAIRPERSON NEUBERG: Absolutely. Which speaks to
19 our need for expediting this process. Our administrative
20 assistant will blind copy everybody, nobody will convene or
21 discuss or do any other business outside of the open meeting
22 laws.

23 Okay. So just for terms of clarity, do we have a
24 motion for next steps as it relates to the executive
25 director position?

1 COMMISSIONER YORK: I so motion.

2 CHAIRPERSON NEUBERG: And what are you specifically
3 motioning.

4 COMMISSIONER YORK: That we move forward with the
5 review of a draft job description for the executive
6 director, to further then move -- to make that selection and
7 take it out to market.

8 VICE CHAIR WATCHMAN: I'll second that,
9 Madame Chair.

10 CHAIRPERSON NEUBERG: Thank you,
11 Commissioner Watchman. Thank you, Commissioner York.
12 We'll take a quick vote.

13 Commissioner Watchman.

14 VICE CHAIR WATCHMAN: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Mehl.

16 COMMISSIONER MEHL: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Lerner.

18 COMMISSIONER LERNER: Aye.

19 CHAIRPERSON NEUBERG: Commissioner York.

20 COMMISSIONER YORK: Aye.

21 CHAIRPERSON NEUBERG: Neuberg is an aye.

22 The motion passes.

23 Okay.

24 COMMISSIONER MEHL: Madame, I would have an
25 additional motion that we also prepare a --

1 CHAIRPERSON NEUBERG: Yes.

2 COMMISSIONER MEHL: -- job description for
3 administrative assistance, and that we go -- we review it in
4 a similar fashion to the executive director job description.

5 CHAIRPERSON NEUBERG: Okay. That -- that was --
6 you moved -- was that a motion? Did you move that?

7 COMMISSIONER MEHL: Yes.

8 CHAIRPERSON NEUBERG: Okay. Do I have a second?

9 COMMISSIONER LERNER: I will second that.

10 CHAIRPERSON NEUBERG: Okay. Again
11 Commissioner Watchman.

12 VICE CHAIR WATCHMAN: Aye.

13 CHAIRPERSON NEUBERG: Mehl.

14 COMMISSIONER MEHL: Aye.

15 CHAIRPERSON NEUBERG: Lerner.

16 COMMISSIONER LERNER: Aye.

17 CHAIRPERSON NEUBERG: York.

18 COMMISSIONER YORK: Aye.

19 CHAIRPERSON NEUBERG: Neuberg is an aye.

20 Okay. The motion carries.

21 We're moving now on to the next item, discussion
22 and possible action on securing legal and other consultative
23 support.

24 Is there discussion on this -- this item?

25 COMMISSIONER LERNER: So Director Tobin indicated

1 that last time outside attorneys were hired rather than use
2 the Attorney General's Office, so I think it's something we
3 should discuss if that's the direction that we would like to
4 go and then how we proceed with that.

5 COMMISSIONER MEHL: I do recommend that we hire our
6 own counsel because I think there's counsel that has
7 specific knowledge on the election laws and the
8 redistricting issues that we're going to be facing.

9 And it sound like both in 2000 and in 2010 dual
10 counsel was hired, and I suspect that that might be better
11 for us to follow that pattern and hire dual counsel.

12 CHAIRPERSON NEUBERG: Commissioner Mehl, just for
13 the sake of our public, can you explain a little bit what
14 that means, "dual counsel"?

15 COMMISSIONER MEHL: I think from a practical aspect
16 it means that attorneys that may have leanings towards one
17 party and other attorneys that may have learnings toward
18 another party, but both who are committed to working for the
19 Commission and for the independence of the Commission, and
20 that hopefully with get along with one another and work
21 together so that we're all comfortable with the advice that
22 we're getting.

23 MS. PEISER: If it helps, I can provide some
24 information regarding the options in terms of how many
25 different routes are available.

1 COMMISSIONER MEHL: That would be great.

2 CHAIRPERSON NEUBERG: That would be helpful. Yeah,
3 that would be very helpful to send it through Yasmin to the
4 rest of us.

5 COMMISSIONER LERNER: And I will concur with
6 Commissioner Mehl as well. I recall that that was the
7 process that we followed in the past and that seems probably
8 to be the best route for this time as well.

9 CHAIRPERSON NEUBERG: Okay. Any other
10 Commissioners want to weigh in on this?

11 VICE CHAIR WATCHMAN: This is
12 Commissioner Watchman. I think it's a good idea, you know,
13 following the precedent that has been put in place. And,
14 you know, I don't -- maybe when we select our director, that
15 person -- he or she -- you know, can help us with -- with
16 scoping out, you know, the qualities and the particulars
17 that we need. But in general in concept having two -- two
18 different groups represent us, you know, I think that's a
19 good course of action.

20 And on the agenda it says "other consulting
21 support" too. Is that for the mapping company or -- that's
22 probably a separate issue, but, you know, the same thing, I
23 think we can do through our director have that person put
24 together an idea, an outline of what kind of consulting
25 services we need, you know, beyond what we have provided by

1 Director Tobin's shop.

2 So, thank you.

3 CHAIRPERSON NEUBERG: Yeah, you know, as we think
4 through this decision, I want to make sure that everybody is
5 on the same page with understanding how this system might
6 work together. So as I've looked into the possibility of
7 dual representation, as the Independent and the Chair here,
8 I obviously was, you know, concerned or interested to know
9 how that would work to really represent our collective
10 whole, and it does sound like there are firms out there that
11 have precedence and experience of working with the other,
12 you know, side and collectively providing legal advice and
13 experience, such that when I looked into it, you know, along
14 the lines of -- of my fellow Commissioners I, too, believe
15 that I'm comfortable with this approach, feeling that they
16 would collectively represent all of us, but also ensure all
17 sides were adequate -- adequately represented.

