THE STATE OF ARIZONA

INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

March 16, 2021

3:00 p.m.

Miller Certified Reporting, LLC
PO Box 513, Litchfield Park, AZ 85340
(P) 623-975-7472 (F) 623-975-7462
www.MillerCertifiedReporting.com

Reported By:
Angela Furniss Miller, RPR
Certified Reporter (AZ 50127)

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PUBLIC MEETING, BEFORE THE INDEPENDENT REDISTRICTING COMMISSION, convened at 3:00 p.m. on March 16, 2021, via GoogleMeets, Arizona, in the presence of the following Commissioners:

Ms. Erika Neuberg, Chairperson
Mr. Derrick Watchman, Vice Chairman
Mr. David Mehle
Ms. Shereen Lerner
Mr. Douglas York

OTHERS PRESENT:

Ms. Yasmin Ramos, Administrative Assistant
Ms. Pamela Peiser, Assistant Attorney General
Ms. Caroline Guerrero, Assistant Attorney General
Mr. Kyle Cummings, Assistant Attorney General

EXECUTIVE DIRECTOR CANDIDATES:

Mr. Tom Augherton
Ms. Keely Varvel Hartsell
Ms. Kristina Gomez
Mr. Brian Schmitt
Mr. Trevor Arbarzua

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P R O C E E D I N G

CHAIRPERSON NEUBERG: Okay. It's 3 o'clock; and so we do expect Commissioner Watchman to join when he is available, but given that we're not entirely sure when he's going to reconvene, I'm going to suggest that we move -- oh. There's Commissioner Watchman.

VICE CHAIR WATCHMAN: Good afternoon.

CHAIRPERSON NEUBERG: Hello. Thank you, everybody, for rejoining us at 3:00 p.m.

With that, we will move to Agenda Item No. I, call to order and roll call, I(A), call for quorum.

It is now 3:00 p.m. on Tuesday, March 16th, 2021. I call this meeting of the Independent Redistricting Commission to order.

For the record the administrative assistant will be taking roll. When your name is called, please indicate you're present. If you're unable to respond verbally, we ask that you please type your name.

Before I turn it over to Yasmin, just for the information of our public and -- and everybody involved on this call, we're deeply sorry for the inconvenience, everybody's public line went dead probably, what, at, you know, 10 minutes before 1:00 or -- YouTube has a limit, a four-hour limit, with the amount of time that people can

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participate on a call; we did not plan for all of that accordingly.

There was absolutely no public discussion or meeting that occurred outside of the public eye. We had moved to executive session prior to the YouTube interruption, and upon the close of executive session, we ceased all business until this moment.

And so, with that, Yasmin, I will turn it over to you to please take attendance.

MS. RAMOS: Thank you, Madam Chairwoman.

Derrick Watchman.

VICE CHAIR WATCHMAN: Present.

MS. RAMOS: Shereen Lerner.

COMMISSIONER LERNER: Present.

MS. RAMOS: David Mehl.

COMMISSIONER MEHL: Present.

MS. RAMOS: Douglas York.

COMMISSIONER YORK: Present.

MS. RAMOS: Chair Neuberg.

CHAIRPERSON NEUBERG: Present.

MS. RAMOS: And for the record, Pamela Peiser, Caroline Guerrero, Kyle Cummings from the Attorney General's Office is on the online as well; and Angela Miller is transcribing.

Back to you, Madam Chair.

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CHAIRPERSON NEUBERG: Thank you. And please note for the minutes that a quorum is present.

And with that, Item I(B), call for notice. Yasmin, was the notice and agenda for this afternoon Commission meeting properly posted 48 hours in advance of today's meeting?

MS. RAMOS: Yes, it was.

CHAIRPERSON NEUBERG: Thank you very much.

With that, we'll move to Item II, which is opportunity for public comments.

I'd also like to note, given the challenge with the YouTube feed, the early morning session public comments officially ended when that feed terminated; and it is now open.

Public comment will open for a minute -- minimum of 30 minutes and, remain open until the adjournment of this afternoon meeting. Comments will only be accepted electronically in writing on the link provided in the notice and agenda for this public meeting, and will be limited to 3,000 characters.

Please note, members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431 .01, action taken as a result of public comment will be limited to redirecting staff to study the matter, responding to any

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criticism, or scheduling the matter for further consideration and decision at a later date.

With that, we will move to Item No. III, which is second interviews for the executive director position.

I -- I would like to just extend a deep appreciation to the five applicants, given that glitch this morning and for us to be able to do our business this afternoon according to the agenda, all five have agreed to come back with us to participate in the second-round interviews; we've discussed in advance some of those questions.

Obviously, these interviews do not need to be as robust. We've had initial deliberations but, you know, it -- it's just deeply appreciative that the candidates are willing to all visit with us again.

With that, before we move into the interviews, just, again, a note regarding executive session. The Commission may vote to go into executive session, which will not be open to the public for the purpose of discussion or consideration of personnel matters, including the interviewing of executive director candidates, A.R.S. 38-431.03(A)(1), for discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by

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state or federal law pursuant to A.R.S. 38-431.03(A)(2), as well as to obtain legal advice specifically related to executive director candidates A.R.- -- A.R.S. 38-431.03(A)(3).

With that, we can begin to get ready for our interviews. In terms of process, we can begin as we did in the morning; I'm willing to start, we'll -- we'll move it over to Commissioner York; given the -- the short time frame, maybe we'll have a couple questions, and then as we go through the candidates we'll rotate through the Commissioners.

So just be on guard that when you're next, you're going to be up for the next candidate.

COMMISSIONER MEHL: Madam Commissioner, would it be appropriate to introduce a motion to reduce the number of candidates that we do a second interview with?

CHAIRPERSON NEUBERG: You know, I will defer to our counsel, with the way that this has been conducted with that glitch that we had and inviting all five to come back.

COMMISSIONER MEHL: We invited them all to come back and be available, but I think --

CHAIRPERSON NEUBERG: Correct.

COMMISSIONER MEHL: I think we could indeed make a motion to interview a fewer number if we so chose.

CHAIRPERSON NEUBERG: I'm -- I'm amenable to that,

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I would like to first defer to counsel given the unique circumstances that we're in, to please give us guidance on what is most appropriate.

