

1 That helps me too. Thank you.

2 That was all I needed Chair Neuberg. Thank you.

3 CHAIRPERSON NEUBERG: Yeah, excellent
4 clarification.

5 Okay. With that, Agenda Item No. X, the issue of
6 census data delay and ways to mitigate its disruption.

7 I have nothing to report. Anything from my
8 colleagues?

9 Okay. With that, we'll move to Agenda Item No. XI,
10 update, discussion, and possible action on Guzman complaint
11 provided by legal counsel, including written response to the
12 investigation inquiry.

13 The Commission may vote to go into executive
14 session. If we do, I will give that rationale.

15 But to update the public and the Commission, when
16 our attorneys were doing their due diligence to finalize the
17 Howard complaint, we did discover that there was a third
18 complaint by Ms. Guzman, it was filed on March 26th; it was
19 dismissed on April 13th.

20 The complaint alleged that the AIRC violated open
21 meeting laws and equal protection clause of the Constitution
22 by appointing Brian Schmitt as our Executive Director; and,
23 in essence, it was questioning for the justification for
24 going into executive session.

25 The dismissal clarified that the Complainant failed

1 to state a claim upon which an open meeting law violation
2 occurred and, in essence, was more about expressing
3 frustration with the hire.

4 With that, in addition to notifying everybody about
5 this complaint and its quick dismissal, I think it might be
6 helpful for us to think about posting these complaints
7 online along with the legal disposition of it, both for
8 transparency purposes so everybody can be aware of these
9 kinds of complaints. I think it's also an educational tool
10 for understanding open meeting law and the rationale for
11 going into executive session.

12 We're under a lot of scrutiny, as our public is
13 thinking about our responsibility and whether or not they --
14 they -- you know, feel that we're violating a law, they
15 could go through these complaints that have already been
16 adjudicated, look through the rationale and reasoning, and
17 determine upon themselves whether or not the time investment
18 makes sense.

19 And so, with that, I open it up to questions about
20 the complaint, about the dismissal, and about a policy of
21 posting the complaints, redacting any -- I mean, the
22 complaints -- the complaints are public record, the names
23 are public, but we would go above and beyond to redact any
24 kind of identifying address or anything that -- that would
25 be problematic for the Complainant.

1 We're usually not this quiet. Nobody has an
2 opinion.

3 I mean, so -- so generally, I mean, do you think
4 it's a good thing? Does anybody have a problem with posting
5 it online? Does anybody have a question of legal counsel
6 with pros/cons, if it can get into any hot water?

7 I don't know if Legal actually wants to chime in
8 while we're in public session just if you have thoughts
9 about this.

10 COMMISSIONER LERNER: This is Commissioner Lerner.
11 I'm fine with posting it online. I think that way people
12 are aware of what's going on. I think it's a great idea
13 and...

14 COMMISSIONER YORK: This is Commissioner York. I
15 think that we can only do it once -- once the compliant has
16 been settled, though.

17 CHAIRPERSON NEUBERG: It has been; it has been
18 dismissed.

19 COMMISSIONER YORK: No, I understand that. But in
20 the future, if there's future complaints.

21 COMMISSIONER LERNER: That's what I was thinking as
22 well.

23 CHAIRPERSON NEUBERG: If there's no further
24 discussions or questions, if -- if somebody would like to
25 entertain a motion to post the complaint and the

1 adjudication, the response from the attorneys online, I will
2 entertain that motion.

3 COMMISSIONER LERNER: This is Commissioner Lerner.
4 I move -- so moved.

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

6 COMMISSIONER YORK: This is Commissioner York. I
7 second.

8 CHAIRPERSON NEUBERG: Okay. Any further
9 discussion?

10 Okay. We'll do a vote to post the complaints and
11 the responses online.

12 Vice Chair Watchman.

13 VICE CHAIR WATCHMAN: Aye.

14 CHAIRPERSON NEUBERG: Commissioner Mehl.

15 COMMISSIONER MEHL: Aye.

16 CHAIRPERSON NEUBERG: Commissioner Lerner.

17 COMMISSIONER LERNER: Aye.

18 CHAIRPERSON NEUBERG: Commissioner York.

19 COMMISSIONER YORK: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
21 aye.

22 And, with that, the motion passes.

23 We will now move to Agenda Item No. XII, discussion
24 of future agenda item requests.

25 In addition to what has already been brought up

1 today and referenced as a topic that we need to continue to
2 debate and discuss, are there any other agenda items that
3 anybody would like to propose?

4 Okay. As always, if in the next 48 hours -- you
5 know, we like to get these agendas up early or before the
6 deadline -- sometime on Thursday, please feel free to share.

