THE STATE OF ARIZONA

INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

March 23, 2021

9:02 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 9:02 a.m. on
3 March 23, 2021, via GoogleMeets, Arizona, in the presence of
4 the following Commissioners:
5 Ms. Erika Neuberg, Chairperson
Mr. Derrick Watchman, Vice Chairman
6 Mr. David Mehle
Ms. Shereen Lerner
7 Mr. Douglas York
8 OTHERS PRESENT:
9 Ms. Yasmin Ramos, Administrative Assistant
Ms. Pamela Peiser, Assistant Attorney General
10 Ms. Caroline Guerrero, Assistant Attorney General
11 Mr. Kyle Cummings, Assistant Attorney General
12 Ms. Jessica Klein, Assistant Attorney General
13 Ms. Nicole Sornsin, General Counsel, Arizona Department of Administration
14 Mr. Rick Hughes, Arizona Department of Administration
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1 P R O C E E D I N G
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3 CHAIRPERSON NEUBERG: The agenda for the meeting is
4 as follows: Item 1, call to order and roll call.
5 I(A), call for quorum. It is 9:02 a.m. on Tuesday,
6 March 23rd, 2021. I call this meeting of the Independent
7 Redistricting Commission to order.
8 For the record, the administrative assistant will
9 be taking roll. When your name is called, please indicate
10 that you're present; if you're unable to respond verbally,
11 we ask that you please type your name.
12 Yasmin, please.
13 MS. RAMOS: Chairman Watchman -- I'm sorry.
14 Commissioner Watchman.
15 VICE CHAIR WATCHMAN: Present.
16 MS. RAMOS: Commissioner Lerner.
17 COMMISSIONER LERNER: Present.
18 MS. RAMOS: Commissioner York.
19 COMMISSIONER YORK: Present.
20 MS. RAMOS: Commissioner Mehl.
21 COMMISSIONER MEHL: Present.
22 MS. RAMOS: Chair Neuberg.
23 CHAIRPERSON NEUBERG: Present.
24 MS. RAMOS: And then also for the record we have
25 counsel from the Attorney General's Office, we have Pamela

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Peiser, we have Caroline Guerrero, Kyle Cummings, Jessica Klein; and transcribing for us is Angela Miller.

Back to you, Chair.

CHAIRPERSON NEUBERG: Thank you very much, Yasmin.

And please note for the minutes that a quorum is present.

We'll move to Item I(B), call for notice.

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

MS. RAMOS: Yes; it was posted before Friday, 9:00 a.m.

CHAIRPERSON NEUBERG: Okay. Thank you very much.

Item II, approval of minutes from last week's meeting, March 16th, 2021.

II(A), the general session minutes, 9:00 a.m. and 3:00 p.m. As a reminder, video recordings fulfill statutory requirements.

Is there any discussion regarding the public session minutes from the morning and afternoon sessions?

VICE CHAIR WATCHMAN: No.

CHAIRPERSON NEUBERG: Okay. Do I have a motion to approve the general session minutes from March 16th?

COMMISSIONER YORK: This is Commissioner York. I motion to approve the general minutes from the general

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1 session of March 16th.
2 CHAIRPERSON NEUBERG: Do I have a second?
3 VICE CHAIR WATCHMAN: Commissioner Watchman
4 seconds.
5 CHAIRPERSON NEUBERG: Any further discussion?
6 With that, we'll do a vote.
7 Commissioner Watchman.
8 COMMISSIONER 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: Commissioner Neuberg is an
16 Aye.
17 And with that --
18 MS. PEISER: If I could get you -- if I could get
19 you to hold off for a moment. I believe there might be a
20 problem with the YouTube volume.
21 CHAIRPERSON NEUBERG: Okay.
22 MS. RAMOS: Give me one second. Let me look into
23 that; one second.
24 CHAIRPERSON NEUBERG: Okay. Thank you very much.
25 This is -- I don't want -- I'll repeat myself again

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for -- for public documentation for the sake of the Commissioners, and I'll repeat for the public.

You know, these -- these video recordings are fulfilling our minutes, so the quality of the video recording needs to be satisfactory to record all business. It is our great desire to start doing formal written minutes as soon as we're staffed and have the bandwidth to do that.

If any Commissioner wants to volunteer to do that in the interim, of course, we're open to that. But that -- that is why there's a great sensitivity to ensuring that the public has full access to what is transpiring.

MS. PEISER: Yasmin, are you able to tell if there's any immediate public comments that indicates if it's a user error versus a broadcasting error?

CHAIRPERSON NEUBERG: I see that -- that Rick Hughes has joined; thank you so much.

Just there's a temporary pause in our public work. There's a question about the audio quality of the YouTube link and -- and so we want to ensure that the public is having access to -- to our public meeting.

COMMISSIONER LERNER: Commissioner Neuberg, I just tested it on mine and I could not hear you speaking. So it is not a user error in answer to Pamela's question.

CHAIRPERSON NEUBERG: Okay.

MS. RAMOS: Okay. I am back; I believe we might

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have missed a clicking a button here to add the audio, so we might need to start over again.

Let me -- can somebody speak while I check the audio on the YouTube?

CHAIRPERSON NEUBERG: Yes. Can -- can -- can you hear me, Yasmin?

MS. PEISER: And the plan to start over would be the best way to go about it.

CHAIRPERSON NEUBERG: Not a problem.

MS. RAMOS: I confirmed the audio is working now.

CHAIRPERSON NEUBERG: The audio is working.

Okay. Hello to our Commissioners, everybody who has joined the call, the public. Yet another challenge in the age of COVID with technology, the audio was not working on the YouTube link and so we are going to now just begin our public meeting.

The agenda for the meeting is as follows: Agenda Item 1, call to order and roll call.

I(A), call for quorum. It is 9:10 a.m. on Tuesday, March 23, 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.

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1 Yasmin.
2 MS. RAMOS: Thank you, Madam Chair.
3 Commissioner Watchman.
4 VICE CHAIR WATCHMAN: Present.
5 MS. RAMOS: Commissioner Lerner.
6 COMMISSIONER LERNER: Present.
7 MS. RAMOS: Commissioner York.
8 COMMISSIONER YORK: Present.
9 MS. RAMOS: Commissioner Mehl.
10 COMMISSIONER MEHL: Present.
11 MS. RAMOS: Chairwoman Neuberg.
12 CHAIRPERSON NEUBERG: Present.
13 MS. RAMOS: And then also for the record we have
14 legal counsel Pamela Peiser, Caroline Guerrero, Jessica
15 Klein, and Kyle Cummings from the Attorney General's also;
16 and we also have Angela Miller transcribing; Rick Hughes and
17 Nicole Sornsin from the Department of Administration.
18 Back to you, Madam Chair.
19 CHAIRPERSON NEUBERG: Thank you.
20 Please note for the minutes a quorum is present.
21 Item I(B), call for notice.
22 Yasmin, was the notice and agenda for the
23 Commission meeting properly posted 48 hours in advance of
24 today's meeting?
25 MS. RAMOS: Yes, it was.

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1 CHAIRPERSON NEUBERG: Thank you.
2 With that, we'll move to Item II, approval of
3 minutes from March 16th, 2021.
4 II(A), we will first address the general session
5 minutes of 9:00 a.m. and 3:00 p.m. As a reminder, video
6 recording fulfills statutory requirements provided that
7 those video recordings are working appropriately.
8 Is there any discussion recard -- regarding the
9 public session minutes of last week?
10 Do I have a motion to approve the public general
11 session minutes of last week?
12 COMMISSIONER YORK: This is Commissioner York. I
13 motion to approve the general session minutes for -- for
14 March 16th at 9:00 a.m. and 3:00 p.m.
15 CHAIRPERSON NEUBERG: Thank you. Do we have a
16 second?
17 VICE CHAIR WATCHMAN: Commissioner Watchman
18 seconds.
19 CHAIRPERSON NEUBERG: Thank you. Any further
20 discussion?
21 With that, we'll do a vote.
22 Vice Chair Watchman.
23 COMMISSIONER WATCHMAN: Aye.
24 CHAIRPERSON NEUBERG: Commissioner Mehl.
25 COMMISSIONER MEHL: Aye.