18 It sounds like there's consensus on that. I'd like
19 to ask a deeper question of, do we want at this point to go
20 into anything further about what we're looking for or is
21 that premature?

22 You know, I'm presuming that our executive director
23 and administrative assistant might be helpful in this
24 process. You know, we'll have weekly meetings to discuss,
25 you know, some of this -- you know, the specifics. Is there

1 anything else that the Commissioners want to dive into right
2 now as it relates to, first, legal counsel, and then as
3 Commissioner Watchman mentioned, that the agenda item opens
4 it up to other consultation as well?

5 MS. PEISER: If I can just provide you some
6 information regarding the attorney process.

7 If -- and it sounds as if there's a desire to go
8 for outside counsel. Assuming the Commission wants to do
9 that, you can go one of two ways: You can do it either by
10 an RFP, which is where you put out bids yourself; or, you
11 can go through the procurement process.

12 If you go through the procurement process, then you
13 have the built-in safeguards that come with the procurement
14 process which is, you know, compliance with all the state
15 laws, making sure that you're hitting on all the things such
16 as the ethical requirements, you know, any mandatory state
17 terms and conditions, that sort of thing.

18 And because that's a process that's already set up
19 -- and this would, of course, apply to some of the other
20 things you're looking for -- you may find that that moves a
21 little faster because you're not having to set anything up
22 from the very beginning.

23 MS. GUERRERO: Yeah, Pam, and there's the outside
24 counsel contract, and so there are attorneys that have
25 already been procured, I believe, through the Attorney

1 General's Office, and so there may be attorneys that are
2 already procured on State contract that you may want and
3 instead of going through the entire procurement process, may
4 be just able to hire those attorneys through the State
5 contract who already procured attorneys if that makes sense.

6 Depending on who you want. Because I know you did
7 say that there are firms that you had looked at, so those
8 firms may be on the already procured State contract for
9 counsel.

10 DIRECTOR TOBIN: I think that's what Ed was
11 speaking of before, I think he walked the Commission through
12 the procurement system, and walked them through, you know,
13 the legal folks who are already approved on contract.

14 MS. GUERRERO: Yeah, exactly. Exactly what
15 Director Tobin stated.

16 So if you have somebody in mind, they may already
17 be procured on the State contract that you can look up
18 there, rather than your whole procurement process starting
19 all over from the beginning.

20 CHAIRPERSON NEUBERG: Taking a step back, though,
21 speaking with my Commissioners, do we want to take a moment
22 to think through similar to our executive director
23 conversation our criteria, what we're looking for?

24 Because we're not limited, you know. I would say
25 this -- this is an incredibly important hire. You know, as

1 you-all know, when I interviewed I -- you know, we all move
2 into this with the expectation and desire for, you know, no
3 litigation or as less litigation as possible; but, you know,
4 at the end of the day this is serious work, and it's
5 complicated, and so let's think through what we really need
6 to do it right, you know.

7 Thoughts on -- on what we're looking for. It
8 sounds like there's consensus with dual, but specifically.

9 You know, si- -- you know what I mean? In my
10 opinion I'm thinking about levels of expertise; this is --
11 this is a niche. This is -- you know, needs a firm that can
12 handle serious litigation, you know, with political
13 implications. So I'd like to think through a little bit
14 what it is that we're looking for so that we can aim, you
15 know, our target more accurately.

16 COMMISSIONER MEHL: I would suggest that we're
17 looking for firms that have experience in the redistricting
18 laws. And I think -- I think that's a very specific
19 experience that we want to be looking for. And -- sorry
20 about that.

21 (Cell phone rings.)

22 CHAIRPERSON NEUBERG: Yes, so -- so a firm that
23 specializes in redistricting, you know, a serious specialty.

24 COMMISSIONER MEHL: And I also would suggest that
25 we want -- if we're looking for dual firms, that we want

1 firms that can evidence that they can work together.

2 COMMISSIONER LERNER: I will concur with
3 Commissioner Mehl. Ideally, it would be really great if we
4 could find a single non-partisan firm that we all could work
5 with, but I think the previous two Commissions haven't found
6 that, which is why I think we're looking at two firms. But
7 if there is one that we all could agree, that would -- that
8 would be great.

9 But, otherwise, I think what Commissioner Mehl is
10 proposing with those -- I think we have to have people who
11 know election law, who understand redistricting, ideally
12 some of those -- the firms that we have when you speak with
13 even within their firms they would basically show that they
14 got folks from all sides so they are have been able to work
15 within and even outside of their firms in a collaborative
16 fashion.

17 COMMISSIONER MEHL: And listening to
18 Commissioner Lerner, I -- I think that we shouldn't lock
19 ourself into saying it will be two firms, but we should be
20 open to two firms; but if a firm can convince us that they
21 can satisfy all of us, we should be willing to look at
22 either one firm or -- or a combination of two firms.

23 CHAIRPERSON NEUBERG: And, you know, just
24 recognizing that that -- the niche of this, you know,
25 redistricting is once every ten years, you know, it is

1 difficult to find firms that have this specific specialty,
2 given that it doesn't arise on a regular basis.

