THE STATE OF ARIZONA

INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

April 13, 2021

9:04 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT REDISTRICTING
2 COMMISSION, convened at 9:04 a.m. on April 13, 2021, via
3 GoogleMeets, Arizona, in the presence of the following
4 Commissioners:
5 Ms. Erika Neuberg, Chairperson
Mr. Derrick Watchman, Vice Chairman
6 Mr. David Mehl
Ms. Shereen Lerner
7 Mr. Douglas York
8 OTHERS PRESENT:
9 Mr. Brian Schmitt, Executive Director
Ms. Yasmin Ramos, Administrative Assistant
10 Ms. Pamela Peiser, Assistant Attorney General
Mr. Kyle Cummings, Assistant Attorney General
11 Ms. Jessica Klein, Assistant Attorney General
Ms. Nicole Sornsin, General Counsel
12 Ms. Kerry Wells, Statewide Compliance Manager
Mr. Michael Hillebrand, State Procurement Analyst
13
14 *Members of the Public
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P R O C E E D I N G

CHAIRPERSON NEUBERG: Welcome. Agenda Item I(A), call for quorum.

It is 9:04 a.m. on Tuesday, April 13, 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 are present. If you are unable to respond verbally, we ask you please type your name.

MS. RAMOS: Vice Chair Watchman.

VICE CHAIR WATCHMAN: Present.

MS. RAMOS: Commissioner Lerner.

COMMISSIONER LERNER: Present.

MS. RAMOS: Commissioner York.

COMMISSIONER YORK: Present.

MS. RAMOS: Commissioner Mehle.

COMMISSIONER MEHL: Present.

MS. RAMOS: Chair Neuberg.

CHAIRPERSON NEUBERG: Present.

MS. RAMOS: And for the record we also have legal representation from the attorney general's office. We have Pamela Peiser, Kyle Cummings, Jessica Klein, and we have our executive director, Brian

1 Schmitt. Transcribing for the Commission today is
2 Debbie Wilks. And from ADOA we have Nicole Sornsin,
3 Michael Hillebrand, and Kerry Wells.
4 Back to you, Madam Chairwoman.
5 CHAIRPERSON NEUBERG: Okay. Thank you so
6 much.
7 Please note for the minutes that a quorum is
8 present.
9 Item No. I(B), call for notice.
10 Yasmin, was the notice and agenda for the
11 Commission meeting properly posted 48 hours in advance
12 of today's meeting?
13 MS. RAMOS: Yes, it was, Madam Chair.
14 CHAIRPERSON NEUBERG: Thank you very much.
15 We'll move to Agenda Item No. II, approval of
16 minutes from April 6, 2021, of last week. 2(A),
17 general session. There were -- there was no executive
18 session last week. We do apologize. We don't yet have
19 written minutes. I think that may take a little bit of
20 time until we build out our broader staff. I think
21 when you see our executive director's presentation
22 you'll understand what he's been focused on, but for
23 now the video recording that is on our website fulfills
24 statutory requirements.
25 Is there any discussion regarding the minutes

of last week's public session?

I will need a motion to approve the minutes, the general session minutes from April 6th.

COMMISSIONER YORK: Commissioner York. I motion to approve the minutes from April 6th general session.

CHAIRPERSON NEUBERG: Do I have a second?

COMMISSIONER LERNER: Commissioner Lerner seconds.

CHAIRPERSON NEUBERG: Any further discussion?

With that we will do a vote.

Vice Chair Watchman.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Commissioner Mehle.

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 approve the general session minutes of April 6th of 2021.

Agenda Item No. III, opportunity for public comments. Public comment will be open for a minimum of

1 30 minutes and remain open until the adjournment of the
2 meeting. Comments will only be accepted electronically
3 in writing on the link provided in the notice and
4 agenda for this public meeting and will be limited to
5 3,000 characters.
6 Please note members of the Commission may not
7 discuss items that are not specifically identified on
8 the agenda. Therefore, pursuant to A.R.S.
9 38-431.01(H), action taken as a result of public
10 comment will be limited to directing staff to study the
11 matter, responding to any criticism, or scheduling the
12 matter for further consideration and decision at a
13 later date.
14 With that, we'll move on. So just to
15 summarize, you know, what I read -- and, again, I thank
16 the public for your attention and your involvement. It
17 keeps all of us, you know, focused on, you know, I
18 think our shared mission. I saw an overwhelming amount
19 of support for hiring two firms. There was a little
20 bit of concern about some of the firms, but nothing
21 dramatic that, you know, really would have I think
22 swayed the public confidence. So it sounds like, you
23 know, it hit that sweet spot with what people were
24 looking for.
25 I also really heard that we need to ensure

1 that our public information officer is particularly
2 sensitive to reaching communities that maybe extend
3 beyond internet and just typical media access:
4 accessing the elderly, accessing the rural community,
5 accessing the tribal communities. And we hear that.
6 You know, Brian, I think, will speak to that.
7 I heard a desire to understand our budget
8 more, which I think Vice Chair Watchman probably loves.
9 And I think again, you know, that the upcoming report
10 from our executive director will speak to that.
11 Again, better access to giving comments. I
12 think the best way is to go to our website and on a
13 "Contact Us" link be able to share your views in
14 hopefully less than 3,000 characters so we can consume
15 them. Our new executive director is on it, and we
16 really want to build out our team to be able to provide
17 this customer service that I think the public deserves.
18 We're still spread thin, but we hear you. So of all
19 the public comments I've read, I've digested them all
20 and feel that I'm ready to integrate them into our
21 decision-making.
22 Nothing else rises to the level in my mind of
23 needing a different item, unless somebody else has a
24 different opinion.
25 COMMISSIONER LERNER: Chairman Neuberg, this

is Commissioner Lerner. I just want to say I agree with your summation about the comments. I appreciate the fact that people are submitting those comments. I read them very carefully and look to see what we might be able to take into account for the future, so I appreciate your summary and I appreciate all the comments that come in. I ask the public to continue to do so.

CHAIRPERSON NEUBERG: Okay. Thank you.

With that I think we can move to Agenda Item No. V, which is Executive Director's Report and discussion thereof, and with that I will turn it over to Brian Schmitt.

MR. SCHMITT: Thank you, Chairwoman Neuberg.

So I have a quick presentation that I'll walk you guys through. If you have any questions, let me know.

So I have four different topics that were of interest last week. First, budget. In last year's budget we were allocated $500,000. So far the expenses have been about $6,400 to date. Moving forward, in the governor's executive budget it proposes $4,100,000 in funding. In the JLBC's budget it proposes $3,000,000. When we move from the $500 -- $500,000 funding in the JLBC's recommendation to the $3,000,000, it allows us

1 three full-time employment positions, and that doesn't
2 change with the increase in spending. I think it's
3 important as the Commission moves forward that we make
4 sure and communicate our needs to the legislature as
5 the budget process is not complete yet.
6 CHAIRPERSON NEUBERG: Before you move on to
7 another slide, Brian, is it possible to expand the
8 view? It's hard to look at the specific numbers. And
9 can you share what JLBC stands for, just because for
10 the public's sake a lot of this is jargon.
11 MR. SCHMITT: Sure. Absolutely. JLBC is the
12 Joint Legislative Budget Committee. They make a
13 recommendation to the legislature based on a variety of
14 different facts and figures and estimates.
15 I'm trying to zoom in now.
16 CHAIRPERSON NEUBERG: Okay. I don't want
17 to -- it's not a problem, just as long as you verbally
18 emphasize the highlighted yellow area because we can't
19 read it, and I think that's what you really want us to
20 walk away with.
21 MR. SCHMITT: Sure. So the highlighted item
22 on the left-hand side of the screen is JLBC's
23 recommendation. That highlighted portion is just the
24 full-time employee positions and the amount of money
25 recommended. On the right it's the governor's

executive budget, and it shows the current allocation of $500,000 and then the increase of $6,000,000 for his recommendation.

COMMISSIONER LERNER: Brian, this is Commissioner Lerner. Can I ask a question on the carryover?

MR. SCHMITT: Sure.

COMMISSIONER LERNER: Have you been able to ascertain whether or not you'll be able to do the same? Because we probably won't spend that much between now and June 30th.

MR. SCHMITT: Yes. So ours -- the 500,000 was general fund, and that cannot be carried over, so it's use it or lose it.

CHAIRPERSON LERNER: So what were the funds that they could carry over, then?

MR. SCHMITT: I think it was based on how it was allocated. I can get more information for you and let you know the difference.

CHAIRPERSON LERNER: Well, I was just curious if we can. So we would be working basically with whatever passes. Did the previous Commission go back and ask for additional funds?

MR. SCHMITT: They did, yes, multiple times.

So also on the left in small print, a previous

1 Commission for the total time they were open spent
2 about $12,700,000, so it will most likely be a
3 consistent effort at the legislature to make sure we
4 continue to get funded.
5 COMMISSIONER MEHL: Brian, this is
6 Commissioner Mehle. I do notice that the previous
7 Commission spent $3,000,000 in that first full year,
8 and with the cost of everything going up, especially
9 lawyers and consultants, I think that you ought to be
10 lobbying to get the budget number that the governor is
11 showing as opposed to what the legislature group is
12 showing. I think if we only start at $3,000,000 it
13 does not appear that's going to be sufficient.
14 MR. SCHMITT: The first year they had to go
15 back for 700,000 more, just in the first year, above
16 the 3,000,000.
17 COMMISSIONER MEHL: So we might as well try to
18 start as high as we can because we're going to need it.
19 MR. SCHMITT: Yes.
20 COMMISSIONER YORK: I've got a question for
21 the team. I mean, we only have allocated three
22 employees. Is that enough? It seems to me we're going
23 to need more.
24 MR. SCHMITT: We've already talked about three
25 positions, so it would be pretty limiting.

1 COMMISSIONER YORK: Because you're one of the
2 three. Correct?
3 MR. SCHMITT: Yes.
4 COMMISSIONER MEHL: We need to add -- I think
5 we need to add a position.
6 COMMISSIONER LERNER: This is Commissioner
7 Lerner. I think what we had talked about was we had a
8 pretty clear definition of three positions, and then we
9 were going to talk about we certainly need someone for
10 IT, but whether we would do that through contract would
11 be another addition above. We said that we would
12 probably discuss what we need for that.
13 And I think once Brian gets settled in the
14 three positions, he can look at additional needs, if
15 there are any, to determine if we need more people.
16 But I think that's where we left off was the three that
17 we had agreed on, the IT, and then -- and then Brian
18 could assess after that.
19 I'm wondering if we were significantly higher,
20 if the previous Commission spent as much as you said,
21 12,000,000, it would be great if at some point we could
22 get a breakdown of that, of what those expenses were,
23 so we understand.
24 And maybe that would help you, Brian, as you
25 work with the legislature and the governor's office in

knowing what our needs will be.