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1 CHAIRPERSON NEUBERG: Commissioner Lerner.
2 COMMISSIONER LERNER: Aye.
3 CHAIRPERSON NEUBERG: Commissioner York.
4 COMMISSIONER YORK: Aye.
5 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
6 aye.
7 And, with that, the general session minutes at
8 9:00 a.m./3:00 p.m. of March 16th are approved.
9 We'll move to II(B), executive session minutes,
10 9:00 a.m. and 3:00 p.m. As a reminder, video recording
11 fulfills statutory requirements.
12 Is there any discussion regarding the executive
13 committee session meeting minutes from last week?
14 Do I have a motion to approve the executive session
15 minutes at 9:00 a.m. and 3:00 p.m. for March 16th?
16 COMMISSIONER MEHL: Commissioner Mehl, I so move.
17 CHAIRPERSON NEUBERG: Do I have a second?
18 COMMISSIONER YORK: Commissioner York, second.
19 CHAIRPERSON NEUBERG: Any further discussion?
20 We'll do a vote.
21 Vice Chair Watchman.
22 VICE CHAIR WATCHMAN: Madam Chair, I think I need
23 to abstain from the first executive session. I vote aye for
24 the second, if I'm understanding the feedback from staff. I
25 wasn't a part -- I didn't participate in the first executive

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1 session.
2 CHAIRPERSON NEUBERG: Okay. I am going to make --
3 then I would like to change the motion, if we can table
4 those motions. I don't know if I need to formally withdraw
5 them.
6 Let's -- let's break them down into -- oh. Can
7 you -- legal counsel, is it okay if Vice Chair Watchman just
8 abstains from one, but we can keep it all in one motion?
9 MS. PEISER: That would be fine as long as it's
10 clear as to what he is voting on.
11 CHAIRPERSON NEUBERG: Okay. Excellent.
12 So we will keep the same motion. Vice Chairman
13 Watchman, you are abstaining from --
14 COMMISSIONER YORK: The 9:00 --
15 CHAIRPERSON NEUBERG: Well, then he -- how -- how
16 does he abstain from only half of the motion?
17 You can abstain from both.
18 VICE CHAIR WATCHMAN: I can abstain from both,
19 that's fine.
20 CHAIRPERSON NEUBERG: Okay. With that,
21 Commissioner Mehl.
22 COMMISSIONER MEHL: Aye.
23 CHAIRPERSON NEUBERG: Commissioner Lerner.
24 COMMISSIONER LERNER: Aye.
25 CHAIRPERSON NEUBERG: Commissioner York.

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1 COMMISSIONER YORK: Aye.
2 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
3 aye.
4 Four in support; one abstaining.
5 And just, again, I'd like to reiterate to the -- to
6 the public, if you did not hear this the first time around,
7 moving forward it is our intention to do written minutes to
8 make it a little more accessible and user friendly for the
9 public to review what is discussed in open meeting on our
10 website; we will do that as soon as we have the staff and
11 the proper bandwidth to do that.
12 With that, we'll move forward to Agenda Item III,
13 opportunity for public comments.
14 Public comment will open for a minimum of
15 30 minutes and remain open until the adjournment of the
16 meeting. Comments will only be accepted electronically in
17 writing on the link provided in the notice and agenda for
18 this public meeting, and would be lim- -- will be limited to
19 3,000 characters.
20 Please note, members of the Commission may not
21 discuss items that are not specifically identified on the
22 agenda. Therefore, pursuant to A.R.S. 38-431.01, action
23 taken as a result of public comment will be limited to
24 directing staff to study the matter, respond to any
25 criticism, or scheduling the matter for further

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consideration and decision at a later date.

With that, we'll move to Agenda Item IV, discussion on public comments received prior to today's meeting.

I'll give a few remarks, and then I'll turn it over to my fellow Commissioners.

The -- the public, obviously, noticed that there was a four-hour cutoff of -- of the YouTube link. I just want to take ownership of that, that is my bad. That is something I was aware of and -- and completely lost sight of. And moving forward, not only would that not be a mistake, but when we're staffed we'll be able to clean up, I think, a lot of these errors.

There was a new complaint that somebody said they were filing questioning whether the Commissioners violated open meeting law by keeping the information we all received from references and contacts during the executive director hiring process confidential, even though we each kept those conversations to ourselves and -- and did not share any information outside of the public eye.

We have not received yet that -- that complaint, and -- and so that remains to -- to be determined down the road.

Some of the public comments, still confusion about why and when we go into executive session. I will do a better job each and every time of not only reciting the

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1 legal jargon, but trying to explain a little bit more
2 clearly just in layman's terms why the material we're --
3 we're discussing needs to be done or ought to be done in
4 executive session.
5 I would encourage everybody to think about it
6 through the lens of, number one, desiring to minimize
7 litigation, because most of the executive session
8 conversations are having attorney-client conversations
9 getting legal advice. There is not a lot of precedent
10 legally to everything that we are doing in public, and so to
11 err on the side of caution to get clear legal advice, will
12 help all of us avoid additional litigation; and there's also
13 sensitivities to the limits of -- of what we can discuss as
14 is outlined by the agenda.
15 So I'd like to just let the public know that if
16 there are lengthy executive session meetings, no business is
17 being done, there are no -- for better or worse -- attorneys
18 on this Commission, we are trying to understand the nuances
19 of laws that have not well been defined. And so that's a
20 response to one of the questions.
21 And there was a public comment about getting
22 vaccinated and getting out there. It sounds like the
23 Commission is well on our way to getting out there.
24 With that, please, my fellow Commissioners,
25 observations; responses; comments to the public comments

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1 we've received today date?
2 COMMISSIONER LERNER: Chairwoman Neuberg, the only
3 thing I will say is that we appreciate that the public is
4 watching and providing us with feedback.
5 Thank you.
6 CHAIRPERSON NEUBERG: Okay. Excellent.
7 With that, we'll move on to Agenda Item No. V,
8 discussion and possible action on executive director and
9 other potential administrative support positions and duties
10 of all IRC staff positions.
11 I would like to report that Brian Schmitt has
12 accepted our off- -- our offer to serve as executive
13 director. Initially he was planning to begin April 1st,
14 there's some complexities with the City of Phoenix and their
15 holiday schedule; so in order to clean up some paperwork
16 with the transition, it would help, I think, everybody
17 involved for his start kate -- start date to be April 5th.
18 I had one conversation with him to extend the
19 offer; I would like to share that he and I both share a
20 similar commitment to hiring a diverse staff, both
21 politically and ethnically as best as possible, to lead to
22 the best representation we can of the State and to also
23 achieve the best decision-making that we can.
24 Along those lines, we collectively as Commissioners
25 will need to decide what level of authority we want to

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1 delegate to Brian in terms of his hiring.
2 We do not need to decide that now nor do I actually
3 think that it's, you know, a good use of our time. He won't
4 be starting yet now for -- for a week or two; but I ask that
5 you begin to think about it so that when we do reconvene and
6 eventually discuss any boundaries or parameters we want to
7 set on Brian, balancing out the need for him to have, you
8 know, an ability to manage a staff, but also ensuring from
9 our perspective checks and balances, this will be a
10 conversation we're going to return to.
11 And then one other item on that, I would like to
12 let you know and the public know, we have all executive
13 assistant applications in hand.
14 In the meantime, before Brian starts, I think it
15 would be very helpful for us to move forward with posting
16 the deputy director and public information officer
17 positions. The reason being, it allows for a wide net that
18 goes well beyond just Brian, we can tap into, you know,
19 everybody that -- that's interested in applying to the -- to
20 these positions; it would allow Brian to have candidates on
21 the sooner side when he steps in. It's something that would
22 be helpful to him and I know he would feel positively about,
23 and so I think that would be our next step in -- in terms of
24 our hiring.
25 Thoughts; reactions; questions?