3 So but I'm hearing that that expertise and that
4 moving into this with some flexibility dual legal counsel,
5 but leaving open the possibility of finding the ideal law --
6 law firm is what is on everybody's mind.

7 Any other discussion?

8 COMMISSIONER LERNER: Commissioners, if I can just
9 clarify, too, while I think it would be great to find those
10 with experience in redistricting, I think that would
11 potentially limit us to some extent. So I think election
12 law, which is a little broader, would be equally important
13 as well, and that's something that doesn't just happen every
14 ten years; that people may be involved on a regular basis
15 with that.

16 CHAIRPERSON NEUBERG: Okay. It sounds like there's
17 consensus to have it be a specialized law firm that has
18 expertise in election law, not being overly specific so that
19 we don't [sic] cast a wide net, to look at larger firms
20 that -- that have that robust ability to handle litigation.

21 Do we have a motion to move in this direction or
22 any other comment before we move into a motion?

23 VICE CHAIR WATCHMAN: Madame Chair, a comment.
24 Director Tobin mentioned with through their -- through their
25 programs, that potentially they have law firms ready to go.

1 And so, you know, once -- once we move with this motion, I
2 think we should consult with -- I think it's Ed the
3 gentleman --

4 DIRECTOR TOBIN: Sure. You know --

5 VICE CHAIR WATCHMAN: -- just to see, you know,
6 what's available there. But certainly, you're right, I echo
7 what my fellow Commissioners are saying, and that is, you
8 know, experience in redistricting law, experience in
9 litigation, experience in Arizona law, and I think those are
10 probably the large topical areas. And so, yeah, I think
11 that's on a good path.

12 Thank you.

13 DIRECTOR TOBIN: I think Yasmin was going to send
14 that link to everybody on the -- on the State Procurement
15 Office link to the -- to the legal section.

16 VICE CHAIR WATCHMAN: So, Madame Chair, I make a
17 motion that we move forward with -- with scoping out
18 Procurement for legal services. You know, we first, you
19 know, check -- check with Director Tobin's agency and see,
20 you know, the idea of what services are being provided
21 through that service, get some feedback from there; and then
22 we can scope out -- you know, keeping in mind that the
23 qualifications that my fellow Commissioners outlined.

24 So I make a motion that we move forward on that
25 process.

1 CHAIRPERSON NEUBERG: Thank you. Do we have a
2 second?

3 COMMISSIONER MEHL: Second.

4 CHAIRPERSON NEUBERG: Okay. Vote call.
5 Commissioner Watchman.

6 VICE CHAIR WATCHMAN: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Mehl.

8 COMMISSIONER MEHL: Aye.

9 CHAIRPERSON NEUBERG: Commissioner Lerner.

10 COMMISSIONER LERNER: I just have a point of order.

11 CHAIRPERSON NEUBERG: Sure.

12 COMMISSIONER LERNER: Because a question, because I
13 was not under the impression we where are actually moving
14 forward with for starting to look for hiring legal counsel,
15 I thought we were going to actually narrow down our -- our
16 needs and that we were -- I guess for me the priority is
17 still the executive director. So I'm not sure what this
18 motion is actually about.

19 So I guess I just have to ask that question. For
20 clarification, is this saying we're now moving forward with
21 trying to hire? Or what is this motion?

22 VICE CHAIR WATCHMAN: Madame Chair, no. It's --
23 it's starting to scope out, you know, what we need and, you
24 know, what services and what law firms do we have on
25 contract through the Department of Administration, I think

1 we should look there so that hopefully it all comes in line.

2 So I'm not recommending we move forward with hiring
3 any law firm, but we should have, you know, at least start
4 thinking about -- if, for example, there's some firms that
5 meet the qualifications through the Department of
6 Administration, we should look at it.

7 But basically this -- this motion here is to move
8 forward to scope out all the possibilities. You know, who
9 is on staff or who is on contract, keeping in mind, you
10 know, the qualifications. That's -- that's merely all I'm
11 suggesting in my motion.

12 COMMISSIONER MEHL: I -- I would suggest that once
13 we do that, that we actually fairly quickly do a procurement
14 notice or whatever it is, and -- and have people applying
15 for -- for these positions. Similar to the administrative
16 assistant where we move forward and hire the executive
17 director, but have gathered applications and people who are
18 interested in these positions so that we can then quickly,
19 once we have an executive director, make these other
20 decisions.

21 Even though it seems like we have a lot of time,
22 it's going to be amazing how quick all this goes. That's
23 why I would suggest we move the process forward on
24 procurement in an orderly fashion.

25 COMMISSIONER LERNER: So, Commissioners, I -- I

1 guess from my perspective, it's not just procurement. I'd
2 like to have us be focused on getting -- we've talked a
3 little bit about what we're interesting in, but I'll feel --
4 and I'm okay, I feel like we're moving to procurement before
5 we've got over things figured out with that, so I feel like
6 it's moving a little quickly to procurement.

7 I do want to move quickly, I totally agree,
8 Commissioner Mehl, with that, but I'm just not sure the
9 process, whether we just go into procurement because there
10 may be plenty of firms not in the DOA's procurement as well,
11 and I don't want to be exclusionary to them. So I would --
12 I understand what you're saying, we can look at that, but
13 I'm not sure where that gets us at this point if we can't
14 just go ahead and start the process of creating the
15 description for what we're looking for, and then we can put
16 it out there, and those on procurement will be actually one
17 step ahead because they don't have to go through some of the
18 process that those not on procurement. I'm not sure if I'm
19 making sense, but.