MR. SCHMITT: Absolutely. I'll track that down.

VICE CHAIR WATCHMAN: So Madam Chair, Brian, right now we're listing three positions. Do we have to get authority to add positions? I'm not familiar with the state budget process. So if that's the case, I agree with Commissioner York that we should, you know, should put 4,100,000 and maybe add two positions. At least we'll have the budget. It doesn't mean we'll have to expend it.

So that, and then I guess better explanation of the carryover. The previous Commission was able to carry over funds. Is that no longer allowed, or are you saying general funds are not able to be carried forward?

MR. SCHMITT: I believe because it's how it's -- how it is allocated as general funds those can't be -- those can't carry over.

CHAIRPERSON NEUBERG: Are there ways, though, Brian, for us to take advantage of that money up front such that we don't lose the value of that? And not that we're prepared to talk about that this week, but, you know, obviously we want to be creative with ways to take advantage of the financing that's available to us.

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1 MR. SCHMITT: And I think it's important to
2 have a discussion about if -- what investments we can
3 make before the end of the year that will help us move
4 it forward with public hearing, technology, those kind
5 of items.
6 CHAIRPERSON NEUBERG: Right.
7 MR. SCHMITT: That's something we could
8 discuss, and I think the PIO would have some input on
9 that.
10 COMMISSIONER LERNER: And --
11 CHAIRPERSON NEUBERG: Excellent point.
12 COMMISSIONER LERNER: This is Commissioner
13 Lerner. As part of following up with what Chair
14 Neuberg said, perhaps there is something that can be
15 looked at in terms -- since we've now hired our legal
16 consultants there might be something we can do that
17 puts some of those funds into an account in advance or
18 hold on to some of those -- that $500,000.
19 I guess my only question would be -- for you
20 would be then let's have you take a look at all the
21 options and get back to us with what you think might
22 work.
23 MR. SCHMITT: Absolutely. I will be happy to
24 do that.
25 CHAIRPERSON NEUBERG: As we -- as we think

through this, I just want to reiterate a point, and I am the most cautious when it comes to spending money, managing our budget, all of that.

The integrity of our work comes first and foremost. It is priceless. And if we do our due diligence to minimize litigation to the best of our ability, which is far and above -- and Brian will give us that report down the road, but the litigation I think is -- is the most costly aspect of this. We can make the case to the legislature to fund what we need. It is the State's responsibility to do so. So let's just keep doing our work with integrity and open to the public such that we can make our case, and we'll get the funding that we need.

VICE CHAIR WATCHMAN: Madam Chair, if I could, the session is about ready to conclude. I think they end generally in May. So I think the window closes, and we won't have the next opportunity until next January. I might be wrong. I'm not completely familiar with the budgeting process. And so maybe some information on that, Brian, you know, kind of what is the process.

And so in the meantime, I think as you mentioned, I think we've got to get in front of, I don't know, you know, the legislature and see if we can

1 change what they're thinking about $3,000,000 mark and
2 see if you can get that up to $4,000,000. I don't know
3 how we do that, but I think we got to get over there
4 across the street right away, you know, to present our
5 argument that we're inclined and we support the
6 governor's proposal.
7 MR. SCHMITT: And I think it would be
8 important to -- I'm happy to do it, but I think we
9 could add if the Commission wanted to send a letter or
10 any of the Commissioners wanted to reach out to
11 legislators that they know just to touch base and let
12 them know what we're thinking, I think that would be
13 helpful as well.
14 VICE CHAIR WATCHMAN: Madam Chair, the
15 suggestion is I think we need to do a letter right now,
16 and then we have a team maybe, you know, one commission
17 member and you, Brian, go to talk to whoever is
18 responsible for the budget. I don't know -- the
19 budgeting committee, I don't know who is over there at
20 the House and Senate side. But they're almost done, my
21 understanding, so we need to get over there ASAP.
22 MR. SCHMITT: Sure. I think that's a great
23 suggestion.
24 Any other questions on budget right now? All
25 right. Moving on.

1 So I just wanted to throw this out here now to
2 kind of give you guys an idea so you guys can start
3 thinking through what public hearings might be and what
4 they might look like, so I put together just kind of a
5 history of the Commission, the previous Commission,
6 where they went and visited. They did two rounds, one
7 in July and then one in October.
8 This was Round 1. And also in the report I
9 sent you all there is a list of -- all the
10 Commissioners didn't attend every meeting. It looks
11 like they split up or some joined telephonically. So
12 it would be good to get an idea of what you all are
13 thinking or if you have suggestions or ideas for the
14 public hearing process.
15 COMMISSIONER MEHL: Commissioner Mehle.
16 Clearly Zoom was not invented. It's been invented out
17 of necessity. So I think we should have an additional
18 discussion about especially the first round of
19 hearings, which ones we want to try to do utilizing
20 Zoom and which ones we want to actually physically do
21 in a different location.
22 MR. SCHMITT: Sure.
23 COMMISSIONER LERNER: This is Commissioner
24 Lerner, and I wonder whether or not we want to
25 potentially move up that one in July since we know

1 what's happening with the census. I assume the Round
2 1 -- and maybe we can get clarification on that. Round
3 1 was to just get a sense from the communities out
4 there, what were they thinking, to perhaps provide
5 guidance for us, the Commission and mapping. So one
6 question would be whether we want to -- I like the idea
7 of the two rounds, and I appreciate seeing where these
8 were. I think that's great information that you're
9 providing, Brian. So we can just -- I think we can
10 talk about more the when and purpose and function and
11 all of that, but I think we definitely should look at
12 the concept of doing this Round 1, but perhaps a little
13 earlier since we may have the time now since we started
14 a little earlier than the previous Commission.
15 CHAIRPERSON NEUBERG: I'm with Commissioner
16 Lerner, and I think that that fits in nicely with our
17 conception of a listening and learning tour. I would
18 like to wait until we have our full team in place so
19 that, you know, when we're doing our listening we're
20 doing it in an efficient way so we know, you know,
21 where to particularly go and how to listen.
22 But with Zoom, you know, it doesn't have to be
23 that all five people need to do the burdensome travel.
24 I embrace this. You know, way back in my interview I
25 said the travel for me, given my lifestyle, was a

1 positive. To me, I'm excited by that. We don't need
2 everybody to do part of the listening tour given that
3 it will be on tape. It will be accessible. Everybody
4 can participate.
5 But I'm with Commissioner Lerner. Let's --
6 you know, I'm excited to get our team together and to
7 begin to understand where to go in our state to do the
8 best learning.
9 COMMISSIONER LERNER: So this is Commissioner
10 Lerner. Just one question: Brian, this is what
11 happened last time. Correct?
12 MR. SCHMITT: It is, yes.
13 COMMISSIONER LERNER: So once we make a
14 decision to start our sessions, I guess, we could just
15 take another look at it to see --
16 CHAIRPERSON NEUBERG: Commissioner Lerner,
17 you're frozen.
18 You know, while we're waiting for Commissioner
19 Lerner to come back online, on this topic, you know, as
20 it relates to public comments, I would love to hear
21 public comments about the geographic areas that people
22 feel should take precedence or, you know, just make
23 sure they're on our radar.
24 And with that, Commissioner Lerner, are you
25 back live?

1 COMMISSIONER LERNER: This is why we love
2 technology.
3 CHAIRPERSON NEUBERG: There you are.
4 COMMISSIONER LERNER: But I think you were
5 just saying the same -- all I was saying is we could
6 take -- when we're ready to do it maybe take a look and
7 see if there is any additional places that we might
8 want to go. I think that's what I was hearing you say,
9 Chair Neuberg.
10 Sorry about that. All of a sudden it went
11 snap, you're off.
12 MR. SCHMITT: Great. So next we'll move on to
13 kind of a history of subcommittees. I note there was
14 questions on this before. And I haven't gone through
15 all of the years and minutes yet, but early on there
16 weren't any formal subcommittees. I don't know if
17 "worried" is the right word, but a formal subcommittee
18 would require the 48 hours' notice, the minutes, and
19 all that comes along with that. They did more of a,
20 quote, unofficial subcommittee that consisted of two
21 Commissioners, and the two Commissioners wouldn't
22 constitute a quorum, so that's kind of how they handled
23 it early on. I have to keep doing research to see if
24 that's how it continued moving forward, but that's what
25 I have in subcommittees for the moment.

1 COMMISSIONER MEHL: Commissioner Mehle. I've
2 got a question for the AG, either Pam or Jessica. Can
3 we have two Commissioners consult and help on a given
4 topic not formally formed as a subcommittee, and is
5 that allowed?
6 MS. PEISER: This is Pamela Peiser. Thank you
7 for the question.
8 And to back up, maybe a quick moment as a
9 point of clarification. I'm assuming that Brian's
10 comments are based on what he saw online and that he
11 doesn't know with certainty that any informal
12 subcommittees occurred or did not occur.
13 As far as your question, Commissioner Mehle,
14 any grouping of Commission members to look into matters
15 that would further Commission business is a
16 subcommittee, whether we call it that or not, and does
17 need to comply with open meeting law. There are
18 ways -- I don't want to say work around, but ways that
19 you can still gather information without setting up
20 formal subcommittees, and that would involve one-way
21 communication being sent. So if Commissioners do
22 independent research and they want to bring it
23 together, you know, by sending it either to the
24 executive director to go ahead and go through and
25 fashion into a report for the whole Commission to see

1 and note the meeting, or to bring it back to a meeting
2 where, you know, it's on the agenda, and when it gets
3 to your turn to talk you go ahead and present your
4 findings. But if not done as a one-way communication
5 it does need to comply with open meeting law.
6 COMMISSIONER MEHL: Thank you.
7 CHAIRPERSON NEUBERG: I would like to inject a
8 comment here because it's a bit of an awkward
9 conversation. We will, you know, dive into the future
10 agenda items. We're on the cusp of transitioning with
11 legal counsel, and we have been done so well by the
12 attorney general's office in encouraging us to be very
13 cautious with how we interpret the open meeting laws.
14 You know, we started the whole process with a complaint
15 that was challenging us, saying that we weren't doing
16 enough of our work in the public eye. And as we look
17 at this practice of subcommittees, the previous
18 Commission may have felt that because it was only two
19 Commissioners it was an unofficial subcommittee and
20 they could do their work. Up to now we have viewed it
21 through the lens that all work that advances our
22 collective mission should be done in the public eye.
23 Now, where the law comes down on that issue,
24 you know, I think is a little up for debate right now,
25 and we're in some transition. So for now I think when

1 we look at that, let's continue to for this week listen
2 to the advice that we're getting from Pam and Kyle,
3 which again has served us incredibly well, and just
4 recognize that any subcommittee work, even if it's
5 unofficial, we would need to justify. If it's moving
6 our work towards a result that's outside of the public
7 eye, that's something that could be challenged. And I
8 hate to be a wet noodle, but --
9 COMMISSIONER YORK: This is Commissioner York.
10 Commission Neuberg is spot on.
11 CHAIRPERSON NEUBERG: Okay. So with that,
12 we'll have lots of opportunities to discuss this, you
13 know, and we have other ways to address what we need to
14 get done that goes above and beyond any, you know,
15 levels of questions. So unless there is other
16 comments, Brian, please move forward.
17 MR. SCHMITT: All right. So this is just kind
18 of a history of hiring from a previous Commission. The
19 executive director was hired on April 20th in a similar
20 fashion. The same day the IT position, the Commission
21 appointed that person. They did it because it was
22 someone who had been working with them during the setup
23 of the Commission, so they appointed him that day.
24 On April 27th they had an e-session about
25 administrative support positions.