7 With that, we will move to Agenda Item No. XIII,
8 discussion and possible action on the scheduling of future
9 meetings.

10 I think there are two items here. Number (A) is
11 just travel schedule.

12 If there's anything that Brian has in mind. I know
13 we're -- we're building a team and we're waiting a little
14 bit on our IT and public information officer to truly flesh
15 out a broader travel schedule.

16 But in addition to that, I would like to also bring
17 up May 11th. We convene every Tuesday. On May 11th, I
18 believe that Commissioner York has a hard stop at 1:00 p.m.
19 We are in the midst of I think, you know, just, you know, a
20 lot of work coming up, and it's possible that we -- we may
21 need, and I don't know if we need to do a recess from noon
22 to 1:00, so it's possible we would only have three hours to
23 do work that morning --

24 MS. RAMOS: Chairwoman?

25 CHAIRPERSON NEUBERG: Yes.

1 MS. RAMOS: This is Yasmin.

2 I believe it is 11:00 a.m. Is that not the case,
3 Commissioner York? I think I read 11:00 a.m. instead of
4 1:00 p.m.

5 COMMISSIONER YORK: Well -- this is Commissioner
6 York. I mean, our meetings originally were scheduled from
7 9:00 to 12:00. I depart to go out of town at 1 o'clock; I
8 can go all the way to 1 o'clock on the 11th.

9 MS. RAMOS: Thank you for clarifying.

10 CHAIRPERSON NEUBERG: Okay. So -- so -- with
11 sometimes needing a recess at noon, I think we can reliably
12 count on the 9:00 to noon hour on the 11th. My question is,
13 I'm concerned there may be additional business that we may
14 have; and if we don't plan for it now, it's very difficult
15 to make happen both with our schedules and getting the
16 48-hour notice of agenda items.

17 Do we want to look at our schedules for a possible
18 backup in case we have urgent business that needs to get
19 done that week?

20 And it's also possible, I know that we're in the
21 midst of some legal training. You know, we could even
22 earmark, you know, if we're doing an additional day, you
23 know, potentially loading some of the training on that day.

24 I just want to make sure we're giving ourself
25 option to not cause any unintentional delays.

1 So I'm really asking Commissioners and legal
2 counsel, Brian, Yasmin, I mean our entire team.

3 COMMISSIONER YORK: The only other day I have
4 available was Monday.

5 CHAIRPERSON NEUBERG: You're not -- you're not
6 available on the 13th or 14th, the Thursday or Friday?

7 COMMISSIONER YORK: No, I'm sorry, I'm not.

8 CHAIRPERSON NEUBERG: Okay. Okay. But you are
9 available on Monday the 10th.

10 COMMISSIONER YORK: (No audible response.)

11 CHAIRPERSON NEUBERG: Okay.

12 COMMISSIONER MEHL: And I am not available on
13 Monday the 10th.

14 CHAIRPERSON NEUBERG: Okay. Well, this makes it
15 easy.

16 COMMISSIONER LERNER: And I have not sent this in
17 yet because it was a little bit in advance, but I may have a
18 similar hard stop on May 18th.

19 CHAIRPERSON NEUBERG: Okay.

20 COMMISSIONER LERNER: And so I do want to -- maybe
21 we can figure out -- if we can figure out an alternative day
22 that week, if it's enough time. Maybe where we -- if we
23 need an extra time for a couple of hours, but I do want to
24 mention that.

25 CHAIRPERSON NEUBERG: And what time on the 18th,

1 Commissioner Lerner, is your hard stop?

2 COMMISSIONER LERNER: I can do the three hours.

3 CHAIRPERSON NEUBERG: Okay. Your hard stop is at
4 noon, okay.

5 My suggestion with this is maybe we -- you know,
6 Brian reaches out to Commissioners and attorneys and staff
7 and we can flesh out. I do think within those two weeks,
8 having that very narrow opportunity on Tuesday that's going
9 be a challenge I think, and I do think we're going to have
10 to find an additional day.

11 COMMISSIONER MEHL: Should we look at starting at
12 8:30 on those two Tuesdays?

13 COMMISSIONER LERNER: I could easily do that.

14 COMMISSIONER YORK: We could add a day the week of
15 the 4th.

16 CHAIRPERSON NEUBERG: I'm amenable to that if our
17 staff is amenable to that. Unfortunately -- and maybe we
18 can report back to you next week -- when we can really think
19 through our agendas multiple weeks out.

20 I'm just not sure that the three-and-a-half-hour
21 block two weeks in a row while we're hiring our -- a broad
22 team, is just going to be -- and while we're still receiving
23 training, is going to be sufficient time.