20 So that's why I was asking this question at this
21 point. I'm not sure if going through procurement at this
22 point is right or if we should actually be: Get the job
23 description, put it out there, and we'll see who is on
24 procurement and who is not.

25 CHAIRPERSON NEUBERG: Any thoughts to

1 Commissioner Lerner's comments?

2 COMMISSIONER MEHL: I don't think we're really
3 saying different things. It may not -- the wording may be
4 confusing, but I agree with getting the description of the
5 type of law firms done. And -- and, frankly, I encourage
6 each of us as Commissioners to reach out to our own contacts
7 and to the extent you can encourage firms to then be taking
8 a look at it that you think would be good firms; and then be
9 ready to go to procurement when we're comfortable with a
10 description.

11 COMMISSIONER LERNER: If, Commissioner Mehl, that's
12 what I'm saying, I'm okay with that. But that wasn't what I
13 was hearing, so that's why I asked for clarification.

14 VICE CHAIR WATCHMAN: Well, Madame Chair, if I
15 could restate my motion.

16 CHAIRPERSON NEUBERG: Yes.

17 VICE CHAIR WATCHMAN: If I could, just following
18 what Commissioner Mehl is saying, I think that -- that's
19 what my thought is: Let's move forward, identify the
20 qualities and qualifications, look for potential firms to --
21 to contract with. But we do have right now through Director
22 Tobin's shop, you know, some folks that are already on
23 board. So if there is firms on board that meet what we're
24 looking for, then, you know, the process is done, you know;
25 but, if not, then we do our own -- our own search. But I

1 know many of us do have law firms that we know here in the
2 state. I know I do, I know all of us do.

3 But the big thing is to get the process going and
4 the big thing is -- is to understand, you know, what kind of
5 resources do we have available.

6 So if -- if that sums my motion, I'd like to, you
7 know, continue and restate the motion in that fashion.

8 CHAIRPERSON NEUBERG: Thank you. Do we have a
9 second?

10 COMMISSIONER MEHL: Second.

11 CHAIRPERSON NEUBERG: Any discussion before we move
12 to vote?

13 Commissioner Watchman.

14 You're vote to approve, yay or nay.

15 VICE CHAIR WATCHMAN: Yay. I'm sorry, I'm on mute.

16 CHAIRPERSON NEUBERG: Commissioner Mehl.

17 COMMISSIONER MEHL: Aye.

18 CHAIRPERSON NEUBERG: Commissioner Lerner.

19 COMMISSIONER LERNER: Aye.

20 CHAIRPERSON NEUBERG: Commissioner York.

21 I didn't hear you, you nodded.

22 COMMISSIONER YORK: Sorry. Aye.

23 CHAIRPERSON NEUBERG: It's okay.

24 And Neuberg is an aye.

25 The motion passes.

1 And, you know, just to reiterate, I mean, you know,
2 to bring it back to an earlier agenda item, you know, we are
3 going to be meeting on a regular basis much to the stress of
4 our -- of our staff members involved with the frequency
5 of -- of having to get all of this work done; but -- but,
6 you know, it's okay if we don't do procurement today,
7 getting these descriptions in place, you know, I think we're
8 on a good pace to be able to move forward in a relatively
9 quick way.

10 Moving on to the next item, No. XII, discussion and
11 possible action on the scheduling of upcoming meetings. We
12 had a -- a conversation earlier about our intentions, but
13 this, I think, is the opportunity for us to talk through the
14 specifics; our calendars, our preferences.

15 And -- and with that, I have like to just say that,
16 you know, we are making a commitment to the public in good
17 faith to -- to schedule and have everything be as
18 predictable and consistent as possible. You know, real
19 world and, you know, items don't necessarily work as neatly
20 all the time, and we do reserve the right within legal
21 limits to schedule what we need to do in order to get our
22 business done, it will a hundred percent be done with or the
23 statutes of the Constitution and the State.

24 But along those lines, thoughts about days? Times?
25 What works for you all?

1 COMMISSIONER YORK: Mornings work best for me and
2 preferably the beginning of the week.

3 COMMISSIONER LERNER: I -- I concur. Tuesdays
4 would be great. If we keep -- the timing of this meeting is
5 a great time from my perspective.

6 COMMISSIONER MEHL: This also work for me. Monday
7 mornings do not work for me.

8 VICE CHAIR WATCHMAN: Yeah, Monday is not for me,
9 but Tuesday mornings are good.

10 CHAIRPERSON NEUBERG: Okay. It sounds like there's
11 consensus that Tuesday mornings at 9:00 a.m. are generally a
12 good time for us, that we'll aim to have regular meetings,
13 with the prerogative of not having meetings when there's no
14 agenda with -- with advance public notice of that; and, of
15 course, you know, filing and putting in the public our
16 agenda within 48 hours' notice.

17 Any other conversation?

18 Tuesdays at 9:00. You know, today we schedule
19 three hours, I don't know if every week, you know, it's
20 going to require as much as a robust time frame, but is this
21 generally a good window to protect?

22 (Chorus of yeses.)