1 And then May 3rd the executive director
2 requested to hire a deputy executive director. That
3 was -- he did a memo justifying it and came for
4 approval. I haven't been able to find any mention of
5 how like the executive assistant was approved and that
6 kind of thing, so I don't know if that was handled and
7 if they got advice from e-session or what it was.
8 And then after that was the position that the
9 Commission really had input into, if they wanted to.
10 The executive director sent a list, and the members who
11 wanted to participate did, and if some didn't -- if
12 they didn't want to they didn't. But that's just kind
13 of the history of the previous Commission and their
14 hiring process.
15 Any questions?
16 COMMISSIONER LERNER: Thank you, Brian. This
17 is Commissioner Lerner. Thanks for pulling that
18 information together.
19 And so maybe since you see that they hired the
20 IT maybe that can be sort of on your list of future
21 things to look at is what was done, what kind of IT
22 position did the Commission need. They hired that
23 person fairly early it looks like. If you could get
24 back to us -- I know you already mentioned that, but
25 since this was hired early on it seems like that was a

1 priority for them, and I think that goes together with
2 the PIO.
3 MR. SCHMITT: I will get that information.
4 Any other questions? We'll move on.
5 So representation with the new attorneys will
6 begin Thursday, April 15th. Their appointment letters
7 have been sent, and so we're excited to get them on
8 board.
9 COMMISSIONER LERNER: Thank you, Brian. This
10 is Commissioner Lerner.
11 Chair Neuberg, sorry. I have another question
12 here. Bless you.
13 So at some point we need to have a discussion
14 with our attorneys on attendance at meetings and to the
15 resource allocation, those kinds of things, so we
16 understand how things will work in the future now that
17 we have the attorneys and they will be taking it on on
18 April 15th. Should we plan for a meeting to talk about
19 how that should occur?
20 CHAIRPERSON NEUBERG: Here's our general
21 approach and something, you know, to think about. So
22 one of my top agenda items and Brian's as well is for
23 us to convene with our new counsel just to iron out,
24 you know, process issues, making sure we're on the same
25 page with how we're viewing our mission. And then we

1 expect next week on Tuesday for our collective counsel
2 to be representing us, and we can carve out time --
3 we'll talk later in terms of future agenda items, but
4 we can carve out time with them both in public session
5 and I imagine executive session as it relates to
6 confidential legal advice for us to get to know each
7 other, because, you know, as it relates to our
8 collective visions on open meeting laws, on public
9 records, on subcommittees, you know, we want to
10 understand each other. There is a lot of nuances to
11 the law. So I think that that would be a productive
12 use of time if my colleagues think so.
13 COMMISSIONER LERNER: I agree.
14 CHAIRPERSON NEUBERG: Thank you.
15 COMMISSIONER YORK: Commissioner York agrees.
16 MR. SCHMITT: And that is the end of my
17 presentation. I don't know if you all would like to
18 talk about items you may want to see on my presentation
19 next week or if we should wait until future agenda
20 items.
21 COMMISSIONER LERNER: This is Commissioner
22 Lerner. I think as we go through the meeting some
23 things may come up.
24 MR. SCHMITT: Sure.
25 CHAIRPERSON NEUBERG: Thank you, Brian, for

1 that comprehensive report. I think it helps orient us
2 about how we need to be thinking about things and our
3 upcoming schedules, and thank you for taking the time
4 to really learn, because, you know, you absorbed I
5 think a lot of information. I also want to -- because
6 I'm not sure that there is going to be another juncture
7 in the agenda. We spoke about this upcoming transition
8 with our legal counsel. I just want to take a moment
9 to really give a shout out to Pam Peiser, to Kyle
10 Cummings, Caroline Guerrera, who is part of the team,
11 no longer with the AG's office. You know, it's been an
12 intense, really rewarding process of learning what our
13 mission is and what the legal boundaries are, and there
14 were times that I think all Commissioners were
15 frustrated with the constraints put on us by the AG's
16 office, but I have to say I learned a ton, and you set
17 us on a cautious course that I think serves us well to
18 just, you know, minimize the potential for conflict and
19 complaint and litigation, and I have so much respect
20 and appreciation for what you've put into it. So if
21 there isn't another moment to say thank you or
22 acknowledge the work, please on behalf of the State
23 accept those words of gratitude.
24 MS. PEISER: Thank you very much. And I would
25 just also like to extend or drag into your thank you

1 Jessica Klein, who has I believe been pivotal in
2 assisting with the procurement process in making sure
3 that it would move ahead. So, you know, it clearly was
4 not just me. I had a lot of help behind the scenes.
5 Some people you guys saw; some people you didn't. But
6 we all had a common goal, which was to help the IRC get
7 on their feet.
8 CHAIRPERSON NEUBERG: Yes. Thank you. I'm
9 not so sure we're done with Jessica Klein.
10 All right. With that, I think we'll move on
11 to Agenda Item No. VI, which is discussion and possible
12 action on executive director and other potential
13 administrative support positions and duties of all IRC
14 staff positions.
15 This is when I think it is appropriate for us
16 to be talking about giving Brian direction for his
17 hiring. We have the executive assistant position. We
18 have the public information officer position. This may
19 lead into the agenda item, which is discussing pending
20 executive assistant applications and the process of
21 hiring. The Commission may vote to go into executive
22 session, which will not be open to the public, for the
23 purpose of obtaining legal advice on these issues. But
24 we will get that clarification if the need arises.
25 So with that, let's open up our hiring

1 process. Maybe, Brian, do you want to share with us
2 where we're at with your highest priorities?
3 MR. SCHMITT: Sure. So for the executive
4 assistant, I think knowledge of the State is really
5 important, and I think an element of knowledge of legal
6 world or legal process, just because of what the
7 Commission will likely deal with. So we narrowed it
8 down -- I got input from Commissioners, and thank you
9 all for that, on different applications, and narrowed
10 it down to six. Of the six there were four that are
11 still interested, and hoping to confirm them for
12 interviews tomorrow.
13 CHAIRPERSON NEUBERG: Okay. Excellent. So
14 four potential hires for the executive assistant
15 position? Is that what I'm hearing?
16 MR. SCHMITT: Yes.
17 CHAIRPERSON NEUBERG: Okay. And it sounds
18 like you received thorough feedback from Commissioners
19 and everybody is comfortable with the process.
20 MR. SCHMITT: I did, yes. Got great feedback.
21 CHAIRPERSON NEUBERG: Okay. Excellent.
22 Is there any other further direction that the
23 Commission would like to give Brian in terms of his
24 moving forward with these hires? And I would like to
25 just give a plug for expediency. We're starting to

1 really pick up steam. We have some meaningful work
2 ahead of us. Just logistics. You know, minutes,
3 updating websites. We need greater bandwidth.
4 And so with that let's open it up to
5 conversation about granting Brian, you know, some
6 bandwidth for these hires.
7 VICE CHAIR WATCHMAN: Madam Chair, this is
8 Commissioner Watchman. I guess for me -- and I've said
9 in the past that I'd like to -- since the Constitution
10 specifies the Commission is in charge, I'm okay with a
11 director moving forward with interviews. I would like
12 to see perhaps his final choice, at least run it by us
13 to make sure that we're okay with it, and not
14 necessarily approve or disapprove, but at least have
15 some knowledge about that. And I don't know who the
16 top four are. I know that we're trying to be
17 confidential about that. But after the interviews I
18 would like to maybe see a record of who he thinks could
19 best serve us and him as our admin assistant, so at
20 least that's what I'm thinking at this point.
21 CHAIRPERSON NEUBERG: Sure.
22 COMMISSIONER MEHL: This is Commissioner
23 Mehle. I think as a Commission we need to decide are
24 we giving him the authority to make this hire out of
25 that list of four, or do we want him to come back with

his recommendation and have us approve it? I think we need to decide which of those directions we want him to go.

CHAIRPERSON NEUBERG: And I would add to that it's not just the executive assistant position. It's also the public information officer position, the IT position, and if relevant a deputy director position. They don't all have to be the same answer. But conceptually we need to be, you know, deciding on what level of authority we want to give Brian to these hires. It's absolutely fine to ask that the eventual hire come back to us for approval. You know, Brian's made himself available to hear all feedback from Commissioners, and, you know, as much as you want to dive into the applications and give recommendations, that's great.