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1 VICE CHAIR WATCHMAN: Madam Chair, this is
2 Commissioner Watchman.
3 On the topic of a deputy, I forget -- and excuse my
4 memory, but what are the duties of a deputy? Just, you
5 know, thinking out loud, it seems to me that maybe we could
6 have another function for this person.
7 I don't know if we need a second in command. I
8 think we -- we need someone maybe who can support, maybe a
9 technician or datas -- or data person that can be on the
10 team to support and help us with the -- the number crunching
11 and the mapping -- I guess we're going to have consultants.
12 But at this point, I question the need for a deputy
13 in lieu of another important position in the Commission. So
14 I just want to throw it out for some discussion.
15 CHAIRPERSON NEUBERG: I think in sense of
16 priorities and -- again, you know, I don't want to speak for
17 Brian, he's not employed yet --
18 VICE CHAIR WATCHMAN: Well, I'm sorry, Madam Chair.
19 I guess my question is, we don't -- I don't think we need a
20 deputy. I think we need another technician on the team.
21 And so, you know, it's such a small office. You know,
22 usually deputies traditionally, you know, help run the
23 operation, but it's a small office and so I -- I think our
24 money could be better spent, if you will, and the -- and the
25 people's money on a different position; and the focus is

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1 going to be, you know, once we get to it, is mapping and
2 understanding it so.
3 So I don't think we need it, but I'll just leave --
4 CHAIRPERSON NEUBERG: Okay.
5 VICE CHAIR WATCHMAN: -- I'll stop there for a
6 minute.
7 CHAIRPERSON NEUBERG: Okay. No, thank you, I
8 understand what you're getting at now much better.
9 Just for point of reference, in the past there have
10 been positions on the Commission for a deputy executive
11 director; a public information officer, who is responsible
12 for really getting out in the community, you know,
13 connecting with all of the different demographics and
14 helping us establish meetings and, you know, communication;
15 we've typically hired an IT person to help us with, you
16 know, things like YouTube links and other type of
17 technological problems.
18 I know that in terms of a budget, you know, of all
19 the things we're spending, this isn't a significant expense,
20 but -- it's -- it's an absolute legitimate question of what
21 we need.
22 And, you know, there -- there's also a question of
23 can we post something without committing to even hiring?
24 My -- my goal in this conversation is empowering
25 our fut- -- our current executive director, soon to be, you

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1 know, on, empowering him to get started as quickly as
2 possible. That's -- that's my motivation in this
3 conversation.
4 COMMISSIONER MEHL: This is Commissioner Mehl.
5 I -- I think Commissioner Watchman makes a very
6 good point, and I -- I would phrase it that we don't need
7 another general administrator; whether we call the position
8 a "deputy" or not, I think that both we as Commissioners and
9 our new executive director should really think about the
10 skills that are most important to add to the team and -- and
11 just a general administrator is probably not what we need
12 the most.
13 Thank you, Derrick.
14 COMMISSIONER YORK: Well --
15 VICE CHAIR WATCHMAN: Thank you.
16 COMMISSIONER YORK: -- and so this is Commissioner
17 York.
18 I would like to add from our interview process with
19 the executive director position, one of the things that was
20 evident is some sort of public relations/social media expert
21 was going to be in need or desired for the -- for the
22 Arizona population to be able to see online and -- and react
23 to our -- our decisions in -- in a way that we presented
24 ourselves.
25 You know, so that to me is an area of expertise

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1 that maybe Brian might need some help in. I'm not a hundred
2 percent sure, but that's where I would be trying to cull
3 some applications.
4 COMMISSIONER LERNER: This is Commissioner Lerner,
5 and I'll agree that I think the PIO is probably really
6 important because that's to go with what Commissioner York
7 was saying.
8 As for the deputy, I think we -- I really want to
9 look and see what the responsibilities are before we move
10 forward on that. But would move -- be willing -- I'm
11 supporting of moving forward with advertising a PIO
12 position, because that media person is real important for us
13 to get going.
14 COMMISSIONER MEHL: And an IT person.
15 COMMISSIONER LERNER: Yes.
16 CHAIRPERSON NEUBERG: Okay. So -- so the consensus
17 that I'm hearing is there's no urgency to post a deputy
18 director position, but there is consensus to post a public
19 information officer position so that we can begin to, you
20 know, network more with the various communities.
21 And -- and, Yasmin, I -- I'm presuming that there
22 are, you know, past examples of scope of works and -- and
23 things that ADOA can rely on as -- as a job description. I
24 know that, you know, being bilingual is -- is is very
25 important for this position; something that actually Brian

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1 mentioned, you know, so maybe we could take a look at that
2 offline but get this moving.
3 MS. RAMOS: Yes. I believe I previously sent some
4 information on a public information officer and other
5 positions, but I can go ahead and resend those --
6 CHAIRPERSON NEUBERG: Okay.
7 MS. RAMOS: -- positions as well.
8 CHAIRPERSON NEUBERG: Counsel, do we -- do we need
9 a motion to formally move forward with posting, then, a PIO
10 position? Yes?
11 MS. PEISER: Yes, that is the best way to ensure
12 that all requirements are met.
13 CHAIRPERSON NEUBERG: Okay. Thank you.
14 Can I entertain a motion to approve moving forward
15 with posting a public information officer position?
16 COMMISSIONER LERNER: This is Commissioner Lerner.
17 I'll so move.
18 CHAIRPERSON NEUBERG: Do I have a second?
19 COMMISSIONER YORK: I have a discussion question.
20 Do we want to -- in the previous times when we've posted
21 positions we've added closing date of that position --
22 CHAIRPERSON NEUBERG: Yes.
23 COMMISSIONER YORK: -- do we not -- do we want to
24 add that to the motion?
25 CHAIRPERSON NEUBERG: Yes.

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1 COMMISSIONER YORK: And I would suggest April --
2 either April 9th or April 16. Sorry.
3 CHAIRPERSON NEUBERG: Can you just quickly remind
4 me what day of the week April 9th is?
5 COMMISSIONER YORK: 9th is a Friday, as is the
6 16th; the following week.
7 CHAIRPERSON NEUBERG: You know, I have a slight
8 preference to avoid the Friday closing dates, it makes it
9 very difficult for us to get that material in advance of
10 Tuesday's meeting or anybody else.
11 COMMISSIONER YORK: Got it.
12 CHAIRPERSON NEUBERG: If we have a Thursday closing
13 date, it allows more time to receive the information and
14 disseminate it.
15 COMMISSIONER MEHL: Then I would suggest the
16 April 8th date and for us to get moving on this.
17 CHAIRPERSON NEUBERG: Okay. So --
18 COMMISSIONER LERNER: This is -- this is
19 Commissioner Lerner.
20 I just would -- I would wonder when -- when it
21 would get posted, I'd like to a make sure we get it out
22 there for a least two weeks. So could we say that it's two
23 weeks from the date of posting, with that Thursday date, you
24 know idea?
25 But I think --

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1 COMMISSIONER YORK: I think the 15th would probably
2 be better.
3 COMMISSIONER LERNER: 15th. I'd be okay with that.
4 As long as we have a good two weeks, solid two weeks.
5 COMMISSIONER MEHL: That's fine.
6 CHAIRPERSON NEUBERG: Okay. So -- so April 15th,
7 is that what I'm hearing?
8 Okay. So we will need a new motion to move forward
9 with the posting of the public information officer position
10 with a closing date of April 15th.
11 COMMISSIONER LERNER: Chairwoman Neuberg, I'll
12 amend my motion to include the closing date of April 15th.
13 CHAIRPERSON NEUBERG: Do I have a second?
14 COMMISSIONER YORK: Commissioner York seconds.
15 CHAIRPERSON NEUBERG: Any further discussion?
16 Okay. Quick vote. Vice Chair Watchman.
17 VICE CHAIR WATCHMAN: Aye -- excuse me. Aye.
18 CHAIRPERSON NEUBERG: Commissioner Mehl.
19 COMMISSIONER MEHL: Aye.
20 CHAIRPERSON NEUBERG: Commissioner Lerner.
21 COMMISSIONER LERNER: Aye.
22 CHAIRPERSON NEUBERG: Commissioner York.
23 COMMISSIONER YORK: Aye.
24 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
25 aye.