23 CHAIRPERSON NEUBERG: Okay. Do we have a motion
24 to, you know, support this schedule?

25 COMMISSIONER LERNER: I'll move. So moved.

1 Tuesday mornings, 9:00 to 12:00 as needed.

2 CHAIRPERSON NEUBERG: Okay. Do we have a second?

3 COMMISSIONER YORK: I would second.

4 VICE CHAIR WATCHMAN: I'll second.

5 CHAIRPERSON NEUBERG: Okay. Commissioner York
6 seconds.

7 A quick vote. Commissioner Watchman.

8 VICE CHAIR WATCHMAN: Aye.

9 CHAIRPERSON NEUBERG: Commissioner Mehl.

10 COMMISSIONER MEHL: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: Aye.

13 CHAIRPERSON NEUBERG: Commissioner York.

14 COMMISSIONER YORK: Aye.

15 CHAIRPERSON NEUBERG: Neuberg is a yes.

16 We will plan for Tuesday meetings at 9:00 a.m. on
17 an as-needed basis as we move forward.

18 Moving on to Item No. XIII, discussion of future
19 agenda item requests. It looks like we will most likely
20 meet again; we will confirm next Tuesday at this hour.
21 Let's open it up for conversation about agenda items.

22 COMMISSIONER LERNER: Well, Commissioners, my
23 suggestion would be to talk about the executive director and
24 other administrative support position descriptions as one
25 item on the agenda; and then, again, I will request that we

1 place a time frame for public comment on the agenda for
2 time, I guess whatever, so people know if it begins at
3 9 o'clock or 9:30 in the morning so they can plan for that.

4 CHAIRPERSON NEUBERG: Okay.

5 COMMISSIONER MEHL: And I would suggest adding a
6 discussion of the require- -- the qualifications or -- of
7 the legal counsel as a separate agenda item.

8 COMMISSIONER LERNER: Yes.

9 CHAIRPERSON NEUBERG: I imagine that many of the
10 agenda items today will be continuing on: Executive
11 director, legal counsel.

12 You know, something that -- that is on my mind as a
13 result of the presentations today has to do with our
14 website. I think our website is -- is the point of
15 interaction between us and the community, and so to the
16 extent that we can just update it a little bit, make it a
17 little user friendly, accessible, that might be an agenda
18 item that we -- we might want to talk about.

19 COMMISSIONER MEHL: I agree with that as an agenda
20 item. And I think if I understood it correctly, we need to
21 approve them moving the website to a government web address.
22 And, in fact, maybe I should -- I don't know if I can make
23 that as a motion now since it wasn't on the agenda. So put
24 on the agenda for next week that we can consider approving
25 the Government changing the website and moving forward with

1 updating it.

2 CHAIRPERSON NEUBERG: Okay. Noted.

3 VICE CHAIR WATCHMAN: Madame Chair, speaking of the
4 website, I noticed -- and I'm still trying to get used to
5 that, but the social media mediums, too, is that something
6 that the Commission ought to consider in addition to the
7 website?

8 You know, a lot of political bodies do communicate
9 through that, you know. Meeting notice, very basic, simple
10 things. Maybe we should put that on the agenda, too, as
11 another measure to continue to communicate with the public.

12 CHAIRPERSON NEUBERG: Commissioner Watchman, yeah,
13 we can add a conversation on social media and maybe the
14 media in general.

15 My sense is that some of that may well come down to
16 the executive director responsibility. Just with open
17 meeting laws and the idea of us coming up with consensus of
18 a responsible way to handle social media, feels a little bit
19 daunting right now. But it is a very important conversation
20 and a powerful tool along with media in general, and so
21 noted that that's an important agenda item.

22 Is everybody familiar with the process of adding
23 agenda items?

24 Again, just for the public awareness, there's no
25 conversation amongst the five Commissioners. Our admin will

1 be submitting to you a draft of -- of agenda suggestions.
2 You are to respond to Yasmin directly, and then she will be
3 the one responsible for publishing that agenda with
4 48 hours' notice.

5 COMMISSIONER LERNER: Commissioner Neuberg --

6 VICE CHAIR WATCHMAN: Yes. I'm aware of it.

7 COMMISSIONER LERNER: -- as a point of question, we
8 had not discussed Item IX.

9 CHAIRPERSON NEUBERG: Yes.

10 COMMISSIONER LERNER: Pushed it to the end. Since
11 we are nearing the end of our meeting, unless we're going to
12 continue and go on, which is fine. Do we want to move that
13 to the next -- to our meeting next Tuesday if we don't cover
14 it today?

15 CHAIRPERSON NEUBERG: Yeah. So -- so we have about
16 12 minutes left, we need to first finish up this Item 13, if
17 we could have a motion just to reiterate the consensus of
18 what we feel our top agenda items are; and then after that
19 would be Item IX, which is open meeting law and public
20 records training, that's about five minutes each, and then
21 there's adjournment.

22 So we have 11 minutes. I defer -- let's first just
23 finish up Item 13.

24 Do I have a motion to recommend the items that we
25 suggested for the agenda?

1 COMMISSIONER MEHL: So moved.

2 CHAIRPERSON NEUBERG: Okay. Do we have a second?
3 The items being website, executive director, legal, and a
4 continuation of public comments, a continuation of many of
5 the items that we had initially.

6 Do we have a second?

7 VICE CHAIR WATCHMAN: I'll second. Commissioner
8 Watchman.

9 CHAIRPERSON NEUBERG: Okay. Quick vote.
10 Commissioner Watchman.

11 COMMISSIONER YORK: Quick discussion. I would like
12 to make sure the executive director assistant is also in
13 there.