VICE CHAIR WATCHMAN: Madam Chair, this is Vice Chair Watchman, and I would like to have the Commission formally approve, you know, any candidate that our director would like to employ. For example, you know, the initial candidates, you know, and we approve or disapprove. So I think the Constitution, our responsibilities kind of speak to that. It doesn't say the director, but it says the Commission shall hire staff, and so along those lines I would like to

1 authorize or be in a position to approve the
2 recommendations for the spots that you're talking
3 about. Thank you.
4 CHAIRPERSON NEUBERG: Okay. So it sounds like
5 what I'm hearing is the Commissioners would like to be
6 involved in the process of vetting candidates.
7 And, Brian, it sounds like you're given I
8 think fair room to move forward with the interview
9 process, you know, using your discretion. And with
10 your recommendations based on your own personal
11 interviewing, with your final choices to come back to
12 the Commission and for us to be able to have that final
13 nay or yea. That sounds to me what the consensus is.
14 I want to emphasize that the system works to
15 the extent that the Commissioners are keeping in
16 communication with Brian with your preferences, because
17 we want to set Brian up to succeed, where if there are
18 candidates that you love or don't love, you know, share
19 that feedback early on so if he dives into a process,
20 you know, at the end of the day we don't after the fact
21 come back and say, Hey, wait a minute. We had a
22 concern. So that's where I feel that we're at
23 consensus-wise, but please share otherwise.
24 COMMISSIONER YORK: This is Commissioner York.
25 I'm not 100 percent in consensus with that feeling. I

1 mean, my opinion is we voted and hired Brian Schmitt to
2 be an executive director, and we are vetting
3 applications, but it's his final call I believe to hire
4 those people that work for him. They represent the
5 Commission but won't work for the Commission in a
6 sense. I don't -- I'm not going to disrupt the
7 process, but I just want to note the concern is there
8 that we're undermining his authority a little bit.
9 COMMISSIONER LERNER: This is Commissioner
10 Lerner. I'm actually very good with what you said
11 Chairman Neuberg. I think it's important that we keep
12 him moving forward; we don't hold him up. But I like
13 the fact that I can give input. I appreciate the fact
14 that Brian has reached out, and as long as we don't
15 slow Brian up in terms of his efforts I think that our
16 involvement is important because we are all going to be
17 working -- it's important for Brian, of course, to have
18 that comfort level with who he hires, but it's also
19 important for us because we will be working with these
20 people. So I think as long as we can work with Brian,
21 keep it moving forward, but still have involvement, I
22 would appreciate continuing in that way.
23 VICE CHAIR WATCHMAN: Well, Madam Chair, this
24 is Vice Chair Watchman. I guess maybe some feedback
25 from our legal counsel on whether or not -- I

1 understand what my colleagues are saying, and we need
2 to delegate to our director the hiring authority, you
3 know. Because, again, going back to the Constitution,
4 trying to understand that, and I think I heard comments
5 from our legal counsel that the Constitution speaks to
6 the Commission. And so we are delegated, for example,
7 from the Arizona Department of Administration
8 procurement authority, and so in that same thought we
9 basically hold the authority. Do we need to delegate
10 to Brian, you know, by a vote and by a motion certain
11 protocols, and so I think that's probably one thing
12 that we need to speak to.
13 But, you know, to me we're the Commission.
14 I'm not trying to micromanage, but I would like to be
15 involved in, you know, who our staff is. It's our
16 staff; it's not his. It's our staff. So, you know,
17 that's how I view it. Again, I'm just interpreting the
18 Constitution. You know, if the Constitution says
19 director, then so be it, but it says Commission. Thank
20 you.
21 CHAIRPERSON NEUBERG: You know, I don't think
22 there is any actual tension here because at the end of
23 the day I actually think Brian is probably on the same
24 page, and you'll speak for yourself. I think we all
25 want consensus. Actually, you know, we're good

1 teammates. I think we have a good sense of what we
2 need professionally to balance our team, and I think in
3 good faith Brian is reaching out to everybody to get
4 feedback. And if we have a process in place where we
5 have to formally approve every hire, let's not get --
6 get, you know, I don't know, bothered by that, because
7 I actually think the process that we're going to have
8 in picking that person is going to be quite collegial
9 and pretty much trusting and on the same page. That's
10 my instinct.
11 COMMISSIONER MEHL: This is Commissioner
12 Mehle. I suggest Brian inform the Commissioners as to
13 who the final four that he's interviewing are so if
14 anyone wanted to review further those resumes, and that
15 he bring his recommendation to us for approval next
16 week.
17 CHAIRPERSON NEUBERG: Okay, but let me ask a
18 very practical question: What if he identifies the
19 ideal candidate on Wednesday or Thursday? We're in
20 desperate, desperate need of admin help. Do we want to
21 wait five days? Like is there any way to expedite, you
22 know, hiring somebody so -- because people already
23 reviewed the top candidates. Would it be possible for
24 Brian to pick somebody before Tuesday?
25 COMMISSIONER LERNER: This is Commissioner

1 Lerner. I'm comfortable with Brian moving forward with
2 his interviews because many of us reviewed candidates,
3 provided input, so probably are aware of who those --
4 well, maybe not four, but maybe the original six are,
5 and coming back to us with a recommendation as part of
6 that, because I feel like we were involved at the
7 beginning through the process we've been through until
8 the interviews.
9 COMMISSIONER MEHL: So this is Commissioner
10 Mehle. The difference I'm hearing is I think
11 Chairwoman Neuberg is suggesting we give him the
12 authority to go ahead and hire. And, Shereen, I think
13 you're waiting to have it approved at our next meeting.
14 I'm ambivalent, but is that -- is there a disagreement?
15 Is that the disagreement?
16 COMMISSIONER LERNER: Commissioner Mehle, I
17 don't know that it's a disagreement, but I think we
18 don't know that at this point -- to Commissioner
19 Watchman's point I don't know that Brian actually has
20 complete authority for hiring, but he could bring his
21 recommendation to us. We can approve it. I guess I'm
22 just saying I don't need to wait for him to do
23 interviews to get input between now and then. I'd love
24 him to come back by Tuesday with his recommendation so
25 we can move forward with that. I guess that was my

1 only -- that was what I was thinking.
2 CHAIRPERSON NEUBERG: Brian, can you wait
3 until Tuesday to get, you know, a formal approval? I
4 mean, what kind of implication does it have in your
5 life?
6 MR. SCHMITT: Well, just hiring-wise for the
7 transition, and if it is -- if they do have to give two
8 weeks to their current employer, it just -- it just
9 kind of pushes us back. I think ADOA is anxious to get
10 Yasmin back. She's been great. But it's I think
11 really important for us to get someone aboard and start
12 building the good foundation, especially if we're going
13 to start going out earlier than July. If we start
14 public hearings in June we want to make sure everyone
15 is in place as soon as possible.
16 COMMISSIONER LERNER: This is Commissioner
17 Lerner. I guess I go back to that question that
18 Commissioner Watchman raised. We don't know the
19 authority piece. I think that's what his point was
20 based on. So we need an interpretation to know could
21 Brian make the offer, or does it need to come from the
22 Commission? And I guess that's where I'm coming from
23 as well.
24 CHAIRPERSON NEUBERG: That's our choice. We
25 need to collectively decide that. We give Brian the

1 authority, or we retain the authority. Now, I would
2 like also to remind everybody that we have a few
3 positions. So one is the admin. The next is the PIO,
4 the public information officer. Of the two I think the
5 public information officer is the one that probably
6 deserves a higher level of scrutiny because given that
7 we don't have a deputy director position and this
8 person is going to be so responsible for our
9 communication, I think that one is more sensitive.
10 For the, you know, executive assistant
11 position, you know, I just know on a day-to-day basis
12 we're really thin and we just need help, and I don't
13 want to slow the process down provided that there is
14 oversight and comfort from the Commissioners that want
15 to give Brian as much space to hire as possible,
16 provided, as Vice Chair Watchman says, I mean, they
17 work for the five of us so it cannot come at the
18 expense of our comfort. But we have a mission. We're
19 being slowed down by the fact we don't have an admin.
20 That's just the reality of the fact.
21 VICE CHAIR WATCHMAN: Madam Chair, I don't see
22 it's slowing us. I think we're moving ahead, you know,
23 with the best information and ability. My question is
24 just the process, number one. Number two, you know, I
25 think we need to gradually give our director -- and I

1 haven't had time to chat with him. I can't even see
2 his face right now because of the mask. But we had a
3 30-minute interview with him, and so I'm not ready yet
4 to give him the full reigns as you're suggesting, but
5 that's just me, until I get comfortable with him as a
6 director. He's qualified, and I appreciate that he's
7 on board, and so -- but I'm just curious about the
8 process, you know. But our attorneys haven't chimed in
9 on how we do this, but you're right. We do have the
10 authority. We can certainly delegate in this instance,
11 you know, the hiring of a director, so I think we could
12 probably handle that with a vote. And so I need a
13 little more time, at least for me, and so then I feel
14 comfortable with our director and his choices.
15 But I hear you, you know. And we did get a
16 letter from Andy Tobin, which surprised me, but, you
17 know, he has to do his job, and basically encouraging
18 us to speed it up and get the hires going. Again, the
19 process, you know, we spent two months now being
20 advised by counsel that we have open meeting laws. We
21 have the Constitution, so we'll need to follow it. And
22 so I don't want to veer from that process that we've
23 already been entangled in, if you will. I just think
24 that it's good management to coach and supervise, and
25 then we can set him free, so to speak. So thank you.

1 MS. PEISER: Did you guys want me to weigh in?
2 CHAIRPERSON NEUBERG: Sure.
3 VICE CHAIR WATCHMAN: I'd appreciate that,
4 Madam Chair.
5 Yes, Pam, if you could.
6 MS. PEISER: So my read of the
7 Constitution-enabling provisions is that you guys have
8 the authority to do this hiring. What I do not see in
9 the permission -- granted, they won't -- you know, this
10 provision was not written by the legislature the way
11 most statutes are written because it came as a vote
12 initiative. Typically there is language that
13 specifically allows the delegation of duties, assuming
14 that that is required. And the way you work with that
15 is either the Commission actively conducts the
16 interviews, just like you did for the chair position
17 and executive director position, or you provide the
18 executive director direction, and when he reaches --
19 assuming you give him that much leeway and say to do
20 everything except the final signature, then what he
21 would do is extend an offer pursuant or subject to
22 Commission approval. You know, the amount of direction
23 given, of course, can be as narrow or as broad as the
24 Commission wants, but without something that indicates
25 an ability to delegate in the Constitutional provision

1 there is argument to say that it needs to be formally
2 approved by the Commission.
3 VICE CHAIR WATCHMAN: Madam Chair -- go ahead.
4 COMMISSIONER LERNER: Well, I don't know. I
5 mean, I have -- I'm comfortable in the hiring of the
6 executive assistant at this point because Brian and I
7 have been in touch quite a bit about it, so I feel
8 comfortable with where we are. But I don't know if
9 what we just heard from Pam allows Brian to move
10 forward -- maybe I'm misunderstanding it a little
11 bit -- without our approval.
12 CHAIRPERSON NEUBERG: If the five of us
13 approve of it, then we approve of it. And at the end
14 of the day, you know, I'm about expediency, and if it's
15 most expedient for us to just vote every single hire to
16 approve, then maybe we do that, and it just ensures a
17 level of due diligence that each and every Commissioner
18 has to exercise if he or she wants to, as long as we're
19 not getting in the way of slowing down the process.
20 COMMISSIONER YORK: This is Commissioner York.
21 What I heard the advisor say is that we can give Brian
22 the authority to offer the position predicated upon the
23 Commission approving the hire at a future date, and so
24 to me that's the best of both worlds. We can have some
25 authority, but we'll have to ratify the position the