MS. PEISER: This is Pamela Peiser. Of course, and as always, if -- if you prefer to get the -- any legal advice in executive session, please just say so.

With regard to this afternoon's agenda, it is my interpretation as I read it, that it allows for you to interview all of the candidates but not do any sort of vote as to limiting it, because that is not how it's set forth.

You can interview all of the candidates or you can -- if you don't wish to, you can table it for another meeting, at which point, depending on how it's agendized, you could vote to whittle it down.

CHAIRPERSON NEUBERG: But -- but, with that, Pam, it is -- it is my understanding, that after this second round, if we do move forward with interviewing all five briefly, that we are entitled to make that final determination and vote on an executive director today. Am I correct?

MS. PEISER: Yes.

CHAIRPERSON NEUBERG: Okay.

With that, I understand it's an inconvenience for -- for everybody. I think just, again, out of an abundance of caution.

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You know, we'll keep these interviews short, you know, no more than 10 minutes I'd like to say, could be even shorter. If we don't have questions, we can -- you know, here's something that's, you know, advantageous, and thank you again, Yasmin, for your flexibility on this. Rather than having predetermined times, Yasmin is prepared to call each applicant when we are available to begin the interview, and we can proceed according to our timeline.

And, with that, Yasmin, would -- is it okay to begin to move forward with our first applicant or is there any further conversation on this legal issue?

COMMISSIONER YORK: I'd like to move into executive session to discuss this.

CHAIRPERSON NEUBERG: Okay. Do we have a second?

COMMISSIONER MEHL: Second.

CHAIRPERSON NEUBERG: 'Kay. Quick vote.

Commissioner Watchman.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Moving into executive session.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Commissioner Mehl.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Aye.

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CHAIRPERSON NEUBERG: Commissioner York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: Commissioner Neuberg is an aye.

With that, we will briefly move into executive session. Please move out of this public link and move into the executive session link.

(Whereupon the proceeding is in executive session from 3:11 p.m. until 3:24 p.m.)

* * * * *

(Whereupon the proceeding resumes in public session.)

CHAIRPERSON NEUBERG: Okay. Hello, everybody. I see all Commissioners, I see our counsel.

And, Yasmin, if you can get our first applicant on the line, that would be wonderful.

MS. RAMOS: The first candidate will be joining here momentarily, which is Tom Augherton, I believe.

CHAIRPERSON NEUBERG: Yes. Thank you very much.

(Whereupon Tom Augherton joins the meeting.)

MS. RAMOS: And he has joined.

CHAIRPERSON NEUBERG: Thank you, Mr. Augherton. Thank you for -- for joining us again. We apologize for the

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confusion this morning with there, I guess, is a -- an end point in YouTube, you know, flow.

So we'll -- we just have a brief question or two. And with that, I will start.

If you could please share with us, how long have you lived in Arizona; and do you have any special Arizona-related stories that you'd like to share with us?

COMMISSIONER YORK: You're on mute.

Tom, you're on mute.

MR. AUGHERTON: God, I am so sorry, you'd think I'd know better at this point, we actually meet by videoconference at the board, so I apologize.

I have come -- I came to Arizona in 1975 as a graduate student in Tucson at the University of Arizona; so I've been here since 1975. Which is not long enough to be a pioneer resident, certainly, like my wife's family, but long enough to have seen the amount of change in the state physically and demographically and so forth.

For somebody from Washington D.C., adapting to the desert southwest, I think I've done pretty good. I know how to lasso a rattlesnake on the back porch up here in Cave Creek, and since the pandemic I've been working from home and the javelina know me on a first name basis.

But to answer your question specifically, I think the time I spent with True West Magazine, doing stories, it

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was a category called unsung heros, and doing a story of true American characters of the Old West, the research was really the high point of the work, the writing was almost an afterthought; and going for source material, because the magazine has very exacting standards, I think that was maybe the quintessential chance to be an Arizona cowboy, but having gotten here about a hundred years too late.

And True West is quite the magazine, it's still published every month, and they give an authentic version of history here in the great West; but when you do read a lot of the stories, there is a lot that is not known by people that come to this part of the country. There are very tragic stories, very sad stories, and the cost of opening the American West to the early country did not come without a price.

So it was a great opportunity to learn about the history of the state in this region on a firsthand basis.

CHAIRPERSON NEUBERG: Thank you.

Any other questions from the Commissioners?

COMMISSIONER YORK: This is Commissioner York. Good afternoon, Tom.

The question, can you give us a little feedback and insight to your political manager position with the Arizona Association of Realtors?

MR. AUGHERTON: Yes. I started there in 19- -- I

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believe it was '88, after working for the State, and it was a lobbyist position for the State Association of Realtors; and basically the industry has 21 local boards throughout the state, and we represent the industry at the state legislature during session, and worked with the special meetings during the non-session periods; and then when I went back a second time with the Realtors, it was a local association liaison position working with the 21 local boards throughout the state, but this time not in state policy but was local policy at the municipal level.

Now, I'm married to a Realtor as a matter of disclosure and her mother was a Realtor, so I'm able to get a lot of free advice at the kitchen table back then and (technical disruption).

COMMISSIONER YORK: Thank you.

CHAIRPERSON NEUBERG: Any other questions from the Commissioners?

COMMISSIONER LERNER: Just very briefly, Tom, if you don't mind giving me -- I don't recall if we asked this about your strengths and weaknesses.

Just briefly, maybe give one or two of each.

MR. AUGHERTON: Well, in terms of strengths, I think when you work in the public sector, you never have comparable resources to the private sector. So although it's nice to have an executive assistant and have, you know,

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a large number of the staff to do things that you can assign; the reality of working in public service is that sometimes you have to be your own secretary, your own research clerk and your own paralegal and so forth.

So I would give myself high marks on the ability to do independent research based on source and based on relationships with individuals that can access a few sources.

If I have to be self-critical, I would say that the juxtaposition of how much is available on the project versus how much detail realistically can be pursued, is something which is -- it's the old hourglass, you have to research in proportionality to the time that you have available.