14 CHAIRPERSON NEUBERG: Yes.

15 COMMISSIONER YORK: Admin.

16 CHAIRPERSON NEUBERG: Absol- -- assistant director
17 and admin.

18 COMMISSIONER YORK: Well, not assistant, but I
19 meant staff.

20 CHAIRPERSON NEUBERG: Staff.

21 COMMISSIONER LERNER: Assistant to the director.

22 COMMISSIONER YORK: Right.

23 COMMISSIONER LERNER: Right.

24 CHAIRPERSON NEUBERG: Deputy.

25 COMMISSIONER LERNER: Is it a deputy or it is an

1 assistant to the director?

2 COMMISSIONER YORK: Admin assistant I think is what
3 you're looking for.

4 COMMISSIONER LERNER: Right.

5 CHAIRPERSON NEUBERG: Okay. Admin.

6 Okay. So do we need to reiterate the motion?

7 COMMISSIONER YORK: No.

8 CHAIRPERSON NEUBERG: Okay. Do we have a second?

9 VICE CHAIR WATCHMAN: Second.

10 CHAIRPERSON NEUBERG: Okay. All those in favor?

11 Commissioner Watchman. Commissioner Watchman.

12 VICE CHAIR WATCHMAN: Aye.

13 CHAIRPERSON NEUBERG: Commissioner Mehl.

14 COMMISSIONER MEHL: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Lerner.

16 COMMISSIONER LERNER: Aye.

17 CHAIRPERSON NEUBERG: Commissioner York.

18 COMMISSIONER YORK: Aye.

19 CHAIRPERSON NEUBERG: Neuberg is an aye.

20 The motion passes.

21 Okay. Moving on to No. IX, which was deferred.

22 After this we have one other item, which is just securing

23 our next meeting date, which we mostly discussed. Do we

24 want to push through with what would probably be about 10

25 minutes of an overview. We -- we -- you know what, we will

1 likely need more training which relates to the previous item
2 which we closed.

3 Open meeting law and public records are two
4 extremely important items that -- that I think we
5 collectively really need to be trained on. So we have an
6 option of getting a five-minute overview per each right now
7 and, in addition, you know, scheduling a deeper training.

8 So I think the first question right now for you all
9 is, do you want to dig in and do the 10 minutes or table it?

10 COMMISSIONER MEHL: I'd rather do the 10 minutes
11 now and have it done.

12 CHAIRPERSON NEUBERG: Okay. It sounds -- Pam, are
13 you ready to move forward with those overviews?

14 MS. PEISER: I'm ready. Can everybody see me or
15 hear me, I guess?

16 CHAIRPERSON NEUBERG: Yes.

17 COMMISSIONER MEHL: Yeah.

18 MS. PEISER: All right. So let me do this fairly
19 briefly.

20 I did ask Yasmin to send out, I believe it was last
21 week, a couple of links that are pretty good resources for
22 both public records and open meetings. The two resources
23 that I personally rely on frequently, one is the Office of
24 the Arizona Odbud- -- office of the Arizona Ombudsman
25 Citizen Aid. They have a public records and open meeting

1 handbook on their website. It's very handy because it has
2 both the statutes, the case law, and the Attorney General
3 opinions included in it; it's in a booklet form, so it is
4 all condensed and very handy to use.

5 The other good resource is the Agency handbook that
6 the Office of the Arizona Attorney General publists --
7 publishes; and you can get that from their website.

8 Both of them provide lots of good resources. I
9 would just point out that the Agency handbook has a lot of
10 information in it, not just limited to public records and
11 open meetings. So there are things on public monies -- you
12 know, every area that state government touches on, they have
13 some guidance on.

14 So with regard to public records, which is where
15 I'll start. The purpose of public records law is to open
16 government activity to public scrutiny. So that's going to
17 be the overriding thing to keep in mind when you look at
18 public records.

19 There is occasionally a question about records that
20 are being requested for commercial purpose. For the
21 purposes of public record law, that's not going to make any
22 difference other than what can be charged for those records.
23 So the law itself remains the same when it comes to public
24 records whether it's for a private purpose, like maybe your
25 neighbor wants to request documents, or whether it's for a

1 public purpose like a website is looking to gather up
2 information so they can target people for services.

3 Public records are essentially anything that you
4 create or use to conduct your job. So in the spirit of
5 being a commissioner, anything you use to carry out your job
6 duties is going to be a public record, whether that is a
7 map, a report you've received in e-mail, maybe you take your
8 own notes. Anything like that that's used throughout your
9 job is a public record.

10 They all need to be kept. And that includes things
11 such as e-mails, text messages. If they are used to carry
12 out your duties, then they are a public record, and they
13 have to be treated accordingly.

14 So what do we do with a public records request?
15 And I believe one came in actually during the course of this
16 meeting. It is good to have a -- one person who tracks
17 them, because it allows you as a Commission to make sure
18 something doesn't get missed; and it also allows you to
19 track, you know, what they requested, what went out, when it
20 went out, that sort of thing.

21 One thing agencies do need to keep in mind is that
22 it is their burden to respond promptly. If you get a
23 request that even remotely looks like a public records
24 request, you know, I always recommend my clients take that
25 as a public records request and respond accordingly.

1 Both statute and case law has found that if the
2 public records is not responded to promptly, then that can
3 be considered a denial of the public records request.

4 In terms of responding, though, it may be that the
5 request is something that's going to take you five days to
6 produce; you should not wait the five days to respond but
7 instead respond immediately, let them know that the request
8 has been received, and then, as soon as you have the
9 response of records, they'll be contacted.

10 And the last thing to keep in mind with responding
11 is that you do not need to create a document to respond to
12 the public records request.