1 next business meeting. If he has to make a decision on
2 Thursday, then he can go ahead and do that.
3 VICE CHAIR WATCHMAN: Madam Chair, I'm not
4 questioning the, you know, process. I'm not
5 questioning, you know, the expediency. I'm just
6 questioning, you know, our dutiness to the law. You
7 know, we've been -- we've been bombarded with how to
8 deal with the open meeting laws and all those other
9 things, which I'm still trying to get up to speed on.
10 So to me this is just another topic that we have to
11 address. And from what I heard from Pam, you know, we
12 may not have certain authorities that we can delegate
13 to Brian, but, you know, to get the job done and move
14 forward and allow the interviews, and if you have a
15 selection and he runs it by us I think we're good to
16 go. So I don't want to just get outside of the
17 Constitution and how in this case our legal counsel is
18 interpreting for us how to proceed.
19 CHAIRPERSON NEUBERG: So from my perspective
20 I'm hearing consensus that Brian can move forward with
21 hiring processes and that the final decision, his
22 recommendation, will come to us for final approval.
23 That in and of itself will ensure there is a level of
24 oversight in the process, and I don't think that slows
25 the process down because we're giving Brian authority

1 to conduct the process and we will have the final
2 approval.
3 VICE CHAIR WATCHMAN: Madam Chair, and, also,
4 if I could add to that, we're in conformity with law,
5 you know. I just want to make sure that we acknowledge
6 that as well.
7 CHAIRPERSON NEUBERG: Yes. I believe that
8 this falls within the statutes and our guidelines.
9 So do we want to have a motion giving Brian
10 broad latitude with vetting candidates with the
11 involvement of Commissioners? We all see, you know,
12 the applications, and we give him the authority to vet
13 them, and that any final decision point on his part is
14 to be approved by the full Commission.
15 MS. PEISER: If I could offer a suggestion for
16 clarification. In terms of providing input to Brian,
17 perhaps consider clarifying that the people will be
18 working independently and sending their thoughts to
19 Brian and that there be no two-way communication or
20 anything that could resemble chain communication.
21 CHAIRPERSON NEUBERG: Well, that actually
22 brings up a separate question. What this motion is is
23 not a subcommittee proposal. This is each Commissioner
24 exercising our own due diligence. Right? This is very
25 different than discussing what we want to do if moving

1 forward with a subcommittee.
2 COMMISSIONER LERNER: Chair Neuberg, I concur
3 with the direction we're going. Just to move this
4 particular one forward so Brian can get going on the
5 executive assistant, could we tailor this and say I
6 would like to follow with what Commissioner York had
7 suggested, that Brian be allowed to conduct his
8 interview? Let's see if I get this right. Hold his
9 interviews, make a determination this week of his
10 recommendation, pending our approval on that Tuesday,
11 so he could move forward as needed to the executive
12 assistant position, and then we just do the final sort
13 of stamp of approval on Tuesday? Would that -- is that
14 about what you were saying, Commissioner York?
15 COMMISSIONER YORK: (Commissioner York
16 nodded.)
17 COMMISSIONER LERNER: So we can at least get
18 the executive assistant moving.
19 COMMISSIONER MEHL: This is Commissioner
20 Mehle. Are you saying he can go ahead and make an
21 offer as part of that?
22 COMMISSIONER LERNER: I am. I'm saying he
23 could make an offer and it would be pending Commission
24 approval, so that way he could move forward, but it's
25 pending our approval.

COMMISSIONER MEHL: Thank you.

CHAIRPERSON NEUBERG: I'm highly supportive of that.

COMMISSIONER MEHL: I second the motion.

CHAIRPERSON NEUBERG: Okay. We have a first. We have a second. Any further discussion?

So we have a motion to allow Brian to move forward with interviews and to extend an offer conditioned upon the approval of the full Commission.

COMMISSIONER LERNER: For the executive assistant.

CHAIRPERSON NEUBERG: For the sole position of executive assistant.

Any further questions?

With that, we'll do a vote. Vice Chair Watchman.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Commissioner Mehle.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Aye.

CHAIRPERSON NEUBERG: Commissioner York.

COMMISSIONER YORK: Aye.

CHAIRPERSON NEUBERG: Commissioner Neuberg is an aye.

1 And with that, unanimously, Brian, you are
2 welcome to move forward with your efforts to hire an
3 executive assistant position contingent upon our final
4 approval next Tuesday.
5 MR. SCHMITT: Thank you.
6 CHAIRPERSON NEUBERG: Is there any other
7 discussion with the other positions with PIO? We don't
8 necessarily need to have a decision today. But, again,
9 I mean, we could use the same principles. I think of
10 all our hires this is probably the most sensitive.
11 COMMISSIONER LERNER: This is Commissioner
12 Lerner. Yeah, if we can use the same principles and
13 maybe speak with Brian a little bit more and have him
14 lay out the process he would like to follow as part of
15 that, because we don't have -- that position has not
16 closed yet. Correct?
17 CHAIRPERSON NEUBERG: It will close in two
18 days.
19 COMMISSIONER LERNER: Okay. So if we could at
20 least start by following some of the same guidelines
21 that we did with this time where we can review the
22 applications, provide Brian with input, and then maybe
23 next week we could talk a little more, if we want to
24 have more involvement in other parts of the process.
25 CHAIRPERSON NEUBERG: You know, the last item

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

1 that I would like to just add with these Agenda Items
2 Nos. 6 and 7 is the IT position. I know in the past I
3 believe it was just a direct hire. It's a unique
4 skill, and if and when Brian or somebody in the IT
5 world that you interact with who may be a great fit, I
6 would like to just ask you to also feel free to come to
7 us, and even maybe whether it's on contract or
8 whatever, you know, we need to make sure that
9 technologically we're in the 21st century, because I'm
10 not, so I need somebody else to compensate.
11 Anything else with Agenda Item Nos. 6 and 7
12 having to do with our executive director and his
13 subsequent hires?
14 Okay. With that I'm going to move on to
15 Agenda Item No. Viii, action on data census delay and
16 ways to mitigate its disruption. I have nothing to
17 report.
18 COMMISSIONER YORK: Commissioner Neuberg, can
19 I -- 602 ending in 39, if you would mute your phone I
20 think the echo will go away.
21 CHAIRPERSON NEUBERG: My only comment on ways
22 to mitigate the disruption is for us to continue to
23 methodically and expeditiously tackle our agenda items.
24 I know it seems like months away that we're going to
25 get our data, but actually there is so much work to

1 what we do, just the details and logistics, the legal
2 nuances, and so much of the learning of where our
3 population is and what the sensitive spots might be. I
4 really look forward to having our full team in place
5 for us to be able to, you know, get ahead of some of
6 that learning, but it's premature.
7 With that we can move to Agenda Item No. IX,
8 discussion and possible action on securing mapping
9 consultant support. There are two parts to this agenda
10 item. One is a presentation from ADOA, our Department
11 on Administration, and SPO on procurement process for
12 our mapping consultant, and B is the scoring and
13 evaluation of mapping consultant RFPs. The Commission
14 may vote to go into executive session, which will not
15 be open to the public, for the purpose of discussion or
16 consideration of records exempt by law from public
17 inspection, including the receipt and discussion of
18 information or testimony that is specifically required
19 to be maintained as confidential by state or federal
20 law, A.R.S. 38-431.03(A)(2), as well as for the purpose
21 of obtaining legal advice related to RFPs, A.R.S.
22 38-431.03(A)(3).
23 So this is where we are able to move forward
24 with starting the criteria ranking of our upcoming
25 mapping consultant selection. I know the public

1 prefers us to do as much of our work in public as
2 possible. This unfortunately is an area that legally
3 we are required to do in executive session to protect
4 the integrity of these confidential proposals, and in
5 order for us to also protect confidentiality of how we
6 will be ranking, you know, the areas that we value
7 most.
8 With that I will turn it over to our ADOA and
9 SPO experts. I don't know if there is anything that
10 can be done in public session, or if we need to
11 immediately move into executive session.
12 MR. HILLEBRAND: Nicole or Jessica, I guess I
13 would leave that decision to you.
14 MS. SORNSIN: I might suggest we have Michael
15 Hillebrand from the State Procurement Office and Kerry
16 Wells, if they wanted to give a brief introduction of
17 their roles at SPO in public session. If that would
18 please Madam Chair we could do that. And then I would
19 suggest that Jessica Klein, the attorney -- assistant
20 attorney general advise any further items that should
21 or should not be done in open session versus executive
22 session.
23 CHAIRPERSON NEUBERG: Thank you. Please, we
24 like as much explanation and overview in public session
25 as possible. And so with that, welcome.

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1 MR. HILLEBRAND: Well, let me introduce
2 myself. Good morning, everyone. My name is Michael
3 Hillebrand, and I am the -- I work with the State
4 Procurement Office. I am the state procurement officer
5 for the IRC mapping consulting services solicitation.
6 I'm here today to speak to the solicitation process as
7 well as answer any of your questions. Ultimately my
8 goal here is to help this Commission navigate from
9 start to finish through the entire RFP process and to
10 assist you in any way possible for a successful
11 outcome.
12 MS. WELLS: I'm Kerry Wells, also with the
13 State Procurement Office. I'm a compliance manager,
14 but I oversee solicitation for the outside counsel
15 solicitation. That one is still open. I know you guys
16 have decided to go with the existing state contractor,
17 so as far as what I would need to discuss here it would
18 just be next steps with that, which I think should be
19 kind of in a wrapping it up type of phase.
20 MR. CUMMINGS: Madam Chair, this is Kyle
21 Cummings. I just wanted to make note that I just
22 received a message from Jessica Klein. I think she was
23 put on mute and she can't unmute herself. I think she
24 was trying to say something.
25 MS. RAMOS: I believe it's star 6 for her to

1 unmute herself.
2 MS. KLEIN: Okay. Can you hear me now? This
3 is Jessica Klein.
4 CHAIRPERSON NEUBERG: Yes, Jessica.
5 MS. KLEIN: All right. Again, I was using the
6 mute button on my phone, but that didn't seem to do the
7 trick.
8 I just wanted to chime in in response to what
9 Nicole Sornsin said earlier. In terms of the public
10 session, I think anything related to the general
11 scheduling of the steps in the process can be done in
12 open meeting. What needs to be done behind in the
13 executive session is anything related to the actual
14 scoring documents before you received the proposals,
15 and then after you receive the proposals any discussion
16 of those proposals. At this stage I think since you
17 have not -- have you received the proposals yet?
18 CHAIRPERSON NEUBERG: No.
19 MR. HILLEBRAND: I have not distributed them
20 yet, correct.
21 MS. KLEIN: Right. I just wanted to confirm
22 that.
23 So you can discuss the overall process, you
24 know, what the steps of those processes will look like.
25 So if you have any questions about, you know, how you