Which is why this morning I mentioned about the reverse timeline. The amount of work that has to be done to just get the Commission up to standards of performance to be able to support the Commission in terms of the attorney and the mapping agency and so forth, is really considerable; and the way it really needs to begin is an immediate infusion to justify a candidate starting immediately, even before they transition from their current position to the new position, so that the Commission through the Chair has a menu to look for and look through to find out what are some of the immediate priorities that need to be done.

This morning you had a discussion regarding the

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website and, of course, the website is now the prevailing currency for communicating between organization and the general public; but the content and the style and the interactivity of the website can make a difference between it being static and ignored, or being something that's used and even consulted by the news media.

So, at the very least, although I'm able to talk as -- as you can see here, I think the proof in the pudding is actually assembling a list of concrete suggestions with timetables and deadlines and performance standards to the Commission immediately with regard to what needs to be done to draw up the enterprise up to full staffing and full performance, and then working backwards from January to the timeline.

COMMISSIONER LERNER: Thank you.

CHAIRPERSON NEUBERG: Thank you. I don't -- any other questions amongst the Commissioners?

Mr. Augherton, thank you so much for your patience today, for your application, and your interest; and, you know, stay tuned.

MR. AUGHERTON: Okay. Let me just leave with a final plug for myself, if I could.

CHAIRPERSON NEUBERG: Please.

MR. AUGHERTON: I'm not necessarily a show horse in the traditional political sense, in terms of -- oh, a lot of

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factors, but I consider myself a plow horse that's able to go down the form field and do straight row with the equipment and produce the results; and government and public policy and working for elected officials and appointed officials, it is second nature to me now, primarily because of the number of years I've been doing this, and also I think the teams that I've been privileged to associate over the years have an enviable track record of success, whether it's at Attorney General's Office or cabinet-level agencies or even the board I'm currently at right now.

The value of an executive director to the Commission or the committee that it reports to, is built on relationship. But, ultimately, the style of the person you hire, in addition to ability, is what gives the first impression of the organization as well.

So, again, I'm very appreciative of this chance to be invited to interview. Thanks very much.

CHAIRPERSON NEUBERG: Thank you very much.

COMMISSIONER LERNER: Thank you.

(Whereupon Mr. Augherton exits the meeting.)

CHAIRPERSON NEUBERG: Okay. Yasmin, if you want to get in touch with Ms. Hartsell.

(Whereupon Keely Varvel Hartsell joins the meeting.)

MS. RAMOS: We have Ms. Hartsell on the line.

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CHAIRPERSON NEUBERG: Thank you so much, Ms. Hartsell, for being patient with us and -- and reconvening. We have, really, just a couple more questions. I don't want to -- we're kind of rotating around the Commissioners, and so I'd like to give my peers an opportunity to ask questions.

I think we left off with Commissioner Lerner. So Commissioner Mehl, would you like to get started?

COMMISSIONER MEHL: I don't have any questions. Thank you.

CHAIRPERSON NEUBERG: Commissioner Watchman, would you like to ask any questions?

VICE CHAIR WATCHMAN: I would, thank you, Madam Chair.

Ms. Hartsell, you mentioned a listening tour. I'm curious to what extent and what parts of Arizona would the -- should the Commission consider in terms of touring and doing public hearings? You know, we've got -- it's vast and it's big --

MS. HARTSELL: Yeah.

VICE CHAIR WATCHMAN: -- and I'm curious as to what you think we should be connecting with.

MS. HARTSELL: I really think you probably should at least do one meeting, if not more, in all of the major -- well, all of the even the minor population centers of

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Arizona. Clearly, it --it is a very large state geographically, and I feel like you're really going to have -- people are going to be concerned if you don't physically make an effort to go to at least the smaller communities in the rural areas and across the tribal areas, obviously, all the way from north to south.

So when I think of -- I mean, I would say -- I mean, up in Navajo, for instance, you probably could just do the Tuba City maybe to cover the western area, but -- but, you know, I think that could do a couple, at least Tuba City and Window Rock, if not possible Chinle and Tacna; I think Page, you know, going south, Flagstaff, Holbrook, Winslow. I mean, I think it would be good to do as many as you could.

And then, you know, maybe the second round, you have more -- more the larger communities, so maybe Flagstaff and, say, Winslow, and then you make sure you have the ability to get people to join by -- by technology if they want to.

But part of the problem in the rural area, as you know, is even -- even if you have the technology, it might be super reliable. It is -- it is -- you can say that you could just -- oh, you could just join online like we are, I mean, you can see the technical problems we have right here in Phoenix, so I wouldn't want to trust completely to that.

So pretty extensive, I would say extensive.

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VICE CHAIR WATCHMAN: Thank you.

CHAIRPERSON NEUBERG: Okay. Any other questions, Commissioners?

COMMISSIONER YORK: Ms. Hartsell, this is Commissioner York. One of the issues that has arisen in reviewing your application is how -- how we might see past the -- the partisan bias that appears from your time in the senate and the democratic party.

Could you explain maybe how we can overcome that?

MS. HARTSELL: Well, I will say this, I've always worked for elected officials, so they were democrats predominantly, but I've not myself ever run for office. I've only -- I mean, I haven't even given money or been a PC or anything like that for many, many years.

I did run a major campaign in 2002, which is almost 20 years ago now, but that was the most involved in the actual sort of campaign side of it, political -- direct political advocacy side of it that I've been in the last, you know several years of my -- my career.

And, like I said, I -- you know, we, certainly being democrats in Arizona, you're not going to advance your agenda without figuring out how to work with the other side sometimes. And so I think that I've had -- and have played the role a lot in advising the caucus members who I worked for at the legislature, and certainly Adrian Fontes,

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whenever he was Recorder, in how to find consensus with the republican or independents, whatever the case may be, across the aisle in order to advance, you know, mutual goals and policy initiatives.

So I have worked, you know, around people of other -- of the other party; and, like I said, I understand what it means to be a staff person -- I think I mentioned this before -- and I know that it's -- that you're the decision-makers. So my role is to be a support staff person to you, and that -- and if you want my advice and some guidance, I certainly have it to provide based on my experience and sort of knowledge of the political scene and history, and all the things that create context for what you're doing.