13 So if your requestor is asking for a list of all
14 Commission members and one did not already exist, then you
15 would be under no obligation to create that. But if it
16 exists, then you would be under obligation to turn that
17 over.

18 So the -- the summary with regard to the public
19 records requests as it relates to responding, is that
20 whether or not a request is prompt is going to depend on the
21 circumstances surrounding that response. So every request
22 is different, so what is prompt is different for every
23 request.

24 Now, with the disclosure of documents and response
25 to public records request, there is a presumption that

1 everything you do while carrying out your duties is a public
2 record in terms of the documents you create and the work you
3 create, but not everything needs to be disclosed. There are
4 exceptions under the statute. The big categories are
5 confidentiality, privacy, and the best interest of the
6 State.

7 Of those three categories, the strongest one is
8 statutory or case law confidentiality; following that would
9 be privacy interest; and then the best interest of the
10 State.

11 The "best interest of the State" defense, though,
12 is not a slam dunk and is not something that should be taken
13 lightly because, again, the legislative intent is to open
14 government activity to public scrutiny. So if this was in
15 court, the court would weigh that and consider strongly, you
16 know, whether or not the best interest of the State really
17 do outweigh the public's interest in getting that
18 information.

19 As far as these public records requests being made,
20 many agencies like to have them done in a certain manner,
21 but that's for convenience of the agency. There's nothing
22 in statute or case law that mandates how a public records
23 request must be made. You can ask a requestor to fill out a
24 specific form, but you cannot require it.

25 Finally, keep in mind that if public records

1 request are challenged by somebody making a request of the
2 IRC, they're going to be doing it by a special action in
3 Superior Court; and if the court was to find that the public
4 records request was improperly denied, then the court could
5 impose damages, costs, and attorney's fees.

6 All right. So that is my very abbreviated and
7 quick public records overview. Are there any questions
8 before I move on to open meeting?

9 All right. So with regard to open meeting, again,
10 as I indicated initially with public records, the Ombudsman
11 Office and the AG's Office both have materials online that
12 are very helpful and provide good guidance.

13 The legislative purpose of open meeting laws is
14 actually set out in the statutes. The legislature intends
15 the open meeting law to be construed in the manner that
16 maximizes public access to the government process. Any
17 questions or uncertainty about this really should be
18 resolved in favor of openness as it relates to the public
19 meetings.

20 And it is a safe assumption that the open meeting
21 law applies any time there is a majority of the Board
22 together. So if there is a quorum of the Board, in this
23 instance it would be five member -- I'm sorry, three of the
24 five members, then you need to assume that at that moment
25 the open meeting law applies.

1 Open meeting laws have a few requirements. One is
2 that every meeting of the public has to be open to the --
3 I'm sorry, every meeting of the public body, the IRC, has to
4 be open to the public; there needs to be proper notice of
5 the meeting, as well as an agenda posted; and the minutes
6 need to be kept for every meeting, whether it is a general
7 session or executive session.

8 And, of course, when we say "minutes," I would just
9 like to point out that I'm using it generally. Minutes in
10 the open meeting sense can either be written, either as an
11 outline format or an actual transcript, or it can be a
12 recording that accurately catches everything that's gone on.

13 With regard to meetings, generally speaking, they
14 are a gathering of people -- meaning the five of you or any
15 portion of you -- either in person or through technological
16 devices. So as we met today by Google Meets, that would be
17 considered technological device; this is an open meeting.
18 It also can happen in person, obviously; it could be done
19 through cell phone. Whatever the manner is, you just want
20 to make sure that you've considered the open meeting
21 implications and whether or not it's being permitted in that
22 manner to meet, and that the public has been provided the
23 appropriate notice.

24 Key considerations are whether the matters to be
25 discussed might foreseeable in any kind of final or legal

1 action. So if you're going to do anything to go forward,
2 then it needs to be done in an open meeting.

3 One thing I'd just like to caution everybody about
4 is serial communications or something that we refer to as
5 the "hub and spoke effect." A serial communication would be
6 if I was to contact Chair Neuberg, then from there I go to
7 Vice Chair Watchman, then from there I go to Chair -- or,
8 I'm sorry, Commissioner Lerner, then York and Mehl, that
9 would be a serial communication. If there's any attempt to
10 move information from one person to the next, that would be
11 a serial communication, and that has to happen in an open
12 meeting.

13 And that would be the same, you know, even coming
14 from the public. So if you get something from the public,
15 you're going to want to make sure that you don't respond to
16 it. Certainly don't respond to everybody when -- you know,
17 when you're considering the manner, and just go ahead and
18 let the administrative assistant or executive director
19 handle it.

20 "Hub and spoke" would be if somebody goes from one
21 person to the next and passes the information along. So it
22 kind of like if you think about a bicycle with the hub and
23 the spokes being all the wires that go out, the passing of
24 information where maybe one person says: Well, I spoke to
25 Chairman So and So and they told me this, what do you think?

1 And you go to the next one and you said: I spoke to
2 Chairman A and Chairman B and they both agreed with
3 whatever.

4 So you want to make sure they avoid that because it
5 it's a violation of open meeting law.

6 If there's no quorum, you cannot have a meeting.
7 So in your statutory provision, which is the Constitution, a
8 quorum is stated as a majority. There are other agencies or
9 boards that might have a different number stated for them or
10 different calculation of what a quorum is, but for you it is
11 a majority of the Board.

12 Executive sessions are sessions that are excluded
13 from the public, and they are confidential. These are
14 attended only by members of the Board or Commission and
15 people that are necessary to it.

