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2 complaint.

3 For attorney-client privilege, when there are  
4 people who are not necessary to the conversation, it loses  
5 the confidentiality. So if we had the conversation in open  
6 session or with persons who are not necessary, then there is  
7 no confidentiality; should the Commission choose to avail  
8 itself later of that in litigation, it wouldn't be there to  
9 avail because once the door is opened, the horse is out of  
10 the barn so to speak.

11 CHAIRPERSON NEUBERG: Okay. Is there any -- any  
12 overview that -- that you would like to share with the  
13 public or we -- we can immediately go into executive session  
14 and give the public an overview after the fact?

15 MS. PEISER: Well, I would defer to the Commission  
16 on how much of the overview they wish to make public. At  
17 this juncture, you know, we're working with the Commission  
18 on the response in terms of the specific strategy or pointed  
19 responses to the allegations that I -- I would suggest would  
20 be better for executive session.

21 CHAIRPERSON NEUBERG: Okay. Any other further  
22 discussion or do we have a motion to move into executive  
23 session for the purpose of obtaining legal counsel?

24 COMMISSIONER LERNER: I will move to move into  
25 executive session for the purpose of obtaining legal

1           counsel. This is Commissioner Lerner.

2           CHAIRPERSON NEUBERG: Do we have a second?

3           COMMISSIONER YORK: Commissioner York seconds.

4           CHAIRPERSON NEUBERG: Okay. Vote.

5           Commissioner Watchman.

6           COMMISSIONER WATCHMAN: Aye.

7           CHAIRPERSON NEUBERG: Commissioner Mehl.

8           COMMISSIONER MEHL: Aye.

9           CHAIRPERSON NEUBERG: Commissioner Lerner.

10          COMMISSIONER LERNER: Aye.

11          CHAIRPERSON NEUBERG: Commissioner York.

12          COMMISSIONER YORK: Aye.

13          CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
14          aye.

15                 And, with that, we will move to executive session.

16          And for the public, I am anticipating that this will  
17          probably be, you know, 10-plus, 15 minutes, but -- but not a  
18          significant amount of time.

19                 Okay. Thank you.

20                 (Whereupon the proceeding is in executive session  
21          from 10:58 a.m. until 11:11 a.m.)

22

23                                 \* \* \* \* \*

24

25                 (Whereupon the proceeding resumes in

1 general session.)

2 CHAIRPERSON NEUBERG: Welcome back, everybody. I  
3 see all Commissioners. Pam, I see a -- I see a "P," is that  
4 you?

5 MS. PEISER: Yes, it is. I'm sorry.

6 CHAIRPERSON NEUBERG: Okay. No, that's okay, I  
7 just want to make sure that our counsel is here.

8 And Yasmin is here.

9 And, with that, I believe we can move back into our  
10 general session.

11 Thank you, Counsel, for that update in executive  
12 session. Commissioner Mehl, who was operating as Interim  
13 Chair under the complaint, has been in coordination with  
14 Counsel to provide the response, and that is all in the  
15 appropriate queues.

16 With that, unless there's other further comment,  
17 we'll move to Agenda Item No. XV, which is discussion of  
18 future agenda item requests.

19 In addition to what has already been discussed  
20 today, any other thoughts about items that we should  
21 consider adding to our agenda for next week?

22 Okay. I -- I don't personally have anything else  
23 to add as well, and I think our main agenda items will be on  
24 the legal front and continuing the mapping conversation.

25 Okay. With that, we'll move to Agenda Item



1 No. XVI, discussion and possible action on the scheduling of  
2 future meetings.

3 We are slated for every Tuesday at 9:00 a.m. with  
4 no foreseeable changes in that schedule un- -- unless  
5 anybody would like to bring up any conflicts.

6 COMMISSIONER LERNER: Chair -- Chair Neuberg?

7 CHAIRPERSON NEUBERG: Yes.

8 COMMISSIONER LERNER: I was wondering, we talked in  
9 the past about summer coming up, people maybe being gone for  
10 periods of time. I was wondering if there would be a way to  
11 create a Google calendar for the Commission, and it may be  
12 something we ask the executive director to do, where we  
13 could just place blocks on there that indicate we may not be  
14 available, if we want to. It's still -- if we're -- if  
15 we're doing things virtually, even if we're not around we  
16 could still be involved.

17 But I just wondered if we wanted to start trying to  
18 compile that on a calendar that we have internally within  
19 our Commission. A thought.

20 CHAIRPERSON NEUBERG: I -- I see that is only  
21 additive and I would like to extend it not just to summer  
22 but, you know, this is going to be a condensed year leading  
23 up to, you know, January, potentially up through March of  
24 2022, and to have a sense of our collective conflicts well  
25 in advance I think can only help us in scheduling.

1           And -- and, in fact, in thinking about future  
2           scheduling I, you know, when we think about December, late  
3           this year, you know, those are going to be incredibly busy,  
4           high-demand times for the Commission, and so to the extent  
5           that we can get on the same page and understand our  
6           collective working calendar in those times. Just -- just to  
7           refresh your memory from our conversation with the Secretary  
8           of State's Office, in an ideal world they gave us a date of  
9           January 2nd to have maps, and that's aspirational but -- but  
10          it's something that I genuinely and I think we can  
11          collectively genuinely aspire to.