But I -- I understand I'm a staff person and that my responsibility from a policymaking standpoint stops whenever you want it to stop and that it's your -- you know, it's your job to just make a decision.

CHAIRPERSON NEUBERG: Thank you.

Any other questions?

Thank you so much, Ms. Hartsell for you, you know, investment in our state and for all that you do.

MS. HARTSELL: Thank you.

(Whereupon Ms. Hartsell exits the meeting.)

CHAIRPERSON NEUBERG: Okay. Yasmin, if you could

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please get in touch with our third applicant, Ms. Kristina Gomez.

MS. RAMOS: She should be joining any minute.

CHAIRPERSON NEUBERG: Thank you.

(Whereupon Kristina Gomez joins the meeting.)

CHAIRPERSON NEUBERG: Ms. Gomez, thank you so much for your flexibility and accommodation, too. You know, we apologize, there's been a glitch with YouTube and all of that, so we appreciate you reconvening with us.

We really just have a couple of very brief questions. We're going around the room -- or the tiles, I should say -- and I'm not sure exactly who's up. I'll open it up to my fellow Commissioners; if not, I'll ask a question.

But does anybody have a question that they'd like to ask of Ms. Gomez?

COMMISSIONER LERNER: Commissioner Neuberg, I'll start with one.

CHAIRPERSON NEUBERG: Please.

COMMISSIONER LERNER: I think it is -- I think it is your turn, though.

CHAIRPERSON NEUBERG: Oh. I'll go second.

COMMISSIONER LERNER: Okay. So, as you know, the Arizona Constitution charges us to perform our duties in an honest, independent, and impartial fashion upholding public

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confidence and the integrity of the redistricting process.

Can you talk, speak to whether or not or do you have any past or current conflicts of interest that might impact positively or negatively on your ability to help us accomplish the mission?

And then I do have a quick follow-up after that.

MS. GOMEZ: Thank you so much for that question.

I do not have any current or past conflicts. I have been a state employee for over 20 years, so as a state employee my allegiance is to the Arizona State Constitution and to the state of Arizona.

COMMISSIONER LERNER: Okay. And then the follow-up that I have based on that and then your understanding of the mandate that we do have, what would be the primary thing you could say, like, the number one thing that you could do, that would help us succeed in our mandate?

MS. GOMEZ: I would continue with making this process as transparent, continue to have your meetings in -- in open session, continue to go ahead and to obtain as much public comment as possible; I would continue to -- to stream these meetings; I would look into possibly going with a different streaming service.

But -- but in all seriousness, I would -- I think you -- you all are going down the right path of keeping this process as open as possible and as transparent as possible,

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so you all are doing a great job.

COMMISSIONER LERNER: Thank you.

CHAIRPERSON NEUBERG: Okay. One last question then since I am up.

How long have you lived in Arizona, and do you have any special Arizona-related stories that you want to share with us?

MS. GOMEZ: So I was -- I was born and raised here in Phoenix, I grew up on the west side of Phoenix; I only lived five years outside of the state, I moved when I was 16 to Los Cruces, New Mexico, which obviously was probably a difficult for a student in high school to move, but I came back because I love this state so much.

And my mom was actually -- her home base was here, she was a migrant worker, her and her family. So they would travel throughout the entire southwest, but Arizona was always their home base. So my connection is because of my mother and my grand- -- grandparents; they loved Eloy. So they're from the -- they're from that small town.

So funny stories about Arizona. That's a good question.

I guess just one small story. I actually was in 1990 state champions of the softball little league for girls, so we were state champs in 1990; and that was in sixth grade.

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COMMISSIONER LERNER: That's great.

CHAIRPERSON NEUBERG: Awesome.

All right. With that --

COMMISSIONER YORK: Can -- can I --

CHAIRPERSON NEUBERG: Commissioner York, did you raise your hand?

COMMISSIONER YORK: Yes.

CHAIRPERSON NEUBERG: Yes.

COMMISSIONER YORK: One last quick question, Ms. Gomez. You are by -- you have the most experience of our applicants as far as the process of redistricting being involved in the last two processes. Having -- if selected, how would you consider the optics of concern -- how would you defend the optics of that selection based on the last redistricting process was not overwhelmingly acknowledged as a success.

MS. GOMEZ: So I was part of the 2001 Redistricting Commission and I was part of the, obviously, the 2011 Commission as well.

The 2011 members welcomed me with open arms, even though with the first Commission there were some problems as well; because when you're dealing with redistricting, there's always going to be issues/challenges, that's just -- that's just the -- the process of it.

However, I do -- you will see people who have been

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a part of this process since the '90s, you will see people who used to be part of this process, and since they used to do this in the basement of -- of the state legislature, and those people do know me, and I did build relationships with several folks throughout this entire state during the last process.

So people do know me, and they do know that we are transparent and staff will be transparent and be inclusive with everybody. Everybody should take part in this process and be involved.

Like I said, I wouldn't be doing my job if I didn't include everybody.

CHAIRPERSON NEUBERG: Thank you. Any other questions?

Yes, Commissioner Mehl.

COMMISSIONER MEHL: Yes. Your résumé is impressive but you have mostly -- or really exclusively -- been in a number two position or a secondary position. Tell us about your ability to lead and really take a top spot.

And then a second part of that is you have a reputation as being a democrat and could you just talk to us about that also.

MS. GOMEZ: Of course. So I was the executive director of the Podiatry Board, I did that for over a year; and then I was asked by my current boss to go ahead and to

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join him at the Dental Board.

But prior to that, our executive director with the 2011 Commission, he actually reduced his hours to 10 hours per -- per week, so I was in charge of the agency. I was in charge of the day-to-day work, I worked extremely hard to make sure that everything was done and made sure that he was prepared so that -- so that the Commission can continue to function.

But everybody was dealing with me because everyone knew that Ray was less than part-time. Ray would join me, obviously, he would come in, we would talk -- talk through things, we would plan out our weeks and whatnot; but I worked as hard as possible to make sure that -- that things got done, and that was the last four years of the agency.

And as far as being a democrat, I'm a public servant. Period. I've worked for the state for a number of years, my allegiance is to the state of Arizona and not a political party.