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1 And, with that, we will move forward with posting
2 the PIO position with a closing date of April 15th.
3 We will now move to Agenda Item No. VI, discussion
4 and possible action on data census delay and ways to
5 mitigate its disruption.
6 Many of you may have already heard, the media has
7 done an excellent job of reporting, the Commission did
8 receive a letter from the Census Bureau that they are
9 looking at ways to deliver the information as early as
10 possible. They are now planning to deliver information in
11 an outdated or older version to states as early as August.
12 It's incumbent upon the states to ensure that they
13 have the expertise to take advantage of that data in that
14 format; but given that we are going to be moving forward
15 with our own hire of a mapping consultant, I think this is
16 great news that we'll have something to work with a little
17 earlier than expected.
18 I do not have any other additional information on
19 that to share unless there are other comments or
20 observations from the Commission.
21 Okay. With that, we will move --
22 VICE CHAIR WATCHMAN: I just want -- Madam --
23 Madam Chair?
24 CHAIRPERSON NEUBERG: Yes.
25 VICE CHAIR WATCHMAN: My apologies. So I did see

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1 the letter and I was -- I was questioning what it meant by
2 "outdated version," and I don't know if it impacts the
3 quality of the data. You know, the data is the data. Is --
4 is it going to be manipulated different? Are they moving to
5 a new presentation?
6 I was unclear as to what data actually could be
7 coming to the state of Arizona in August. You know, is
8 there any way to -- to kind of elaborate more on what the
9 difference is?
10 CHAIRPERSON NEUBERG: So -- so thank you for that
11 question. My understanding is, yes, the data is the data
12 and it is reliable and it is usable.
13 The question is whether or not the state and/or the
14 mapping consultant we hire has the sophistication or the
15 expertise to use the data in that format. I'm presuming
16 that people that are trained today may -- may not have that
17 ability; but, you know, it's a skill that I'm guessing
18 people can learn.
19 VICE CHAIR WATCHMAN: Well, Madam Chair, this is
20 Vice Chair Watchman. Having heard that, you know, I don't
21 know, you know, I guess we move forward once we get the
22 mapping consultant to start using the data. I don't know if
23 there's any way to mitigate other than to move forward with
24 the mapping consultant and our staff once the data arrives
25 at our desk and move forward. And, so, I don't see anything

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1 beyond that.
2 CHAIRPERSON NEUBERG: Yeah. Okay. It will be nice
3 to have data.
4 Thank you.
5 If no further discussion, we'll move on to Agenda
6 Item VII, discussion and possible action on options for
7 securing legal counsel.
8 As we have discussed, there are three primary
9 options: Option A, continue with the Attorney General's
10 Office representation; Option B -- or what we also call
11 Option 2 -- hire legal counsel that is already procured from
12 the Attorney General's outside counsel list; or, Option 3 or
13 C, which is to continue with the RFP procurement process.
14 I'd like to update you that -- and I'd like to
15 really thank the Department of Administration, their
16 counsel, and the Attorney General's Office, their counsel,
17 we had a very productive meeting yesterday. We're all on
18 the same page and very -- very comfortable with how these
19 various processes would move forward with both Option 2 or B
20 and Option 3.
21 For -- for a point of clarification, and this is
22 very important for us to understand as we think through how
23 we want to move forward, if we were to choose to do
24 Option 3, which is to move forward with the formal RFP
25 process and we would be trained in terms of how to go about

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1 that, that would allow us to be able to see all proposals
2 that have come in.
3 If we look at that list and determine that there's
4 no added benefit, meaning that we are comfortable with all
5 state-procured firms that are already listed in Option 2, we
6 could at that moment decide "thank you so much for all of
7 these great proposals, but we are going to choose Option 2
8 and move forward with our own hiring practice," provided
9 that we stick with those procured form -- firms.
10 It's important to understand that the methodology
11 is different and we're going to be -- we have Scott Hughes
12 to train us -- I think it's Scott. But, anyway, Option 3
13 with the RFP process, that is done in executive session; the
14 firms are entitled to confidentiality and we rank and
15 evaluate criteria in executive session. We are entitled to
16 ask them to come in for oral presentations; all of that is
17 done in executive session.
18 In Option 2, if we go with those firms that are
19 already procured, all of that is done in public session. We
20 are -- we can ask the firms to come and give oral
21 presentation, but there is no justification for us to go
22 into executive session to evaluate any of it. It's
23 different than hiring personnel like an executive director.
24 So I wanted to make clear those distinctions
25 because it gives us a fair amount of flexibility and

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control.

With that, I'm going to announce to everybody that the Commission may vote to go into executive session in this conversation, which will not be open to the public for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically are required to maintained as confidential by state or federal law, A.R.S. 38-431.03(A)(2), as well as for the purpose of obtaining legal advice related to RFPs, request for proposals, A.R.S. 38-431.03(A)(3).

If we choose to go into executive session on this agenda item, we will try to explain to the public in plain English why. It will be either for legal advice or for keeping the proposals and ranking information confidential as is required of that -- of us.

Before we make that decision or move forward, I would like to turn over to Rick Hughes to -- I'm sorry, I said your name incorrectly before -- to discuss the process in more depth. I think that will be helpful regardless of what path we take because all of this will be relevant when we move to discuss the mapping consultant.

And, with that, I will move over to Rick.

MS. PEISER: Chairwoman Neuberg, if I could just make a quick interjection just to clarify.

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1 CHAIRPERSON NEUBERG: Please.
2 MS. PEISER: When you talked -- when you talked
3 about going into executive session under Option 3, it's not
4 because the law firms get confidentiality, but it's the
5 procurement process that happens --
6 CHAIRPERSON NEUBERG: Okay.
7 MS. PEISER: -- to be of the law firms.
8 CHAIRPERSON NEUBERG: Okay. Thank you.
9 MR. HUGHES: Good morning, Madam Chair and the
10 members of the -- of the board. I'm Rick Hughes. I'm with
11 the Department of Administration.
12 Can you hear me okay?
13 CHAIRPERSON NEUBERG: Yes.
14 MR. HUGHES: Okay. I appreciate your -- the
15 opportunity to come before the organization here and give
16 you an update on the solicitation process for legal counsel
17 services. I think what I'm going to do is I'm going to
18 adjust my volume just slightly to turn it up a bit just in
19 case.
20 So the solicitation for the Independent
21 Redistricting Commission legal counsel services closed on
22 March 19th; there were nine proposals received. And, you
23 know, I -- we can get into more details about that in
24 executive session, I'm -- before we get into, you know,
25 opening up the proposals and that sort of thing, you know,

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1 we do have an evaluation criteria scoring tool that needs to
2 be finalized, and I would suggest that that also should be
3 done in executive session.
4 Do you have any other questions for me this
5 morning?
6 MS. PEISER: Rick, could you please explain why the
7 scoring tool needs to be done in executive session just to
8 clarify that for everybody?
9 MR. HUGHES: Sure. You know, there's -- there's
10 probably -- this is the first time you guys -- you guys have
11 been through something like this, we -- we typically, you
12 know, meet with an evaluation committee and in -- in advance
13 of the solicitations being or the proposals being delivered,
14 or typically we -- we do this in advance of the solicitation
15 closing, just because we want to be prepared when the
16 proposals come in to -- to meet with the evaluation
17 committee.
18 But, you know, there are -- in this case there are
19 firms that, you know, are already contracted with the State,
20 there may be proposals from -- from other firms. In the
21 cri- -- when we make our decisions about the scoring tool,
22 we may have some discussion about the questions that were
23 asked in the solicitation, those could trigger comments and
24 positions by the board that probably are -- are to the
25 State's advantage to keep those confidential because these