16 So for this Commission it would include perhaps
17 your administrative assistant or executive director, whoever
18 is providing the information, as well as a secretary or
19 transcriber, counsel to answer questions of a legal nature.

20 No legal action can take place in executive
21 session. So, executive session is solely for the exchange
22 of confidential information. Once you're done, you just
23 exit executive session, and then any legal matters are --
24 or, I shouldn't put it like that. Any desire for legal
25 action, meaning action of the Commission to go forward,

1 would have to take place in that open session.

2 Executive sessions also require minutes of some
3 sort. Again, those can either be an outline, transcription,
4 or a recording.

5 Okay. Overall decorum for the Commission. Keep in
6 mind that everything is out in the public and so you want to
7 make sure that there's nothing that can be inadvertently
8 misconstrued by the members of the public. For that reason,
9 you need to avoid side conversations, whispering, passing
10 notes, texting during the meeting.

11 While it could very well be a note from your spouse
12 saying: Hey, don't forget to bring home milk, the public,
13 of course, wouldn't know that, so they might construe that
14 as something, you know, less benign than that and you --
15 it's just easier to avoid those circumstances.

16 Any information that you have while conducting
17 these meetings need to be left with the meeting and should
18 not be dealt with outside of the meeting. Always want to
19 speak loudly and clearly to make sure that everything can be
20 heard by whoever is taking notes, as well as the public who
21 is listening.

22 Obviously, everybody should be treated with dignity
23 and respect. I don't think that's an issue here; we're all
24 adults, all of you have conducted yourself as one would
25 expect: As polite adults being respectful of each other.

1 Although there are plenty of examples online where
2 we can see that that does not always happen, and that only
3 serves to take away from what the Commission is trying to do
4 and the progress they're trying to make.

5 Obviously, you want to keep in mind while you're in
6 the open meeting, it is an open meeting. As well as any
7 portion of the meeting, and anything that's said is out
8 there and will forever be memorialized on the Internet. So
9 you want to make sure it's appropriate before it is uttered.

10 The final thing I would leave you with is open
11 meeting laws are serious. They are investigated by both the
12 Attorney General's Office as well as the County Attorney's
13 Office. Violations can be reported by anyone at any time.
14 So somebody could conceivably look at past meetings and
15 decide they want to file a complaint about it, even two
16 years in the future. Obviously, that can hinder
17 investigations following that, but violations do not have a
18 statute of limitations. They can be filed at any point.

19 And once an investigation has been completed,
20 depending on the circumstances of violations -- if any are
21 found -- it is possible that the Board itself may face
22 consequences or individual members. If individual members
23 were to be found responsible for something, then that
24 violation would fall solely to them and cannot be covered by
25 the Board or the Commission as a whole.

1 So that concludes my presentation. I think I
2 probably went over a couple of minutes. I am happy to
3 answer questions if you have any. You can also e-mail on an
4 individual basis, you know, if something comes up while
5 you're out and about and you're wondering about something.

6 CHAIRPERSON NEUBERG: And thank -- thank you, Pam.
7 That was essential. That -- that was so beneficial both
8 collectively for us as Commissioners and also as an
9 assurance to the public about, you know, what our
10 responsibilities are.

11 We may well have questions as -- as we move
12 forward; I know I do, just the application of this in a
13 day-to-day world. We may come back and revisit this in the
14 interim before we -- we move forward.

15 Any other specific questions of Counsel Pam today?
16 Okay. Thank you very much, Pam.

17 MS. PEISER: You're welcome.

18 CHAIRPERSON NEUBERG: That was very helpful.

19 And so we are now, I believe, on announcements.
20 Item XIV, to announce our next meeting date.

21 In respect to our earlier conversation, it sounds
22 like we are meeting Tuesday, February 9th, at 9:00 a.m. Can
23 everybody confirm that?

24 (No audible response.)

25 CHAIRPERSON NEUBERG: Okay. Terrific.

1 And now on Item No. XV. I will entertain a motion
2 to adjourn.

3 VICE CHAIR WATCHMAN: So moved.
4 Commissioner Watchman.

5 CHAIRPERSON NEUBERG: Do I have a second?

6 COMMISSIONER YORK: Commissioner York seconds.

7 CHAIRPERSON NEUBERG: Okay. I apologize but we
8 have to do this whole vote again.

9 Commissioner Watchman.

10 VICE CHAIR WATCHMAN: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Mehl.

12 COMMISSIONER MEHL: Aye.

13 CHAIRPERSON NEUBERG: Commissioner Lerner.

14 COMMISSIONER LERNER: Aye.

15 CHAIRPERSON NEUBERG: Commissioner York.

16 COMMISSIONER YORK: Aye.

17 CHAIRPERSON NEUBERG: And I am an aye.

18 And with that, it was an absolute pleasure to see
19 my colleagues around the table, get started with -- with our
20 work, and I really look forward to seeing you-all next week.

21 COMMISSIONER MEHL: Thank you.

22 CHAIRPERSON NEUBERG: All right. Be well
23 everybody.

24 VICE CHAIR WATCHMAN: Thank you. By now.

25 COMMISSIONER YORK: Thanks.

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(Whereupon the proceeding concludes at 12:11 p.m.)

* * * * *

C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

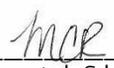
I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at LITCHFIELD PARK, Arizona, this 15th of February, 2021.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 15th of February, 2021.



Miller Certified Reporting, LLC
Arizona RRF No. R1058