The democratic party does not pay my -- my bills, does not put food on my table, the state of Arizona does.

COMMISSIONER MEHL: Thank you.

MS. GOMEZ: Thank you.

CHAIRPERSON NEUBERG: Any other questions?

Thank you so much, Ms. Gomez, and thank you for -- for your service to our state.

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MS. GOMEZ: Thank you.

CHAIRPERSON NEUBERG: We're very appreciative.

MS. GOMEZ: Thank you again.

(Whereupon Ms. Gomez exits the meeting.)

CHAIRPERSON NEUBERG: With that, Yasmin, if you can get in touch with our next candidate, that would be appreciative.

MS. RAMOS: Brian should be joining momentarily.

CHAIRPERSON NEUBERG: Okay.

(Whereupon Brian Schmitt joins the meeting.)

CHAIRPERSON NEUBERG: Mr. Schmitt, thank you so much for joining us again, we appreciate your flexibility and your accommodation.

We are going around the room for questions, and I just asked my final one, so I'm going to turn it over to Commissioner York, and then I may ask one before we finish.

But go ahead, Commissioner York.

COMMISSIONER YORK: Brian, you're on mute.

Good afternoon. Nice to see you back. There has been some concern -- or some thoughts or questions -- around your involvement with the current campaign cycle. Would you like to elaborate on that perhaps?

MR. SCHMITT: Oh. Sure. So in my campaign experience, I -- I've said that I like to really dig into things, and event production is something I've -- I've done

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in the past, and this last cycle I was asked to help with the last event of the cycle, it takes place on the Yavapai County Courthouse steps.

It kind of hits close to me 'cause Senator McCain did his final stop there in 2008 and it -- after visiting seven states, he always made it a priority, and Goldwater also did, too.

So that -- a friend called and asked me to help coordinate the logistics for an event and that -- that was my only involvement.

COMMISSIONER YORK: Thank you.

MR. SCHMITT: Sure.

CHAIRPERSON NEUBERG: Any other questions from the Commissioners?

COMMISSIONER LERNER: Well, this is Commissioner Lerner, if you can elaborate a little bit on that 'cause it's not your résumé, about your involvement with the Republican National Committee or with -- I mean, it's come to our attention that you have been involved with and been paid as part of a job with the Republican National Committee and with Senator McSally's campaign, but none of that was on your résumé.

So I'm just curious if you can clarify a little bit for us, just to elaborate a little more. I certainly understand event, and definitely remember actually Senator

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McCain at the Yavapai Courthouse, that was quite the thing.

I do remember those things, but I'm kind of asking for a little bit more understanding of that since --

MR. SCHMITT: Yeah. Totally.

COMMISSIONER LERNER: -- that's not listed anywhere.

MR. SCHMITT: Totally understandable.

So my résumé is my professional résumé, my full-time employment. That event was kind of a one-off, friends have asked me for help before and I'm always willing to give them help. I -- it's not something I do every day, it's kind of one-off things.

It's -- I'm -- my full-time job is -- is really what -- what I do. This is just I use my campaign experience to help other folks out, but it's not my day-to-day, so.

And I think people at the City would attest to the fact that I can put my political beliefs aside to try and get stuff done. That's -- my reference is one was Deb Start who is a democrat technically, and I worked to -- I worked with her when she was a planning director at the City, she went to the County, came back as a council member; we have a great relationship. We've put our nose down, get to work, and really just try and get stuff done. That stuff at work doesn't matter to me.

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COMMISSIONER LERNER: Thank you.

CHAIRPERSON NEUBERG: If I could ask a follow-up question. You've alluded to, you know, the late Senator McCain, you obviously have deep roots in Arizona. Can you share a little bit about your Arizona story or if there's any special Arizona, you know, memories or anything that you'd like to share with the Commission.

MR. SCHMITT: Yeah, absolutely.

So my grandfather on my mom's side was born here at St. Joe's when the population was less than 50,000; I'm actually fourth generation who was born at St. Joe's. Community is really important to me. My dad calls Phoenix the biggest small town in America, and it really keeps you honest and humble and accountable.

And -- and so I know and appreciate my community, but also I know those communities exist all across the state and that we should tap into them over this -- over this period and make sure that everybody's voice is heard.

CHAIRPERSON NEUBERG: You don't have a Senator McCain story you want to share?

MR. SCHMITT: Oh. I do (multiple speakers/indiscernible).

CHAIRPERSON NEUBERG: I -- I'm sorry, I'm just putting you on the spot. That's -- yeah.

MR. SCHMITT: One specific one?

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I -- a funny -- this is actually my sister's and I'm stealing it, in -- she said her favorite trip of all time -- she traveled more with him than I did -- was every time they got to go to the Grand Canyon, you would have tourists that would see John McCain and the Grand Canyon at the same time, and always perplexed and just kind of in awe of both.

So that's -- that actually, I'm jealous of that one, yeah.

CHAIRPERSON NEUBERG: All right. Thank you.

MR. SCHMITT: Yeah, thank you.

COMMISSIONER LERNER: Commissioner, could I ask one more question?

CHAIRPERSON NEUBERG: Of course.

COMMISSIONER LERNER: Brian, and thanks for being here again.

MR. SCHMITT: Thank you.

COMMISSIONER LERNER: Can you tell me, what's the largest staff that you ever had that you've ever supervised?

MR. SCHMITT: Well, the City is an interesting piece. It's our City Council offices are three to four, right now it's two of us, but we're -- we're also responsible for overseeing the 13,000 city employees as well; when residents in our district call the planning department or water department or streets and they don't get

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the right answer, that falls back on us.

So we're not technically in charge of them, but we -- we make sure that they're accountable to the citizens in -- in Phoenix.

COMMISSIONER LERNER: Thank you.

MR. SCHMITT: Sure.

CHAIRPERSON NEUBERG: Any other questions, Commissioners?

Commissioner Mehl.

You're on mute.

COMMISSIONER MEHL: Brian, if you were the executive director, what would you consider success for the Commission?

MR. SCHMITT: Success. I would say making sure that you guys are able to fulfill your constitutional duty; a process that everybody is proud of; that folks feel like they were part of it and we listened to them; and that I don't meet you guys at the Supreme Court five years from now, that would be probably the biggest; but also walk out with integrity at the end of the day.