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1 firms may later be called in for some negotiations and that
2 sort of thing as the selection process narrows to a smaller
3 group.
4 So that's my recommendation is that the State is
5 best served to do that scoring tool in private. It's
6 typically done in private with any other solicitation.
7 The, you know, the public process, obviously at the
8 time of contract award, you know, everything is available
9 for those people who participated, those firms that
10 participated in the process to examine the documentation,
11 this is all very well documented, and will, you know, stand
12 up to any sort of public scrutiny that might -- -- might be
13 there.
14 COMMISSIONER LERNER: Can I ask a question about
15 process?
16 MR. HUGHES: Sure.
17 COMMISSIONER LERNER: Since we have a group of
18 firms that are already on the State's list, were they
19 required to also -- if they were interested in this
20 particular RFP, were they required to also submit as part of
21 that or -- I guess that's my question.
22 MR. HUGHES: Well, okay, so, you know, this is a
23 solicitation that is a little more narrowly crafted for the
24 IRC based on what had been done previously, we also -- we
25 also borrowed some of the concepts from the Attorney

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1 General's solicitation, so it is -- if -- if we decided to
2 select a firm that proposed, yeah, you would have to -- you
3 would have to respond.
4 Now, I can tell you not all of the firms that are
5 on the Attorney General's list offered a proposal -- that's
6 probably fairly obvious from the numbers that I reported --
7 but if they -- if they wanted to be sure that they could
8 earn a contract with the -- with the IRC based on this
9 solicitation, you know, they obviously had to respond.
10 But if -- if the Commission elects one of the other
11 options described by Madam Chair Neuberg -- I'm -- I'm
12 sorry? Did I get your name right?
13 CHAIRPERSON NEUBERG: You're allowed to butcher my
14 name as much as you want but you got it right anyway.
15 MR. HUGHES: Actually I'm going to talk to my
16 mother about changing my name to "Scott," I like it better.
17 But, you know, those options do allow the
18 Commission to make a selection from -- from the Attorney
19 General's list because that list was solicited for sort of a
20 wider breadth of legal services, but it did have a specialty
21 area of elections law and the -- the area of interest that
22 the IRC has, so.
23 That's what those options are all viable.
24 COMMISSIONER MEHL: This is Commissioner Mehl; I
25 have a question.

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1 Mr. Hughes, if with we go through the procurement
2 process, does the State then have control over things that
3 happen in the future like changing attorneys on us? Any --
4 any -- any change that would occur that we would want as a
5 Commission, are we then constrained? Is the contract with
6 the State as opposed directly with the Commission?
7 I've heard and I don't -- I'm not knowledgeable in
8 this area, but I've heard there are constraints we impose on
9 ourselves if we go through that procurement process that
10 might bite us later.
11 MR. HUGHES: I -- I don't know of any constraints.
12 If you were to make a selection from this RFP solicitation,
13 I think when people talk with the time line that's involved
14 and the potential for -- for one of the competing proposers
15 to -- to protest the award. I mean, that's -- that's
16 actually in my view that's sort of the beauty of public
17 procurement is that the people who participate in and
18 compete for the State's business has an opportunity to -- to
19 challenge the decision and the State has the burden of sort
20 of showing that its decision, award decision, was -- was
21 justifiable.
22 Now, keep this in mind, you don't -- you don't --
23 you're not required to award a single contract from this
24 solicitation; you know, we -- we have flexibility to award
25 multiple contracts, and then once the contracts are awarded,

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1 there's no guarantee that it actually produces business for
2 the firms. I mean, some of this selection process might
3 include, you know, just having firms depending on their
4 expertise and specialty that you'll learn more about in the
5 process, you -- you may want to have them available to you
6 if need be.
7 And that's I think understood by the folks that,
8 you know, saw the solicitation and offered a proposal.
9 COMMISSIONER LERNER: This is Commissioner Lerner,
10 I have a question, Mr. Hughes.
11 Did we -- we received something from Director Tobin
12 about our status for procur- -- for procurement.
13 Didn't we, Chairwoman Neuberg?
14 CHAIRPERSON NEUBERG: Yes.
15 COMMISSIONER LERNER: How does that factor into
16 this?
17 CHAIRPERSON NEUBERG: Do you want me to respond
18 or --
19 COMMISSIONER LERNER: Well --
20 CHAIRPERSON NEUBERG: -- Rick, do you want to
21 respond to that?
22 I don't know, Rick, if you're aware of what
23 Commissioner Lerner is -- is getting at.
24 MR. HUGHES: I think there was a document that just
25 sort of laid out initially, I think it laid out those

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1 attorney -- those law firms that were selected by the AG's
2 Office, I believe --
3 CHAIRPERSON NEUBERG: Yeah.
4 MR. HUGHES: -- as well as, just sort of what your
5 options are, you know, whether you use those or you do a
6 solicitation. I think we talked a little bit about
7 solicitations that has been done in 2011 -- 2000 -- yeah,
8 2011, and the firms that proposed in that, so we gave a
9 little background. So that -- that document was, I hope,
10 informative and useful for you.
11 CHAIRPERSON NEUBERG: It was incredibly informative
12 and useful, thank you. I don't believe that's what
13 Commissioner Lerner is referring to.
14 Commission- -- Director Tobin sent a letter just
15 letting the Commissioners know that he is giving us broad
16 authority to conduct our procurement which is wonderful.
17 Having said that, just because we have the
18 authority to do something, doesn't mean that we don't have
19 the obligation to follow state guidelines and code. And so
20 to the extent that, you know, we have this great alignment
21 with the AG's Office and ADOA with -- with a path forward
22 that I think everybody is comfortable with, I think we're
23 safe where we can exercise a fair amount of control but also
24 be ensured that -- that basic state statutes are being met
25 to reduce the likelihood of litigation.

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1 MR. HUGHES: Yeah. So, I -- I'm sorry I
2 misunderstood the question, but I -- I think that the -- the
3 Commission is made up with people with a lot of, you know,
4 professional expertise and experience, the procurement
5 process is one that, you know, is -- is -- it's not as
6 complicated as some people want to make it. I mean, this --
7 this is fairly straightforward in terms of we're procuring
8 legal services. I think when we get into, you know, the
9 tool sort of makes it helpful in -- in evaluating the
10 proposals. Certainly if there were some questions or
11 inquiry that you had about the process, you know, DOA could
12 be a resource for you on that.
13 I would think that, you know, we -- we typically --
14 you know, most -- most of our work is done in the drafting
15 of the solicitation and the kickoff with the evaluation
16 committee; and depending on the complexity of procurement,
17 you know, we -- we have follow through and that sort of
18 thing drafting those -- those documents. But I believe that
19 a body of this makeup would -- would probably not have much
20 of a struggle in going through the process.
21 COMMISSIONER MEHL: This is Commissioner Mehl.
22 Of the nine applicants, how many are already on the
23 government list?
24 And -- and I was disappointed that we didn't get
25 the applications yet, so what's -- where are we on that?

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1 MR. HUGHES: Okay. So -- so your second question
2 about not getting the proposals yet, it's because our
3 process is to finalize this evaluation tool. Because we
4 don't want to reveal the proposals to folks, because then it
5 might be -- it might be suggested that we looked at
6 proposals and then we did the evaluation tool, so we want to
7 get the evaluation tool completed first.
8 But to your -- to your first question, of the nine
9 proposals, seven of those proposals are from firms that are
10 on the Attorney General's list.
11 CHAIRPERSON NEUBERG: So -- so, in other words,
12 Rick, in order for us to be able to personally review which
13 firms submitted a proposal, we need to first convene in
14 executive session and decide on our ranking so that we can
15 ensure there's no bias?
16 MR. HUGHES: Right. So that's -- that's right.
17 The ranking tool, if you will, we would -- we would finalize
18 in executive session.
19 COMMISSIONER MEHL: And is that something we can do
20 today?
21 MR. HUGHES: Yes. I believe so.
22 CHAIRPERSON NEUBERG: Yes. We -- we have put this
23 in the agenda. The next item in the agenda, Item VIII, is
24 discussion and possible action on evaluating the outside
25 counsel and the RFP procurement. So we have alerted the