1 can speed things along, anything that Michael can
2 answer just generally about how procurements typically
3 go, what the order of events is, how many meetings
4 you'll need, timing, anything about kind of the overall
5 process, especially before you've received the
6 proposals, can be done in open meeting. And then, you
7 know, to finalize the scoring documents, that will have
8 to be in executive session.
9 CHAIRPERSON NEUBERG: Okay. So my sense is to
10 listen to whatever we can in public, and then after
11 which we'll vote to go into executive session to do the
12 work of the ranking.
13 MR. HILLEBRAND: So let me speak to the
14 process. There are -- in our standard RFP process
15 there are four stages. The first stage we call a
16 pre-solicitation phase where discovery takes place. We
17 create the statement of work, determine evaluation team
18 members, set up the solicitation in our e-procurement
19 system, which is the Arizona Procurement Portal, also
20 known as APP.
21 The second stage is the solicitation stage
22 itself, which includes the publication of the
23 solicitation, receiving and responding to inquiries,
24 any pre-offer conferences, if applicable, and then
25 finally the development and finalization of the

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1 evaluation tool itself.
2 The third stage, which we are in now in the
3 sense they've received the offers, we have not
4 distributed them yet, this is the point where we
5 would -- as part of the State Procurement Office we
6 would evaluate the offers for minimum responsiveness,
7 also help and assist with individual and group
8 evaluation team meetings, sending and receiving any
9 clarifications to the offers based on feedback from the
10 evaluation team, holding negotiation discussions with
11 the offers. And then ultimately the output of this
12 stage is to obtain a group consensus.
13 And the last and final stage is the awards
14 stage. Based on the group consensus we appropriately
15 award the contract per the Arizona Procurement Code.
16 It includes the administrative configuration within the
17 Arizona Procurement Portal, APP.
18 That's pretty much the four stages. So we're
19 in the third stage right now where we have received the
20 offers and we're ready to begin the evaluation process.
21 COMMISSIONER MEHL: Commissioner Mehle. I
22 assume we will go into executive session today and
23 fine-tune or adopt the evaluation tool. Is that --
24 CHAIRPERSON NEUBERG: Yes. That is our goal.
25 That is agenda Item No. IX(B).

1 COMMISSIONER MEHL: And then will we be
2 interviewing the three firms? I assume we would want
3 to interview the firms and need to schedule interviews.
4 I didn't hear that mentioned.
5 MR. HILLEBRAND: Part of that process is
6 holding negotiations and discussions, oral
7 presentations with the various offers, if we so choose,
8 and what I'm hearing you say is that is what you would
9 choose.
10 COMMISSIONER MEHL: And would we be prepared
11 to interview as soon as next Tuesday, or do we need to
12 have this be several weeks away?
13 MR. HILLEBRAND: I have not reached out or
14 distributed the documents yet, as we previously said.
15 If that is -- I think the first step would be to
16 individually look at and evaluate the various offers
17 first to accumulate what those questions might be as
18 part of their offer, to formulate those questions and
19 have a productive interview process.
20 CHAIRPERSON NEUBERG: I would like to chime in
21 that my understanding with the timeline is we do --
22 there is only three firms, and we do have the time to
23 go into executive session to rank, you know, the
24 criteria and to potentially come to consensus about if
25 there are firms we would like to invite to give an oral

1 presentation, and it would be our hope that that oral
2 presentation, if they're available, would be next week.
3 MR. HILLEBRAND: Well, generally speaking the
4 process -- the way it would work is you would first
5 read the offers to generate what those specific
6 questions are based on their offer. Right? Unless
7 you're -- unless there is a standard set of questions
8 that you would like to address to everybody, we can do
9 that as well. I have no issue with scheduling
10 interviews as quickly as possible given the aggressive
11 timeline that you have. But generally speaking, the
12 goal would be to first evaluate individually the offers
13 to then generate those specific questions for each
14 offer. That's generally how the process works.
15 CHAIRPERSON NEUBERG: But given how few firms
16 there are I don't think there is much downside to
17 casting a wide net and asking for oral interviews.
18 MR. HILLEBRAND: Absolutely. We can have oral
19 interviews. I'm just questioning the order of would it
20 be best to first read their offer to understand what it
21 is --
22 CHAIRPERSON NEUBERG: Yes, of course.
23 MR. HILLEBRAND: -- before you actually
24 interview what they're presenting, and that's what I'm
25 suggesting is until I get those offers to the committee

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1 members to give them an opportunity -- they're not that
2 long. Based on our statement of work, I don't think
3 there was that much to evaluate. But I think it would
4 be prudent to evaluate their offers, generate those
5 specific questions for each vendor, and then quickly
6 schedule those meetings.
7 COMMISSIONER LERNER: This is Commissioner
8 Lerner. Mr. Hillebrand, are you suggesting that each
9 offer get their own set of questions rather than a
10 standardized set of questions that we ask all of them?
11 MR. HILLEBRAND: Well, I would expect probably
12 that standard list of questions, but then I guess based
13 on their offer might generate some additional
14 questions. Again, until you actually read what they're
15 offering it might very well be some clarification
16 questions, more information needed based on those
17 proposals. I think what we find is the proposals
18 typically come in various specifics, which then
19 generate their own set of questions. But, definitely,
20 if you would like to generate that standard list of
21 questions for everybody that would be very acceptable.
22 MS. SORNSIN: Madam Chair, if I may, just a
23 point of clarification. It sounds like what you're
24 proposing is doable. I want to clarify with
25 Mr. Hillebrand, but it sounds like you have the time

1 available today in your schedule during the executive
2 session to complete both tasks in the order that
3 Mr. Hillebrand is suggesting. Is that correct?
4 CHAIRPERSON NEUBERG: Correct. We're ready to
5 move forward.
6 MS. SORNSIN: In which case I think that would
7 be okay.
8 Michael, if that gives you heartburn feel free
9 to jump in, but it sounds like you would have time to
10 first review the evaluation tool. And then, Michael,
11 if you're able to then once that tool is solidified --
12 and I'm not sure. Maybe we need to talk to Pam about
13 whether we have to jump out of executive session to
14 ratify it and then move back in. Then Mr. Hillebrand
15 could distribute the proposals, and you could review
16 them immediately and come up with any potential
17 questions in order to prepare for interview on Tuesday.
18 MR. HILLEBRAND: Thank you for clarifying
19 that. I agree coming to a consensus on the evaluation
20 tool we can do today. I was under the impression you
21 were looking to assess all three offers and then read
22 through those in the executive session and then make
23 the determination on what those questions would be. I
24 think that would be very time consuming once you look
25 at the complexity of the offers. But, yes, we can come

1 to agreement on the evaluation tool, and then that
2 would enable me to then distribute the documents
3 accordingly, which would then kick off the individual
4 evaluation phase.
5 CHAIRPERSON NEUBERG: I think we're ready for
6 that.
7 MS. PEISER: And just to chime in, Nicole is
8 correct in her assessment on having to leave executive
9 session so the Commission can vote to approve the
10 evaluation tool as discussed, and then you could return
11 to executive session to do what needs to be done
12 confidentially.
13 MS. KLEIN: And this is Jessica Klein. I
14 wanted to chime in one additional possibility, which is
15 that if in the interest of due diligence and expedience
16 you wanted to also vote to have all proposal --
17 proposers come in for at least an initial round of oral
18 presentations next Tuesday I think you could do that.
19 You would just be doing it before you reviewed the
20 documents and, you know, just sort of as a matter of
21 expedience.
22 CHAIRPERSON NEUBERG: You know, thank you for
23 that, Jessica. I would like to say I support that. I
24 mean, you know, if we sit and analyze and maybe rule
25 out one of the three, that will take time. Why not

1 just extend the invitation and know that we have access
2 to the three viable mapping firms? To me that just
3 feels very safe and comfortable for us.
4 COMMISSIONER YORK: This is Commissioner York.
5 What I'm hearing is we go in executive session. We
6 discuss the evaluation process. We come out of
7 executive session, approve our evaluation process, and
8 at that time we can recommend that we have oral
9 presentations from all of the presenting firms that
10 have qualified in the procurement process, and then we
11 can go forward and back into some evaluation, if we so
12 choose.
13 COMMISSIONER LERNER: I concur with what
14 Commissioner York is saying. And last time we compiled
15 questions by submitting them one way to Yasmin. Now we
16 can submit them to Brian. And that will compile our
17 questions for the next -- for the Tuesday meeting.
18 Could we do something like that to keep things moving?
19 I'm not sure exactly how they all got compiled, but I
20 know we submitted series of questions as well.
21 MR. HILLEBRAND: Yes. The questions are on
22 the evaluation matrix. They're also in the RFP itself.
23 But I think when we look at the evaluation matrix you
24 will see those questions. I was under the impression
25 that this was already distributed.

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1 Yasmin, is that correct?
2 MS. RAMOS: Yes, that is correct.
3 MR. HILLEBRAND: Okay. So everybody does have
4 that.
5 COMMISSIONER YORK: The matrix has been
6 distributed, not the presentation.
7 MR. HILLEBRAND: Correct. So, yes, all of the
8 questions -- the evaluation questions are in the matrix
9 itself.
10 MS. KLEIN: What I was hearing is more of an
11 open meeting question from Commissioner Lerner. And,
12 yes, if you follow this as you did in the last RFP,
13 which remains open, you can do the one-sided submission
14 in compliance with the open meeting law.
15 COMMISSIONER LERNER: I was referring to
16 additional questions outside the matrix that we would
17 deal with later. I concur that we should follow what
18 Chair Neuberg and Commissioner York are suggesting in
19 terms of practice.
20 MS. RAMOS: I believe she dropped off.
21 CHAIRPERSON NEUBERG: Who is "she"?
22 MS. RAMOS: Jessica Klein.
23 COMMISSIONER YORK: Can we go into executive
24 session now?
25 CHAIRPERSON NEUBERG: Okay. I just want to

make sure that Jessica Klein doesn't have any last comment before we take that vote, but I believe we are now at that point to take a vote to go into executive session to discuss the procurement process for our mapping consultant and scoring and evaluation.

Jessica, are you here?

MS. KLEIN: I'm here. I have no further comments.

CHAIRPERSON NEUBERG: Okay. Excellent.

I will now entertain a motion to go into executive session to discuss the next stage with securing mapping consultant support.

VICE CHAIR WATCHMAN: Madam Chair, so move.

CHAIRPERSON NEUBERG: Do we have a second?

COMMISSIONER YORK: Second.

CHAIRPERSON NEUBERG: Any further discussion?

With that we'll do a vote to go into executive session. Vice Chair Watchman.

VICE CHAIR WATCHMAN: Aye.

CHAIRPERSON NEUBERG: Commissioner Mehle.

COMMISSIONER MEHL: Aye.

CHAIRPERSON NEUBERG: Commissioner Lerner.

COMMISSIONER LERNER: Aye.

CHAIRPERSON NEUBERG: Commissioner work.