COMMISSIONER MEHL: Thank you.

MR. SCHMITT: Thank you.

CHAIRPERSON NEUBERG: Okay. With that, I think -- thank you so much, Mr. Schmitt, for your flexibility --

MR. SCHMITT: Thank you. Of course.

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CHAIRPERSON NEUBERG: -- and for your time and -- and accommodation.

MR. SCHMITT: Yeah, thank you.

(Whereupon Mr. Schmitt exits the meeting.)

MS. RAMOS: Trevor should be joining momentarily.

CHAIRPERSON NEUBERG: Okay. Thank you very much.

(Whereupon Trevor Abarzua joins the meeting.)

CHAIRPERSON NEUBERG: Thank you --

MS. RAMOS: He is on.

CHAIRPERSON NEUBERG: Thank you so much for joining us again, Mr. Abarzua. We have just a quick few questions. I'll open it up to my fellow Commissioners before I bring it back to myself.

Anyone want to start?

I'll start, then, if nobody is going to jump in. I would love to hear how long have you lived in Arizona and if you have any special Arizona-related stories that you'd like to share.

MR. ABARZUA: Okay. That's a fun one.

I've lived in Arizona since I was 18; so I moved out here to attend Arizona State University. Grew up in a really small town in, you know, rural Connecticut and wanted to go to a big city and big state on the West Coast, so I choose Arizona State, and it was one of the best decisions I ever made.

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I think an Arizona story I like to tell is, after graduation, you know, being a 21-, 22-year-old, I, you know, like a lot of 21-year-olds didn't know what I was going to do next. So applying at jobs throughout the country, and especially in the northeast, and so I packed up my car and drove all the way out to the northeast and did a couple interviews in New York and -- and in Connecticut; and I just kind of had this gut feeling, like, you know, I know I grew up here, but this isn't home for me anymore, and I really do think, you know, I want to be back in Arizona.

And, you know, it kind of just by happenstance I got a call from -- from John McCain and wanted to see if I wanted to go work for him, so I said, yeah -- you know, yes, I do; that's an honor. It was literally, I think I was only back in Connecticut for, like, four days and I packed up my car again and drove all the way back. So I drove cross country twice in about a matter of about a week and a half, and I think I've broke my mom 's heart, but -- but I've been here ever since, and now's it my home; and I recently got engaged and bought a house here in Phoenix and my fiancée is from Cave Creek; and now my parents are looking to be snowbirds, so. So now they're going to be Arizonans as well.

So I think it all came full circle. I think like a lot of people in Arizona, you know, 70 percent of the adults

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are from somewhere else and -- and have made Arizona their home, and I think it's part of the culture, you know, part of that accepting culture here. We still have that Wild West feel of, you know, if you work hard, you can be whoever want in Arizona, and I really do feel that, and that's why I picked here to be my home, and that's I'm excited about this opportunity.

CHAIRPERSON NEUBERG: Thank you.

COMMISSIONER MEHL: Mr. Abarzua, it's been pointed out that you were actually a republican applicant to be one of the commissioners, and that has raised questions about whether you can be an impartial executive director or if you are too biased in your republican leanings. If you can address that for us.

MR. ABARZUA: Sure, yeah. I saw the opportunity come up, I saw it on the news, and I saw it, you know, on the ADO website, and I thought it was a cool opportunity. You know, again, being that public servant and -- and wanting to contribute and give back to the community, you know, I was interested.

I think in after going through the application and the interview process I felt that it wasn't a good fit for me, and I think I wasn't good fit to be a commissioner. You know, my whole career I've been on the staffing side, and I feel like I excel at the staffing side, and I think working

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for principals and governors and senators, you know you how -- you know the role of the staffer and the role of a principal, so I know that role.

And I just want to make sure that I'm not looking to be a sixth commissioner. You know, I know what I'm good at, and I'm a convenor, and I'm a project manager and a collaborator, and that's what I want to bring to the team; I don't want to be the one making the decisions, I want to be the one to help you guys to that decision point and help convening that, so.

So that's why I'm interested in the role as a staffer rather than a commission. And I feel I would not be partisan at all, and I would not put my personal opinion into the fold, I would just act on -- on behalf of you guys as the Commission -- as the Commissioners.

CHAIRPERSON NEUBERG: Any other questions?

COMMISSIONER LERNER: I'd just like to ask one quick, one more little question, please.

So I've addressed this about the applicants, so I have kind have a twofold question whether or not you feel you have any past or current conflicts of interest that might impact the -- the Commission's ability to get things done; and then I'll follow up with one other quick one after that.

MR. ABARZUA: I think that's -- yeah, that's an

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easy one. I would say, no, I don't have any past issues that would pop up or anything that would hinder me from doing the best job as an executive director. I think my expertise and my -- and my experience fit the mold of what the Commission is looking for in an executive director, and I would love for the opportunity.

COMMISSIONER LERNER: And then my follow-up would be is if you could -- how can -- like, what is one thing you could see yourself doing that would help us succeed?

MR. ABARZUA: I think the one thing I see myself doing is -- is filling out a really great staff. I think I know from a staffing perspective and being on the staffing side, I know what it takes to -- to be impartial but also to contribute to a team.

So leading that team of the staff and being a leader in the sense of that; and I think also, too, and I've talked about it in the previous section of the interview was, you know, the project managing side of it and my experience on those governor's goals council and coming up with complex solutions to complex issues; and being able to manage, you know, different executives, different levels of executives and different levels of government, whether it was county, city, and state.

You know, dealing with people of power and people of -- you know, on the Commission you guys being able to get

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to the finish line, I'm confident I can do that.

But I think at the end of the day, again, I'm going to be the coach of the team and the coach of the staff and then communicating to the public, I think those are all the strong points I can contribute.

COMMISSIONER LERNER: Thank you.

MR. ABARZUA: Thanks.

CHAIRPERSON NEUBERG: Any other questions from our Commissioners?

Thank you so much for joining us. We're -- we're very appreciative for your interest and for your service to our state.

MR. ABARZUA: Thank you so much. Appreciate it.