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1 public that -- that -- of the possibility we would go into
2 executive session to do exactly this, to begin a
3 conversation about -- about the ranking.
4 Before we do that, I just want to, you know, we --
5 we would need to, the five of us, decide that we're going to
6 begin to embark on that third option, understanding that at
7 any point we have the prerogative to say thanks and we're
8 going to revert back to Option 2.
9 So at this point that is our next decision unless,
10 you know, of course there's more room for questions. It's
11 important for everybody to understand, you know, the
12 methodology and the options available to us.
13 But that's our next decision point. Do we want to
14 move to, you know, move through the RFP process and begin
15 the next step of ranking in executive session?
16 VICE CHAIR WATCHMAN: Madam Chair, this is
17 Commissioner Watchman.
18 Before we go through, maybe Rick can -- Mr. Hughes
19 can help us -- help me decipher the intent of the March 8th
20 letter from Director Tobin basically granting the Commission
21 procurement authority. And so I --
22 CHAIRPERSON NEUBERG: Vice Chair Watchman, I don't
23 believe Rick is aware of that letter. So unless I'm --
24 I'm --
25 VICE CHAIR WATCHMAN: Well, I --

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1 CHAIRPERSON NEUBERG: -- mistaken, there may be a
2 better representative on this call who might be able to
3 better share that feedback.
4 VICE CHAIR WATCHMAN: Well, let me finish my
5 question first, Madam Chair.
6 CHAIRPERSON NEUBERG: Okay. Sorry.
7 VICE CHAIR WATCHMAN: Yeah, thank you.
8 We did receive a letter from Andy Tobin, the
9 director, who basically granted the Commission procurement
10 authority; and so I'm not sure what that means, because my
11 colleague Commissioner Mehl, you know -- and I had the same
12 thought: Why -- why are we not getting, you know all of the
13 applications to at least peruse since we're given the
14 procurement authority? And so there's some block behind it.
15 So I'm trying to understand what it means, you
16 know, procurement authority and then you, Mr. Hughes, are
17 still intervening, and I will say blocking our access to the
18 information.
19 So I'm trying to understand the letter just if I
20 can get a better feel for what we're -- what we're going to
21 be dealing with.
22 MR. HUGHES: Yeah.
23 VICE CHAIR WATCHMAN: So that's my question,
24 Madam Chair. Thank you.
25 MR. HUGHES: Well, a similar -- I think a similar

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1 letter was provided to the Commission previously in the --
2 in the last -- in 2011.
3 I -- I think, you know, maybe the timing -- first
4 of all, I don't -- I don't want to be considered -- and I
5 understand -- I understand the statement. I'm not trying to
6 block anything; I'm just trying to help the Agency do its
7 procurement steps, if you will, so that it's appropriate and
8 less subject to challenge by the competitors who -- who
9 submit a proposal, that's -- that -- that's my purpose for
10 being here.
11 And we -- we tried to do -- we tried to do this
12 evaluation tool previously, but there was a little bit
13 misunderstanding I think and the discussion went in some
14 other directions and so that didn't get accomplished, and
15 it's -- and it's possible that the letter was done thinking
16 that it had already been accomplished, I'm not sure. So
17 there is, you know, sort of a -- maybe a slight timing
18 difference here.
19 MS. PEISER: Excuse me, Mr. --
20 CHAIRPERSON NEUBERG: I'm sorry -- I'm sorry. Pam.
21 MS. PEISER: -- this --
22 CHAIRPERSON NEUBERG: Pam. I'm sorry, Nicole had
23 her hand raised for a while.
24 MS. PEISER: That's what I was going to say.
25 CHAIRPERSON NEUBERG: We have counsel from ADOA

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1 right here who can answer the question. Please, Nicole.
2 MS. SORNSIN: Hi. Thanks, everyone.
3 And I hope I can answer the question, and -- and,
4 Rick, if I misspeak, please feel free to correct me.
5 So as to the first point on the letter, I would
6 encourage the -- the Commission, sorry, to seek legal advice
7 from the AG's Office on interpreting the scope of that
8 letter. We -- we want to be careful not to be appearing to
9 provide the IRC with any kind of legal advice.
10 But, basically, the point of that letter is to just
11 clarify. You know, ADOA doesn't necessarily take the
12 position that the Commission on its own would need it, the
13 authority; but even in the sense that it did, we'd go ahead
14 and delegate that just in the abundance of clarity that --
15 sorry, that's my daughter Stella right now.
16 In the abundance of clarity to make the Commission
17 clear that you do have the authority to pursue this process
18 on your own. And I think, Chair Neuberg, you said it
19 correctly, that it doesn't mean that you don't need to
20 follow the law, of course, just that you can do it without
21 ADOA. However, ADOA is certainly here as a resource for
22 you, as an administrative resource, and my understanding is
23 that the Commission is interested in that resource, and so
24 that is our role here today and why we're trying to make
25 sure that we enable you to go through the procurement

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1 process in the safest way.
2 And this is where I do want to make sure I'm not
3 misspeaking so, Rick, please -- please clarify if I am. The
4 actual contents of the proposal I believe is confidential by
5 statute until an award is provided. And by award, basically
6 you declare a winner.
7 And so be withholding them, we're not withholding
8 them from the Commission necessarily, we're waiting until we
9 can do so in the proper forum, which would be in executive
10 session, so that we're not violating that confidentiality
11 by -- by distributing it in a manner that would be open to
12 the public.
13 Does that -- does that clarify the question?
14 VICE CHAIR WATCHMAN: Madam Chair, I -- I suppose.
15 I guess I still don't understand what it means to be granted
16 procurement authority.
17 CHAIRPERSON NEUBERG: Okay.
18 VICE CHAIR WATCHMAN: And then, you know, we got to
19 keep the information confidential but, you know, we haven't
20 seen -- so I'm still -- I'm still a little bit vague on what
21 the authority means, you know.
22 I guess -- I guess you have to bifurcate the
23 authority, you still have to follow the process, which
24 Mr. Hughes and those are following, and you still have to
25 follow the confidentiality rules; but we're part of the same

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1 team, you know, we represent the State.
2 And so, you know, I guess "confidential" would mean
3 releasing the information to the public, I'm not the public
4 anymore, I'm a member of the Commission. So it seems to me
5 that -- that -- and maybe I'm belaboring this point, but it
6 seems to me given that we've all been granted the
7 procurement authority, that, you know, we can take -- just
8 like Mr. Hughes and others have been able to see the
9 applicants, we should as well.
10 But, you know, I just -- I don't understand but
11 I'll stop just because it's still vague to me. I'll just
12 leave it at bay right now and maybe we can continue and
13 proceed with discussion. I know you're trying to move for
14 an executive session, but I'm not quite sure where we stand
15 in this whole process.
16 So, thank you.
17 CHAIRPERSON NEUBERG: I understand,
18 Commissioner Watchman, that this is confusing. It -- it's
19 confusing enough that it required counsel of ADOA and the
20 AG's Office and myself to all come together to try to
21 understand the law.
22 I'd like to again make a distinction. Just because
23 we have the authority to procure, doesn't mean that we're
24 absolved of the responsibility to do it in a way that meet
25 state's statutes and guidelines; the five of us do not have

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1 that -- that expertise to do it in a way where we would not
2 subject ourself to potential litigation.
3 The safest, most effective way is to rely on the
4 state procurement office which does this all the time in
5 cooperation with us so that we can all collectively feel
6 that the process will, you know, be done according to law
7 and ethics.
8 And so I understand, you know, it's not simple,
9 it's not easy, but I don't see much of a downside to at
10 least begin the process of our RFP. It's confidential, we
11 go into executive session, we would rank, we could learn
12 the -- the firms; and then if we choose at that point that
13 there's no added benefit to going through this process with
14 the State, we could take ownership back with the firms that
15 have already been procured because we've -- those firms in
16 Option 2 that have already been procured, we've already done
17 our due diligence as a Commission to the state that they're
18 properly vetted.
19 It's a safe way to go legally.
20 COMMISSIONER MEHL: So this is Commissioner Mehl.
21 Is it time for us to then choose, should -- should
22 making an option to go with Option 3 and going into
23 executive session, is that appropriate now, Chairwoman?
24 CHAIRPERSON NEUBERG: If there is consensus. If
25 there is a -- you know, no further questions and we're