COMMISSIONER YORK: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Neuberg is
2 an aye.
3 And with that we will move into executive
4 session to discuss the procurement process for mapping
5 consultant for the broader public. This is a
6 substantive conversation. I never like to give
7 estimates. I would say anywhere between 20, 30 minutes
8 plus all the way to an hour, but I stand by none of
9 that. And with that, I will see you all in executive
10 session.
11
12 (Whereupon the proceeding is in executive
13 session from 10:36 a.m. until 12:07 p.m.)
14
15 * * * * *
16
17 (Whereupon all members of the public are
18 present and the proceeding resumes in general
19 session.)
20
21 CHAIRPERSON NEUBERG: I believe it looks like
22 we have everybody convened for our public session.
23 Pam, Yasmin, Brian, Commissioners.
24 Okay. With that, thank you everybody for your
25 patience while we had our executive session time. It

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1 was very productive with working through, you know, the
2 details as relates to hiring our new folks.
3 And with that I believe that we are on Agenda
4 Item No. X, discussion and possible action on bill
5 paying of incurred expenses.
6 X(A), Item No., Miller Certified Reporting,
7 LLC, invoice dated 4/5/21. This is our ongoing
8 responsibility to pay for transcription. We will need
9 a motion to support approving that bill.
10 COMMISSIONER LERNER: This is Commissioner
11 Lerner. So moved.
12 CHAIRPERSON NEUBERG: We need a second.
13 VICE CHAIR WATCHMAN: Commissioner Watchman,
14 second.
15 CHAIRPERSON NEUBERG: Any discussion?
16 Okay. With that, we have a motion to pay the
17 Miller Certified Reporting invoice dated 4/5/21.
18 Vice Chair Watchman.
19 VICE CHAIR WATCHMAN: Aye.
20 CHAIRPERSON NEUBERG: Commissioner Mehl.
21 COMMISSIONER MEHL: Aye.
22 CHAIRPERSON NEUBERG: Commissioner Lerner.
23 COMMISSIONER LERNER: Aye.
24 CHAIRPERSON NEUBERG: Commissioner York.
25 COMMISSIONER YORK: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Neuberg is
2 an aye. And with that we authorize that bill paying.
3 Item No. X(B), which is delegation --
4 COMMISSIONER MEHL: Excuse me, Chairwoman
5 Neuberg.
6 CHAIRPERSON NEUBERG: Yes.
7 COMMISSIONER MEHL: Don't we need to do Item
8 IX on the items dealing with the mapping consultant?
9 CHAIRPERSON NEUBERG: Yes. I don't know if
10 there is any other further voting.
11 COMMISSIONER MEHL: I believe there is. I
12 make the motion that we approve the changes to the
13 evaluation matrix as discussed in executive session and
14 as recorded by Michael Hillebrand.
15 COMMISSIONER LERNER: This is Commissioner
16 Lerner. I second that motion.
17 CHAIRPERSON NEUBERG: With that, any further
18 discussion?
19 Okay. Vice Chair Watchman.
20 VICE CHAIR WATCHMAN: Aye.
21 CHAIRPERSON NEUBERG: Commissioner Mehle.
22 COMMISSIONER MEHL: Aye.
23 CHAIRPERSON NEUBERG: Commissioner Lerner.
24 COMMISSIONER LERNER: Aye.
25 CHAIRPERSON NEUBERG: Commissioner York.

1 COMMISSIONER YORK: Aye.
2 CHAIRPERSON NEUBERG: Commissioner Neuberg is
3 an aye, and with that that is approved.
4 Commissioner Mehle, would you like to give any
5 background to what I failed to explain to the broader
6 public?
7 COMMISSIONER MEHL: We spent considerable time
8 reviewing the evaluation matrix as drafted by the
9 Department of Administration, who is helping us out,
10 and we are told we need to keep this confidential so
11 that the bidders aren't seeing how we're doing the
12 details of the evaluation, so that's why it was in
13 executive session and not public session. And we did
14 indeed reach consensus on making some changes to that
15 evaluation matrix, and that is what we will ultimately
16 use to evaluate the mapping consultants. And the
17 reason we can't make it public is we're told we're not
18 supposed to make it public.
19 COMMISSIONER YORK: Do you want to discuss the
20 interview process?
21 CHAIRPERSON NEUBERG: Please, Commissioner
22 York. Do you want to expand?
23 COMMISSIONER YORK: Yeah. We have also
24 decided that we invited the proposees to give us oral
25 interviews, and hopefully that will happen next week.

1 MS. PEISER: And just for a point of
2 clarification, you're moving to invite the proposees or
3 bidders to give that presentation that you would like
4 to see?
5 COMMISSIONER MEHL: I will make a motion that
6 we extend invitations to all three firms who have
7 applied for -- as mapping consultants and invite them
8 ideally for next week, and if not next week as soon as
9 possible.
10 VICE CHAIR WATCHMAN: I'll second that, Madam
11 Chair.
12 CHAIRPERSON NEUBERG: Excellent. Any further
13 conversation?
14 With that we will move forward with inviting
15 the finalists for our mapping consultants to hopefully
16 come and present to us next week. Vice Chair Watchman.
17 VICE CHAIR WATCHMAN: Aye.
18 CHAIRPERSON NEUBERG: Commissioner Mehle.
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
25 an aye, and with that we move forward with inviting the

three firms to come and give oral presentations with their mapping consultant proposals for next week.

Excellent. With that, returning to Item No. X, which is suggestion and possible action on bill paying of incurred expenses. Item No. (A), the Miller Certified Reporting, I don't remember where we were at with that proposal to pay that invoice.

VICE CHAIR WATCHMAN: We approved it, Madam Chair.

COMMISSIONER LERNER: We just approved that.

CHAIRPERSON NEUBERG: Okay. So Item No. X(B), delegation of authority to executive director to pay bills on incurred expenses. We need to have a conversation about what method we want each week to either give authority to Brian to pay our routine bills or what level of perusal we would like over the bills that we're paying. I would like to say it now: They're pretty -- it's a narrow group. It's transcription, it's the State, and it will soon be legal.

VICE CHAIR WATCHMAN: Madam Chair, is there a guide, or what does the State follow if there is guidelines for delegation?

CHAIRPERSON NEUBERG: That is entirely up to our discretion, Vice Chair Watchman. There is many

1 different precedents, but --
2 VICE CHAIR WATCHMAN: I understand, Madam
3 Chair, but I'm asking for a guide, if there is any.
4 And so, you know, I'm assuming that we're probably
5 going to get legal bills that are 50, 75,000 a month,
6 maybe, just based on my experience with the two firms,
7 and so, you know, do we want to be involved in that or
8 not, so --
9 COMMISSIONER YORK: Brian, you were going to
10 make a comment?
11 MR. SCHMITT: I think monthly -- it's going to
12 be heavily scrutinized either way. I could do a
13 monthly report if that would make you guys more
14 comfortable. I'm open to what would make you guys feel
15 best about the process.
16 COMMISSIONER LERNER: So my suggestion would
17 be, first of all, to give Brian or the executive
18 director the authority to continue to pay bills to
19 Miller Certified Reporting on a regular basis. We've
20 now seen those bills now for a number of months so we
21 know what those are going to cost.
22 I would suggest that for the first month or so
23 maybe we review bills that are coming in on our new
24 consultants so we can get a sense of cost on those and
25 perhaps have discussions with our executive director

about that and then come back to this to give him authority for those once we've got a feel for what those bills will look like, so a two-phased approach.

COMMISSIONER YORK: I would argue the rent is the rent. Right?

COMMISSIONER LERNER: Well, that's true. I wasn't thinking that. Yes.

MS. PEISER: I would just point out that if at any point Brian has a concern on something, just because he has directions on what he can pay as a matter of practice does not stop him from bringing it back to the Commission if he feels they should see it.

COMMISSIONER LERNER: And I would include phones and computers, any of that kind of stuff within that as well, because those are going to be, like you said, rent is rent.

CHAIRPERSON NEUBERG: So are we ready to give Brian authority to pay any bills without authorization at this point, or do we want to continue to authorize each bill paying every week?

COMMISSIONER MEHL: I would like to see the major consultant bills when they first come in just a Shereen mentioned. So the legal bills -- I would authorize him for all these normal bills: rent, the reporters, any utilities, any computer costs. But I

1 would like to see the first few bills from legal before
2 they're paid.
3 COMMISSIONER YORK: So I would recommend that
4 we give Brian the authority to pay reoccurring expenses
5 as it relates to general administration monthly and
6 give us a report at the end of the month, and then
7 inform us upon receiving of new consulting bills of who
8 we've hired for a period of 60 days.
9 COMMISSIONER LERNER: Commissioner York, that
10 60-day period, would those bills need our approving?
11 COMMISSIONER YORK: Yes.
12 COMMISSIONER LERNER: I'll second.
13 CHAIRPERSON NEUBERG: Is there any ceiling, a
14 financial ceiling on that amount?
15 COMMISSIONER MEHL: The way we just said I
16 don't think we need one, but we may need one further on
17 as we approve everything.
18 CHAIRPERSON NEUBERG: Okay.
19 COMMISSIONER LERNER: So just for
20 clarification then, the reoccurring expenses that are
21 administrative, we are authorizing Brian to go ahead
22 and pay those, and he'll just provide us a monthly
23 report. And for our new consultants that we are
24 hiring, we are going to be looking at those expenses
25 for the first 60 days, and then authorizing at that

1 point once we've reviewed those for Brian, and then at
2 60 days we can reevaluate whether we continue to do
3 that or not.
4 COMMISSIONER YORK: Yes.
5 CHAIRPERSON NEUBERG: Do we have a second on
6 that proposal?
7 COMMISSIONER LERNER: Commissioner Lerner
8 seconds.
9 CHAIRPERSON NEUBERG: I think you were the
10 first, though. You articulated it.
11 COMMISSIONER MEHL: Commissioner York proposed
12 it.
13 CHAIRPERSON NEUBERG: Okay. Commissioner York
14 proposed it. Commissioner Lerner articulated it and
15 seconded it. And now we're going to vote on it, unless
16 there is any other discussion.
17 So Vice Chair Watchman.
18 VICE CHAIR WATCHMAN: Aye.
19 CHAIRPERSON NEUBERG: Commissioner Mehle.
20 COMMISSIONER MEHL: Aye.
21 CHAIRPERSON NEUBERG: Commissioner Lerner.
22 COMMISSIONER LERNER: Aye.
23 CHAIRPERSON NEUBERG: Commissioner York.
24 COMMISSIONER YORK: Aye.
25 CHAIRPERSON NEUBERG: Neuberg is an aye. And

1 with that, it is passed unanimously.
2 And with that I believe we are on Item XI,
3 discussion on ADOA resources and updates. Unless,
4 Brian, is there any other authority issues with regard
5 to bill paying or hiring that we need to consider
6 before we move on to Agenda Item No. XI?
7 MR. SCHMITT: I don't believe so at this time.
8 CHAIRPERSON NEUBERG: Okay. Terrific.
9 Agenda Item No. XI, discussion on ADOA
10 resources and updates.
11 MS. RAMOS: The only thing for me, Madam
12 Chairwoman, would be that there are going to be some
13 ISAs coming into Brian and to the Commission for
14 procurement, finance, you know, for facilities and mail
15 room and IT services.
16 CHAIRPERSON NEUBERG: So you are referring to
17 Interstate Agency Agreements --
18 MS. RAMOS: Yes, that is correct.
19 CHAIRPERSON NEUBERG: -- with Debbie Gann, who
20 is part of our accounting department. They are our
21 partners at ADOA, and they help us flesh out and
22 realize our budget, and they're wonderful partners to
23 everything that we do.
24 MS. RAMOS: Yes. Thank you, Madam Chair.
25 That would be it from my end.