CHAIRPERSON NEUBERG: Okay. Thank you.

(Whereupon Mr. Abarzua exits the meeting.)

CHAIRPERSON NEUBERG: And, with that, I believe we will move to Item No. IV, which is discussion and possible action on executive director interviews and hiring of executive director.

The Commission may vote to go into executive session, which will not be open to the public for the purpose of discussion or consideration of personnel matters, including matters related to executive director candidates, A.R.S. 38-431.03(A)(1), for discussion or consideration of records exempt by law from public inspection, including the

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receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law pursuant to A.R.S. 38-431.03(A)(2), as well as to obtain legal advice specifically related to executive director candidates, A.R.S. 38-431.03(A)(3).

With that, I -- I would suggest that we begin our deliberation in the public session and we move into executive session to discuss those items that are sensitive and in any way could impact our applicants in a negative way.

And I would like to remind the public and the Commissioners, we had a robust discussion this morning, we do not want to repeat that entire conversation, and so this should be additive information to what we have learned subsequent to the first round.

Let's start with the first candidate, Tom Augherton. Any additional comments on the -- the positive, negative, you know, side?

COMMISSIONER YORK: This is Commissioner York. I felt that the timeline description of the process that he added this afternoon was helpful.

CHAIRPERSON NEUBERG: Okay. Thank you.

COMMISSIONER LERNER: This is Commissioner Lerner. I felt that he added more information a little bit about his history and work, and that was helpful as well.

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CHAIRPERSON NEUBERG: Okay. We'll move on to candidate number two, Keely Hartsell, any additional comments or thoughts?

COMMISSIONER LERNER: This is Commissioner Lerner, I was appreciative of the question Commissioner York asked, that helps give some extra insight on how somebody who has been in a position with one party could potentially be nonpartisan in the position.

I felt that she -- she answered the question of how she's worked with others across the aisle as part of that; and where her -- where she sees herself in terms of her role being staff, I felt that was additional information.

CHAIRPERSON NEUBERG: And I'd also like to share that in my due diligence in -- in consulting with anybody who knows this candidate, that I've heard remarkably wonderful things about her in terms of her ability to -- to work with all sides, get things done, be laser focused, and so I do want to make sure that -- that we emphasize some of those positives that -- that we've heard.

If there's no further comment, let's discuss candidate number three, Kristina Gomez.

Additional comments?

COMMISSIONER MEHL: I think she continued to show that she's a very credible candidate and showed some strengths in her answers.

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COMMISSIONER LERNER: And this is Commissioner Lerner, and I was appreciative of the question about her history in Arizona as well, understanding the longevity that she's been here and sort of family ties; and then -- and then the piece about lack of conflicts of interest was positive.

CHAIRPERSON NEUBERG: I, too -- I, too, felt that I had no doubt that she would be able to embrace our mission unbiased and -- and in support of our collective efforts.

If there's no further feedback back, let's move to candidate four, Brian Schmitt.

Any further conversation?

COMMISSIONER MEHL: I thought he actually came across stronger in the second interview than he did in the first, and I actually thought he handled the question on his full-time work versus what was not -- not full-time work quite well; and I continue to be very impressed by this candidate.

COMMISSIONER LERNER: And I -- I do feel he came across stronger this time, but I do have concerns about -- about not everything being on there. I do understand why he did it, though.

CHAIRPERSON NEUBERG: One thing that I want to mention in this public sphere is I felt this candidate was very understated. Meaning, that when I did my due diligence

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and -- and asked for feedback from people in the state, including people that are, you know, closest with our late Senator McCain going back way -- way back when, not from a policy perspective, but a character perspective; and, you know, I -- I just heard things like honest, process-orientated, focused on legitimacy, deep Arizona ties, somebody that's able to work across all political spheres; and so I was struck by -- you know, we have two ears and one mouth, and I might say that this candidate maybe said the least, but I'm not sure that's a negative.

You know, in terms of somebody who would put the Commission above, you know, all other interests, I think this is a candidate that deserves very serious consideration.

Any other -- any other thoughts or comments before we move on to the next candidate?

Okay. With that, we'll move on to Trevor Abarzua. Positives, negatives, any concerns? Thoughts?

COMMISSIONER YORK: This is Commissioner York. I thought he handled the question of -- of applying for commissioner and his thought process on really realizing that probably wasn't the best fit for him, I thought that was a novel answer and it made sense to me; it's an ambitious young man --

CHAIRPERSON NEUBERG: Yeah.

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COMMISSIONER YORK: -- I have no doubt, and so...

CHAIRPERSON NEUBERG: I agree; a very talented young man.

If there's no further conversation, I'm going to move that we go into executive session to discuss any items that is best left to the stres- -- to the discretion of executive session, and we will very shortly resume to our public meeting to continue the agenda and hopefully hire an executive director to today.

Anything else anybody wants to share before we move to executive session?

Okay. We'll see you in executive session; and to the public, we will see you soon.

(Whereupon the proceeding is in executive session from 4:16 p.m. until 5:12 p.m.)

* * * * *

(Whereupon the proceeding resumes in general session.)

CHAIRPERSON NEUBERG: Okay. Let's just give a minute for our counsel to make sure that they are on -- on the line so we can move forward with Agenda Item No. IV on our afternoon agenda.

Pam, are -- are you there?

MS. PEISER: I am.

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CHAIRPERSON NEUBERG: Okay. Excellent.

With that, welcome, everybody. Thank you for your patience. We'll move on with Agenda Item No. IV, discussion and possible action on executive director interviews and hiring of executive director.

We have just resumed from the executive session.

With that, we will discuss the candidates and move to make a motion.

We had robust discussion in the morning and the afternoon, both in public and executive session. We'll do a -- a brief review, if there's anything that anybody wants to add of the five applicants.

First with Mr. Augherton, any further conversation?

Ms. Hartsell?

Ms. Gomez?

Mr. Schmitt?

And Mr. Abarzua?

Thank you to all of our applicants, they were remarkably outstanding and all people that we feel that would well represent us.

We will go for a vote unless is there's any other further conversation from our Commissioners.

Is there any further conversations before we take it to a vote?