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1 collectively feeling good that this process provides us the
2 best path to make the best decision.
3 COMMISSIONER MEHL: Then I -- I move that we choose
4 Option 3, recognizing that we can change our mind later, and
5 that we move into executive session to discuss the details
6 of how we would rank the firms.
7 COMMISSIONER LERNER: This is Commissioner Lerner.
8 I will second that motion.
9 CHAIRPERSON NEUBERG: Any further discussion?
10 COMMISSIONER YORK: This is Commissioner York.
11 Just I'd amend that Option 3 is Item C in the agenda of No.
12 VII.
13 CHAIRPERSON NEUBERG: Correct.
14 With that, we'll do a vote.
15 Vice Chair Watchman -- a vote to move into
16 executive session for the purpose of moving forward with
17 establishing rankings with the RFP process.
18 Vice Chair Watchman.
19 VICE CHAIR WATCHMAN: Commissioner Watchman votes
20 aye.
21 CHAIRPERSON NEUBERG: Commissioner Mehl.
22 COMMISSIONER MEHL: Aye.
23 CHAIRPERSON NEUBERG: Commissioner Lerner.
24 COMMISSIONER LERNER: Aye.
25 CHAIRPERSON NEUBERG: Commissioner York.

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1 COMMISSIONER YORK: Aye.
2 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
3 aye.
4 With that, we're going to -- we are going to move
5 into executive session. For the public, this is in order
6 for us to be able to move through the ranking process in the
7 confidential manner that is required of us.
8 Please hang up this line, and we will need to move
9 to the executive session link.
10 Pam, anything else you want to say before we -- we
11 make this jump?
12 (Whereupon Commissioners York and Mehl exit the
13 meeting.)
14 MS. PEISER: Just that the members of the RFP team
15 to this point is Mr. Hughes as well as Ms. Sornsin will be
16 joining us in executive session as they will providing
17 information related to the confidential documents.
18 CHAIRPERSON NEUBERG: Yes. And Nicole Sornsin will
19 be joining us as a technical expert in procurement.
20 So thank you very much. Okay.
21 (Whereupon the proceeding is in executive session
22 from 10:08 a.m. until 11:23 a.m.)
23
24 * * * * *
25

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(Whereupon the proceeding resumes in general session.)

CHAIRPERSON NEUBERG: Okay. Welcome back, everybody. We'll just give a minute for everybody to reconvene.

I see that we have all five Commissioners with us; we have our transcription expert here, thank you, Angela; Yasmin, Rick, Nicole, Kyle, Jessica Klein, Pam.

Okay. With that, I believe we can get started again.

Thank you to the public for your patience. We had a productive executive session meeting in which we went through the ranking exercise that was required to be done in confidentiality, and we were able to ask whatever kinds of legal questions we had in order to fully understand the processes with which we can move forward.

With that, I believe we can begin to move forward with an action item. I'd like to turn it over to my Commissioners and see if we have a motion based on those initial ranking conversations.

COMMISSIONER LERNER: This is Commissioner Lerner.

I move that we approve the suggested rankings based on our discussion and as recorded by Rick Hughes.

CHAIRPERSON NEUBERG: Do I have a second?

COMMISSIONER YORK: This is Commissioner York. I

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1 second.
2 CHAIRPERSON NEUBERG: Any further discussion?
3 With that, we'll take a vote.
4 Commissioner Watchman.
5 COMMISSIONER WATCHMAN: Aye.
6 CHAIRPERSON NEUBERG: Commissioner Mehl.
7 COMMISSIONER MEHL: Aye.
8 CHAIRPERSON NEUBERG: Commissioner Lerner.
9 COMMISSIONER LERNER: Aye.
10 CHAIRPERSON NEUBERG: Commissioner York.
11 COMMISSIONER YORK: Aye.
12 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
13 aye.
14 And, with that, we will move forward with the
15 suggested rankings in executive session and pick up the RFP
16 process next week.
17 With that, unless there's any other further
18 discussion, we will move to Item No. IX, which is discussion
19 and possible action on mapping consultant support.
20 That RFP process will close on March 26th. I
21 personally have nothing to add on this agenda item. Unless
22 there are other questions or comments, we can move on.
23 With that, we'll move to Item No. X, discussion and
24 possible action on budget.
25 I would like to inform the Commissioners and the

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1 public, I did speak briefly last week with Deborah Gann,
2 she's a representative with the general accounting office
3 with ADOA, regarding interstate agency agreement. ADOA can
4 aid the Commission with budgeting and accounting related
5 matters; it's just setting the stage to be able to
6 facilitate budgeting in an expeditious manner.
7 In terms of next steps, our executive director,
8 Brian, will need to follow up with her, and it is
9 recommended that she come and present to the Commission
10 sometime, I'd say, within the next maybe, you know, month or
11 so to talk more fully about the services that ADOA provides
12 as it relates to accounting and budgeting. But, for now,
13 it's an important -- important arrangement that is helping
14 us pay our bills.
15 I have no other items on the issues --
16 VICE CHAIR WATCHMAN: Madam Chair?
17 CHAIRPERSON NEUBERG: Yes. Please.
18 VICE CHAIR WATCHMAN: I'm still requesting, can
19 someone explain to me where we stand with the Arizona annual
20 budget?
21 I know we talked about the last time and so we did
22 have some numbers presented to us. But is that going
23 through the process? I forget where the State is regarding
24 their annual budget, which starts on July 1. So do we have
25 a say in that, because it looks like it's already put

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1 together, so I'm assuming it's included in the Governor's
2 budget that maybe is being delivered right now?
3 I don't know where we are on that process. And --
4 and, I don't know, maybe we need to get our new director to
5 look at it as well, to see if it's adequate and sufficient.
6 But, you know, we can discuss that next week and have
7 someone available to speak to us on where we stand with
8 that.
9 So a question for my part. Thank you, Madam Chair.
10 CHAIRPERSON NEUBERG: Thank you for your question.
11 Yes. So just to confirm, we have been allocated
12 $500,000 in order to take us through June 30th.
13 In terms of the next fiscal year, we have already
14 been allocated, it's been appropriated by the state
15 legislature $3 million. We are well covered to be able to
16 get us off the ground and fulfill our responsibility in the
17 near future.
18 Once we have our full staff in place, we'll be able
19 to flesh out a more comprehensive budget where we can
20 itemize things a little more deliberatively, and then we
21 will work with Deborah Gann with ADOA.
22 Again, we need to keep in mind a fiscal
23 responsibility to honor a budget and what's been allocated,
24 we have a mission that we are responsible to fulfill; and if
25 and when there's a need to go to the state legislature to

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make a case for additional resources, we have that prerogative. And so that specific budgeting will be fleshed out, I'd say, in the next four to eight weeks; and I don't foresee any immediate concerns as it relates to the budget, the decisions that we've been making to date have all fallen well within line of what's been allocated.

Any other questions or comments on that matter?

VICE CHAIR WATCHMAN: No.

CHAIRPERSON NEUBERG: Okay. Thank you.

And, with that, a very related item, we'll move on to Item XI, discussion and possible action on bill paying on our incurred expenses.

We do have an expense Item No. XI(A), Miller Certified Reporting, the invoice dated 3/15/21.

I do need a motion to pay that bill.

VICE CHAIR WATCHMAN: Madam Chair, this is Commissioner Watchman. I motion to approve the expense to Miller Certified Reporting dated March 15th, 2021.

I don't have the numbers in front of me, but I think that should suffice as a motion.

CHAIRPERSON NEUBERG: Correct.

COMMISSIONER MEHL: I second the motion.

CHAIRPERSON NEUBERG: Any further discussion?

Okay. Quick vote.

Commissioner Watchman.

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COMMISSIONER WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Commissioner Mehl.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Aye.

CHAIRPERSON NEUBERG: Commissioner York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: Commissioner Neuberg is an aye.