12           COMMISSIONER LERNER: And, Chair Neuberg, I was  
13          also thinking because we obviously want to be doing some,  
14          you know, travel and visits to places around the state, it  
15          might be helpful to start pulling that calendar together on  
16          when we might be able to set some times up for that as well,  
17          so that was part of my suggestion.

18           MS. RAMOS: Madam Chair, and I can get that  
19          started, I will create that today and I will share it with  
20          the Commission.

21           CHAIRPERSON NEUBERG: Thank you very much. That's  
22          a great idea.

23           COMMISSIONER YORK: We're still on for next week,  
24          correct?

25           CHAIRPERSON NEUBERG: Correct. Every Tuesday,

1 9:00 a.m.

2 VICE CHAIR WATCHMAN: Madam Chairman, I'm blocking  
3 out basically every Tuesday in the morning so that way -- I  
4 may have conflicts here and there, but I did have that  
5 blocked out.

6 The question that I have for public hearings in the  
7 past, were they late in the day or the evening time?  
8 Because some communities have, you know, in terms of getting  
9 attendance, good attendance, I don't know if it's been in --  
10 during the day or the evening time, it's a curious question  
11 that I have.

12 And I haven't had time to look back at prior  
13 Commission hearings, but I'm just curious about, you know,  
14 how the prior Commissions approached that.

15 CHAIRPERSON NEUBERG: You know what, I think that's  
16 an excellent point when we get out there if, you know,  
17 around the state to provide opportunities for people at all  
18 different times of the day to share public comment. I mean,  
19 you know, 9:00 a.m. is not necessarily convenient for  
20 everybody at night as well. I do know that that's a  
21 frustration with the public comments about wanting to expand  
22 our website to have comment outside of these narrow windows.

23 I -- I think that's something that we ought to be  
24 thoughtful about with what works for the State, and having  
25 our general calendars in advance where we have the unique

1 opportunities to, you know, dive into those, you know, other  
2 hours that -- that aren't in the morning, with enough  
3 advance notice I think we'll be able to do.

4 COMMISSIONER MEHL: This is Commissioner Mehl.

5 I do think that next week interviewing the legal  
6 firms is going to push our timing, and we're going I assume  
7 have to still be aware, are we going to have a four-hour  
8 shutoff on YouTube?

9 CHAIRPERSON NEUBERG: Yes.

10 COMMISSIONER MEHL: And so we're really going to  
11 have to hold to our timing and limit the discussion of any  
12 other topics.

13 MS. RAMOS: So I've actually been working on that  
14 and I think I might be able to extend it to eight hours.  
15 I'm still working on that, but I will -- I'm working on that  
16 and hopefully I'll be able to accomplish that by the end of  
17 today.

18 CHAIRPERSON NEUBERG: Thank you.

19 And -- and, with that, if we're not able, you know,  
20 we can maybe strategically plan for a second meeting like we  
21 did with the executive director position, where if we needed  
22 to reconvene in the afternoon we could. You know, having  
23 the benefit of -- of hopefully listening to the -- to the  
24 attorneys, it would be great for us to be able to finish  
25 that conversation and deliberate and -- and come to

1 conclusions so to be able to have the sufficient time to do  
2 so.

3 So for the fellow Commissioners, for next Tuesday,  
4 if there are conflicts in your schedule even though we're  
5 slated for the morning hours, let's say, 9:00 to 1:00, you  
6 know, if you can, you know, maybe hold off on scheduling  
7 your day and let's see what we can schedule in the next  
8 24 hours, it would be helpful in case of -- of as-needed  
9 basis, we can carve into those other hours in the afternoon.

10 Okay. With that, I think we can move on to No.  
11 XVII, announcements; next meeting date.

12 It is next Tuesday, 9:00 a.m., April 6th, I  
13 believe -- yes, April 6th at 9:00 a.m.

14 And, with that, we move to Agenda Item No. XVIII,  
15 closing of public comments.

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

23 And, with that, I thank everybody for everybody's  
24 time and we will move to Agenda Item No. XIX, adjournment.

25 Do I have a motion to adjourn?

1 COMMISSIONER YORK: I motion to adjourn.

2 Commissioner York.

3 CHAIRPERSON NEUBERG: Do I have a second?

4 VICE CHAIR WATCHMAN: Commis- --

5 Commissioner Watchman seconds.

6 CHAIRPERSON NEUBERG: With that, a vote.

7 Vice Chair 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, I look forward to seeing everybody  
18 next Tuesday at 9:00 a.m.

19 Thank you, everybody, for your time and effort.

20 VICE CHAIR WATCHMAN: Thank you, everybody.

21 CHAIRPERSON NEUBERG: Okay. Bye-bye.

22 (Whereupon the proceeding concludes at 11:21 a.m.)  
23  
24  
25

C E R T I F I C A T E

STATE OF ARIZONA )

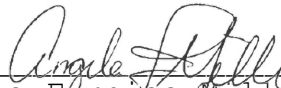
) ss.

COUNTY OF MARICOPA )

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

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 12th of April, 2021.

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

\* \* \*

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 12th of April, 2021.

  
\_\_\_\_\_  
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