Okay. We will go through each applicant, we will

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vote "aye" or -- or "nay" on the applicants; if there is more than one, we'll come back and revisit that.

So, with that, we'll take applicant number one, Tom Augherton.

Commissioner York.

COMMISSIONER YORK: Nay.

CHAIRPERSON NEUBERG: I'm sorry, I actually -- Commissioner York, thank you, you were -- you were correct. I meant to say Commissioner Watchman, but you're first and now Commissioner Watchman.

VICE CHAIR WATCHMAN: Commissioner Watchman, nay.

CHAIRPERSON NEUBERG: And Commissioner Mehl.

You're on mute.

COMMISSIONER YORK: Muted.

COMMISSIONER MEHL: Nay. Nay, sorry.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Aye.

CHAIRPERSON NEUBERG: And Commissioner Neuberg is a nay.

So with that, we'll move on to candidate two, Keely Hartsell.

Commissioner Watchman.

VICE CHAIR WATCHMAN: Nay.

CHAIRPERSON NEUBERG: Commissioner Mehl.

COMMISSIONER MEHL: Nay.

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CHAIRPERSON NEUBERG: Commissioner Lerner.
COMMISSIONER LERNER: Aye.
CHAIRPERSON NEUBERG: Commissioner York.
COMMISSIONER YORK: Nay.
CHAIRPERSON NEUBERG: Commissioner Neuberg is an aye, but that is in the negative.
We'll move to Kristina Gomez.
Commissioner York.
COMMISSIONER YORK: Nay.
CHAIRPERSON NEUBERG: Commissioner Watchman.
VICE CHAIR WATCHMAN: Aye.
CHAIRPERSON NEUBERG: Commissioner Mehl.
COMMISSIONER MEHL: Nay.
CHAIRPERSON NEUBERG: Commissioner Lerner.
COMMISSIONER LERNER: Aye.
CHAIRPERSON NEUBERG: Commissioner Neuberg is a no.
And, with that, we'll move to candidate number four, Brian Schmitt.
Commissioner Watchman.
VICE CHAIR WATCHMAN: Nay.
CHAIRPERSON NEUBERG: Commissioner York.
COMMISSIONER YORK: Aye.
CHAIRPERSON NEUBERG: Commissioner Lerner.
COMMISSIONER LERNER: Nay.
CHAIRPERSON NEUBERG: Commissioner Mehl.

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COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Neuberg is an Aye.

And with that, we'll move to the last candidate, Mr. Abarzua.

Commissioner Watchman.

VICE CHAIR WATCHMAN: Nay.

CHAIRPERSON NEUBERG: Commissioner Mehl.

COMMISSIONER MEHL: Nay.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Nay.

CHAIRPERSON NEUBERG: Commissioner York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: Commissioner is -- Commissioner Neuberg is a nay.

And, with that, I believe the only candidate that received a majority vote was Brian Schmitt.

Yasmin or legal counsel, can you please confirm?

MS. RAMOS: This is Yasmin; I confirm.

CHAIRPERSON NEUBERG: Okay. With that, I would like to make a motion that we recommend Brian Schmitt to be a candidate, for ADOA to begin to move forward with making an offer to the candidate consistent with state personnel system policies and procedures.

I will take a vote, with that, we'll move to --

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move forward with the hiring of Mr. Schmitt.

Commissioner Watchman.

VICE CHAIR WATCHMAN: Nay.

CHAIRPERSON NEUBERG: Commissioner Mehl.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Nay.

CHAIRPERSON NEUBERG: Commissioner York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: Commissioner Neuberg is an Aye.

And, with that, the motion approves to advance the candidacy of Mr. Schmitt.

It is now in the hands of ADOA to move forward with the offer and to do due diligence with ensuring all policies, you know, are adhered to.

And, with this, I -- I would like to just further state, you know, in -- in the robust discussion that we had, as the independent chair, I'm very comfortable with this decision. I know that this was hard, there were people of -- of multiple perspectives.

In terms of going back, you know, in the history of our state with soliciting opinions from all sides with who could represent us, from an honest perspective as -- as a staff member, not as a voting member, who will have no say

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in -- in the lines of the districts, I feel that with the checks and balances and -- and the information that we received, I'm very comfortable with this choice, and that we collectively commit to the entire state that this will be a process of -- of transparency, legitimacy, and diversity.

The diversity is not just in name only, diversity is for the sake of -- of representing the constituent groups of -- of our state; as well as I think all data, all science shows, that better decisions are made when there is not "group think," and when there is a collective expression of opinions.

And I feel very confident that this choice will embrace that spirit of wanting collective comments buy-ins, sentiments, ideas for us to be able to move forward.

With that, we will move on to Agenda Item No. V, which is closing of public comments. Please note, members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration at a later date.

With that, we will entertain a motion to adjourn.

COMMISSIONER YORK: This is Commissioner York. I motion to adjourn.

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CHAIRPERSON NEUBERG: Do we have a second?

COMMISSIONER MEHL: Commissioner Mehl seconds.

CHAIRPERSON NEUBERG: Okay. With that, we'll take a quick vote.

Commissioner Watchman.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Mehl.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Lerner.

COMMISSIONER LERNER: Aye. Aye.

CHAIRPERSON NEUBERG: York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: And Commissioner Neuberg is an aye.

And, with that, our afternoon meeting is adjourned, and we will see you all next time.

Thank you.

COMMISSIONER YORK: Thank you, Chairperson.

(Whereupon the proceeding concludes at 5:22 p.m.)

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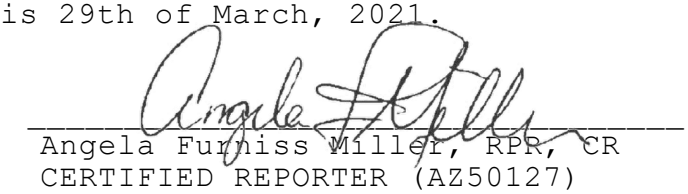

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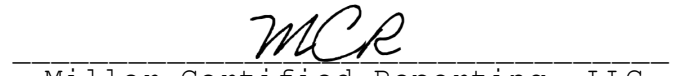

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This transcript represents an unofficial record. Please consult the accompanying video for the official record of IRC proceedings.