And, with that, we authorize the payment of the invoice to Miller Certified Reporting of 3/15/21.

With that, we'll move on to Item No. XII, discussion on the ADOA resources or any other updates. It can relate to (A) through (E): IT, human resources, procurement, finance, facilities.

The only update I have is that I have been approved for a badge, and with that we can include other people for badges now that we're about to be, you know, hopefully soon a little bit more out there in a public and having a physical location. It's -- it's helpful for all of us to get physically approved so that we have that ability to get in and out of the building.

With that any questions?

And, Yasmin, anything on ADOA's front that you would like to update us on?

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1 MS. RAMOS: No. Just wanted to update the public
2 on the address. Last time I promised to give a suite number
3 and I have one. It is a Suite 105.
4 And, again, the full address is 1110 West
5 Washington Street, Phoenix -- Suite 105, Phoenix, Arizona,
6 85007.
7 Thank you, Madam Chair.
8 CHAIRPERSON NEUBERG: Thank you.
9 Okay. Again, thank you so much ADOA for helping us
10 with all of these resources.
11 With that, we'll move on to Item No. XIII, update,
12 discussion, and possible action on Howard open meeting law
13 complaint provided by ADOA legal counsel.
14 Given the legal nature of this, the Commission may
15 vote to go into executive session, which will not be open to
16 the public for the purpose of obtaining legal advice
17 specifically related to the Howard open meeting law
18 complaint, A.R.S. 38-431.03(A)(3), for discussion or
19 consideration of records exempt by law from public
20 inspection, including the receipt and discussion of
21 information or testimony that is specifically required to be
22 maintained as confidential by state or federal law pursuant
23 to A.R.S. 38-431.03(A)(2), as well as for consultation with
24 attorneys regarding pending or contemplating litigation
25 pursuant to A.R.S. 38-431.03(A)(4).

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1 With that, I -- if there is an update that we can
2 share in public meeting; and if there is follow-up
3 attorney-client conversation that needs to happen, we will
4 move to executive session.
5 MS. PEISER: Thank you, Chair Neuberg. I do have
6 an update.
7 Because this is ongoing litigation and I'm going to
8 provide some advice as well as strategy in terms of
9 responding to the complaint that's been filed, my
10 recommendation would be to have the discussion in executive
11 session, which will preserve attorney-client
12 confidentiality.
13 COMMISSIONER MEHL: I move that we go into
14 executive session for this discussion.
15 COMMISSIONER LERNER: And Commissioner Lerner
16 seconds.
17 CHAIRPERSON NEUBERG: Do -- do we need a motion to
18 go into executive session?
19 MS. PEISER: A motion to go in but nothing to come
20 out.
21 CHAIRPERSON NEUBERG: Okay. So we have a first we
22 have a second. Any further conversation?
23 Commissioner Watchman.
24 COMMISSIONER WATCHMAN: Aye.
25 CHAIRPERSON NEUBERG: Commissioner Mehl.

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1 COMMISSIONER MEHL: Aye.
2 CHAIRPERSON NEUBERG: Commissioner Lerner.
3 COMMISSIONER LERNER: Aye.
4 CHAIRPERSON NEUBERG: Commissioner York.
5 COMMISSIONER YORK: Aye.
6 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
7 aye.
8 And, with that, we will move into executive session
9 in order to discuss an open meeting complaint for
10 attorney-client privilege.
11 Please move out of this public session and enter a
12 new link.
13 (Whereupon the proceeding is in executive session
14 from 11:35 a.m. until 11:58 a.m.)
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18 (Whereupon the proceeding resumes in
19 general session.)
20 CHAIRPERSON NEUBERG: Okay. For some reason -- I
21 don't know if everybody can hear me, my camera is not
22 working. I'm trying to turn it on.
23 But -- but can everybody hear me through audio?
24 COMMISSIONER YORK: Yes, we can hear you.
25 MS. PEISER: Yes.

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1 VICE CHAIR WATCHMAN: Yes.
2 COMMISSIONER MEHL: Yes.
3 CHAIRPERSON NEUBERG: Okay. I apologize that my
4 video is not working.
5 I want to make sure that we have everybody in play
6 to resume our public meeting. I believe we have Pam; I
7 believe we have all of our Commissioners.
8 So, with that, we will move back into our public
9 meeting. Agenda Item No. XIV, discussion of future agenda
10 item requests.
11 Are there any other additional requests that we
12 have not yet brought up during this public meeting?
13 I'm not aware of any new items. I just want to
14 make sure that the language with our discussion of our RFPs
15 allows for that next process of -- of further deliberation.
16 I believe that is already on the agenda.
17 Commissioners do have the ability in the next day
18 or two prior to posting the formal agenda to request that
19 additional items be added.
20 If there are no other suggestions, we'll move to
21 Item No. XV, which is discussion and possible action on
22 scheduling of future meetings per our ongoing meeting on
23 Tuesdays at 9:00 a.m.
24 We are slated to convene next week, the 30th, at
25 9:00 a.m. and every Tuesday after that. I'm not aware of

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1 any other exceptions or special meetings. Is there anything
2 else that the Commissioners would like to bring up?
3 With that, we'll move to Item No. XVI,
4 announcements.
5 The next meeting will be next Tuesday, March 30th,
6 at 9:00 a.m.; and I do not have any additional
7 announcements.
8 With that, we will move to Agenda Item No. XVII,
9 closing of public comments.
10 Please note, members of the Commission may not
11 discuss items that are not specifically identified on the
12 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action
13 taken as a result of public comment will be limited to
14 directing staff to study the matter, responding to any
15 criticism, or scheduling the matter for further
16 consideration and decision at a later date.
17 And, with that, we move to Item No. XVIII, which is
18 adjournment.
19 Do I have a motion to adjourn?
20 COMMISSIONER MEHL: So moved. Commissioner Mehl.
21 CHAIRPERSON NEUBERG: Do we have a second?
22 VICE CHAIR WATCHMAN: Commissioner Watchman
23 seconds.
24 CHAIRPERSON NEUBERG: Any discussion?
25 Okay. Vote to adjourn.

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1 Vice Chair Watchman.
2 VICE CHAIR WATCHMAN: Aye.
3 CHAIRPERSON NEUBERG: Commissioner Mehl.
4 COMMISSIONER MEHL: Aye.
5 CHAIRPERSON NEUBERG: Commissioner Lerner.
6 COMMISSIONER LERNER: Aye.
7 CHAIRPERSON NEUBERG: Commissioner York.
8 COMMISSIONER YORK: Aye. Have a greet week.
9 CHAIRPERSON NEUBERG: Commiss- --
10 Commissioner Neuberg is an aye.
11 And, with that, we adjourn, and I look forward to
12 seeing everybody next week.
13 COMMISSIONER MEHL: Thank you all.
14 COMMISSIONER LERNER: Thanks, everybody.
15 CHAIRPERSON NEUBERG: Good-bye.
16 (Whereupon the proceeding concludes at 12:02 p.m.)
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1 C E R T I F I C A T E

2

3 STATE OF ARIZONA)

4) ss.

5 COUNTY OF MARICOPA)

6

7 BE IT KNOWN that the foregoing proceedings
were taken before me, Angela Furniss Miller,
8 Certified Reporter No. 50127, all done to the best of
my skill and ability; that the proceedings were taken
9 down by me in shorthand and thereafter reduced to
print under my direction.
10
I CERTIFY that I am in no way related to any of the
11 parties hereto nor am I in any way interested in the outcome
thereof.
12

13 I FURTHER CERTIFY that I have complied with the
requirements set forth in ACJA 7-206. Dated at Litchfield
14 Park, Arizona, this 5th of April, 2021.

15

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

17

* * *

18

I CERTIFY that Miller Certified Reporting, LLC, has
19 complied with the requirements set forth in ACJA 7-201 and
7-206. Dated at LITCHFIELD PARK, Arizona, this 5th of
20 April, 2021.

21

22 _____
Miller Certified Reporting, LLC
Arizona RRF No. R1058

23

24

25

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