1 CHAIRPERSON NEUBERG: Okay. With that, we'll
2 move to Agenda Item No. XII, update, discussion, and
3 possible action on Howard Open Meeting Law complaint
4 provided by AGOA, legal counsel, including written
5 response to the investigation inquiry. We may go into
6 executive session, which I will recite those
7 provisions, but let's first hear from our counsel to
8 see whether or not this will be done in public or in
9 executive session.
10 MS. PEISER: Well, the choice as to the public
11 or executive session of course is up to you. My update
12 is not much different from last week.
13 As you know, there has been a transition
14 underfoot, so I don't have the letter finalized just
15 yet -- or response, I should say, to get over to
16 Commissioner Mehle, but it's close to being at that
17 point, and of course there will most likely be a --
18 some discussion with new counsel as well as you guys in
19 terms of how much you guys, you know, want to go based
20 on what we prepared, how much you want to go -- or how
21 much new counsel feels like they would be better off
22 doing on their own. You know, whether they choose to
23 start from scratch or not is not a problem for me.
24 Sometimes it's just -- it's easier to start writing
25 yourself rather than editing something that's already

1 been drafted, so that's a decision that ultimately you
2 guys will make, but until counsel is -- new counsel is
3 firmly on board, we are still working on it.
4 CHAIRPERSON NEUBERG: Okay. Thank you so
5 much, and thank you for all of your attention to this
6 issue up to now.
7 MS. PEISER: I should just add I did make
8 contact with the investigating agency. They're aware
9 that there is a transition underfoot so they should not
10 be surprised by it and are anticipating contact from
11 new counsel as soon as they're on board.
12 COMMISSIONER MEHL: This is Commissioner
13 Mehle. Pam, I would encourage you to have a draft
14 ready that you present to our new counsel, and please
15 inform them of the background and give them whatever
16 information they need for them to evaluate that, so we
17 would appreciate you doing that.
18 MS. PEISER: Of course. And just generally
19 speaking, you know, that will be done for everything,
20 not just this meeting complaint, so that's not -- I
21 should say on my part I just presumed I would be doing
22 that.
23 COMMISSIONER MEHL: Thank you.
24 CHAIRPERSON NEUBERG: Yes. And just to
25 reassure everyone that there will be great care given

1 to the transfer of information between all
2 professionals who were involved in guiding us. That's
3 essential, you know, to the competence of our process.
4 Okay. With that I think we can move Agenda
5 Item No. XIII, which is discussion of future agenda
6 item requests. I have one that I would like to propose
7 to the group that we put on our agenda for next week.
8 I am personally starting to get requests from many
9 groups to come and speak as a representative of the
10 Commission, you know, not just me, Erika Neuberg,
11 but -- but as chair. And, you know, I look at this
12 through two lens. I mean, one is our collective desire
13 to be transparent and accessible and available to our
14 public. And, of course, cautious about, you know, open
15 meeting laws, not getting ahead of our collective work,
16 legally, you know, not subjecting us to any comments
17 that could, you know, be construed in any way that
18 could mean something other than what was intended.
19 So on the surface it seems a benign thing.
20 You know, I've already committed on April 29th to speak
21 to the League of Women Voters. But, yet, these
22 requests will come, and it won't just be of me. It
23 will be of the other Commissioners. It will be of
24 Brian. And I don't want it to be my personal decision.
25 I would actually like it to be a collective decision

about, you know, the positives, you know, whatever disadvantages we have to putting ourselves out there with -- first and foremost, I don't want to do anything that compromises the open meeting laws, so never would I say anything, do anything that would get ahead of our work, that would put into question, you know, the open meeting, you know, commitment that we have. But having said that, I think it's a thoughtful conversation. How much do we go out there to talk? Let's put that on our agenda for next week.

VICE CHAIR WATCHMAN: I agree. Madam Chair, I would also like to have a standing executive director's report. I think in this agenda for today we had three items, but just a standing report so that we hear kind of updates -- well, we hear updates from our director on things that he's working on.

MR. SCHMITT: Absolutely.

CHAIRPERSON NEUBERG: I couldn't agree with you more. Spot on.

COMMISSIONER LERNER: I would also like to have at some point, and it might be that we have to wait a little bit before we get our public information officer, but a discussion about -- we hear from the public through public comments, but there is a lot that's also in the public both in our media as well as

1 our -- you know, you've got Twitter. You've got news
2 clips. You've got all sorts of other things. I don't
3 know what all of those are. So I would like to start
4 getting reports on that, so maybe we can have a
5 discussion maybe once we get the PIO, maybe before, but
6 at some point on our agenda about what we would like to
7 be knowing in terms of news clips and comments and
8 things like that that we might want to be hearing
9 about. Maybe we can put it -- I'll say it now for
10 Brian: Maybe keep that on the back burner or
11 something, or something for the future.
12 MR. SCHMITT: Absolutely.
13 CHAIRPERSON NEUBERG: Commissioner Lerner, I'm
14 not exactly sure I understand exactly what you're
15 getting at. Can you expand a little bit?
16 COMMISSIONER LERNER: Yeah. You know, I get
17 my subscriptions, you know, to the Arizona Republic,
18 things like that, but I know that there is a lot of
19 comments that don't always come through our comment
20 feed where people are commenting --
21 VICE CHAIR WATCHMAN: Press clippings. I
22 think that's what they call it. Usually there is
23 services or something that compiles whatever is out
24 there in the media regarding the Commission. I know
25 that Arizona Capitol Times has some stuff, but I don't

1 have a subscription to that so all I see is just
2 headlines. But it would be nice to get, you know, news
3 clippings from issues out there that affect our
4 Commission.
5 COMMISSIONER LERNER: Exactly. Thank you,
6 Commissioner Watchman. You explained it better than I.
7 CHAIRPERSON NEUBERG: Okay. Any other
8 thoughts on this?
9 COMMISSIONER LERNER: Are we going to be
10 revisiting next week -- we had the subcommittee
11 discussion. Are we going to just come back and revisit
12 that as we continue our hiring process?
13 CHAIRPERSON NEUBERG: We can certainly keep
14 the subcommittee item on our agenda and use that
15 opportunity to come to, you know, determinative
16 decisions about how we're going to move forward on
17 that. I think that makes sense.
18 Okay. And just as a reminder, all
19 Commissioners just within the next 24 hours if you have
20 additional agenda items that you would like to propose
21 to add to the agenda, please get in touch with Brian
22 and Yasmin, and we'll make sure to add them.
23 Okay. And with that, Item No. XV,
24 announcements. Our next meeting date will be next
25 Tuesday, April 20th. As a reminder, you know, let's

1 plan a long day. It's possible we will have some oral
2 presentations with mapping consultants so we should
3 plan for a three-hour meeting with a possible hour
4 recess between noon and 1:00 and then reconvening again
5 for finishing up our interviews and any other further
6 deliberation.
7 COMMISSIONER LERNER: Chair Neuberg, should we
8 also be submitting any questions to the executive
9 director for those interviews by a certain date, by
10 Thursday, let's say, or --
11 COMMISSIONER MEHL: Questions for the mapping
12 consultants?
13 COMMISSIONER LERNER: For the mapping
14 consultants, correct.
15 CHAIRPERSON NEUBERG: Yes. I think that's a
16 good idea to spend the next 48 hours thinking through
17 what specific questions you would like to be included.
18 And as always we will disseminate a list of an
19 aggregate of potential questions, and we hope that the
20 timing works out such that we have the mapping firms
21 ready to meet with us.
22 Anything else with regard to business before
23 we move to closing public comments?
24 Okay. With that, we will move to Agenda Item
25 No. XVI, closing of public comments.

1 Please note members of the Commission may not
2 discuss items that are not specifically identified on
3 the agenda. Therefore, pursuant to A.R.S. 38-431.01(H)
4 action taken as a result of public comment will be
5 limited to directing staff to study the matter,
6 responding to any criticism, or scheduling the matter
7 for further consideration and decision at a later date.
8 And with that we move to agenda Item No. XVII,
9 which is adjournment. I thank everybody for their
10 participation today. I will entertain a motion to
11 adjourn.
12 VICE CHAIR WATCHMAN: So move. Vice Chair
13 Watchman.
14 CHAIRPERSON NEUBERG: Take a second.
15 COMMISSIONER YORK: Second. Chairman York.
16 CHAIRPERSON NEUBERG: Any other discussion?
17 With that, we'll do a vote to adjourn.
18 Vice Chair Watchman.
19 VICE CHAIR WATCHMAN: Aye.
20 CHAIRPERSON NEUBERG: Commissioner Mehle.
21 COMMISSIONER MEHL: Aye.
22 CHAIRPERSON NEUBERG: Commissioner Lerner.
23 COMMISSIONER LERNER: Aye.
24 CHAIRPERSON NEUBERG: Commissioner York.
25 COMMISSIONER YORK: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Neuberg is
2 an aye.
3 And with that, we adjourn, and we look forward
4 to seeing all of you next week. Have a good one.
5 (The proceedings concluded at 12:35 p.m.)
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1 C E R T I F I C A T E

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3 STATE OF ARIZONA)
) ss.
4 COUNTY OF MARICOPA)

5 BE IT KNOWN that the foregoing proceedings were taken before me, Deborah L. Wilks, Certified Reporter
6 No. 50849, all done to the best of my skill and ability; that the proceedings were taken down by me in
7 shorthand and thereafter reduced to print under my direction.
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I CERTIFY that I am in no way related to any of the
9 parties hereto nor am I in any way interested in the outcome thereof.
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11 I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Phoenix,
12 Arizona, this 26th day of April, 2021.

13 Deborah L. Wilks
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14 Deborah L. Wilks, RPR, CR
CERTIFIED REPORTER (AZ50849)
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I CERTIFY that Miller Certified Reporting, LLC, has
17 complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this
18 26th day of April, 2021.

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