24 COMMISSIONER LERNER: So, Chair Neuberg, if Brian
25 maybe sent out a Doodle to the Commission --

1 CHAIRPERSON NEUBERG: Yeah.

2 COMMISSIONER LERNER: -- over that two-week period.
3 Whatever you use, Brian, it's what I use. I don't know,
4 whatever tool you use.

5 COMMISSIONER YORK: Doodle works.

6 COMMISSIONER LERNER: And then we can see over the
7 next two weeks where we can fit in some other time.

8 DIRECTOR SCHMITT: Sure. I'll get that out.

9 COMMISSIONER MEHL: And I would like to point out
10 that since we're taping these trainings that if only one of
11 us is going to be gone, then -- then they can still commit
12 to reviewing those trainings separately, and then we could
13 still be moving on.

14 CHAIRPERSON NEUBERG: I think that's a great point,
15 Commissioner Mehl. But, you know, if at the end of, you
16 know, that May 11th week Commissioner York is the only one
17 gone, if we could tape the training and find a way to -- to
18 maximize our time, we'll look into this between now and next
19 Tuesday.

20 MR. HERRERA: Madam Chairwoman, just if you guys
21 are considering changing the meeting time, I would not worry
22 about legal counsel in that, we will adjust to whatever you
23 guys decide to do that works for the Commissioners. So you
24 don't need to worry about us.

25 CHAIRPERSON NEUBERG: Okay. Thank you.

1 Okay. So -- so as of now, we can count on our
2 meeting next week, May 4th at 9 o'clock as usual, and we
3 will come back to you next week with our proposal for
4 additional time and fleshing out those dates.

5 Anything else on future meetings?

6 With that, we'll move to Agenda Item No. XIV, which
7 we did the announcement of our next meeting date: Next
8 Tuesday, May 4th, 9:00 a.m.

9 Agenda Item No. XV, closing of public comments.

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

17 With that, a reminder as of 5:00 p.m. on Thursday,
18 the Commissioners will have a blackout to public comment as
19 it relates to the mapping firms until there is a hire.

20 With that, we'll move to adjournment, Item No. XVI.

21 I will entertain a motion to adjourn if there are
22 no other issues to bring up.

23 COMMISSIONER LERNER: Chair Neuberg?

24 CHAIRPERSON NEUBERG: Yes.

25 COMMISSIONER LERNER: Was I -- did I understand

1 that next week we have our new assistant coming in does this
2 mean that this is Yasmin's last day with us? Or, Yasmin,
3 will you be here next week?

4 MS. RAMOS: I'll probably sit in with her just to
5 kind of guide her on how to do this streaming. So you'll
6 still see me.

7 COMMISSIONER LERNER: Thank you. I just wanted to
8 check. Thank you.

9 CHAIRPERSON NEUBERG: Oh. I think, Yasmin -- I
10 think Yasmin is with us to the end, right?

11 MS. RAMOS: No.

12 CHAIRPERSON NEUBERG: No?

13 MS. RAMOS: To the end of today or next meeting.

14 CHAIRPERSON NEUBERG: I'm not sure, we're going to
15 have to talk about this.

16 But thank you, Commissioner Lerner. Yeah, let's --
17 she'll be on the spot next week.

18 COMMISSIONER LERNER: Yeah. Thank you.

19 VICE CHAIR WATCHMAN: Motion to adjourn,
20 Madam Chair.

21 CHAIRPERSON NEUBERG: Okay. Motion to adjourn.

22 Do we have a second?

23 COMMISSIONER YORK: I second.

24 CHAIRPERSON NEUBERG: Okay.

25 Vice Chair Watchman.

1 VICE CHAIR WATCHMAN: Aye.

2 COMMISSIONER YORK: Did we close public comments?
3 I think we missed that.

4 CHAIRPERSON NEUBERG: We did; I just did that. But
5 I forget all the time whether I vote for executive session,
6 so.

7 So we're voting to adjourn. Vice Chair Watchman
8 was an eye.

9 Commissioner Mehl.

10 COMMISSIONER MEHL: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: Aye.

13 CHAIRPERSON NEUBERG: Commissioner York.

14 COMMISSIONER YORK: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
16 aye.

17 And, with that, we adjourn this meeting.

18 Thank you so much for everybody's partnership, and
19 I look forward to seeing you next week.

20 (Whereupon the proceeding concludes at 12:48 p.m.).

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C E R T I F I C A T E

STATE OF ARIZONA)

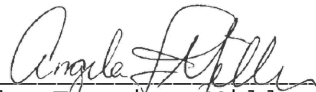
) ss.

COUNTY OF MARICOPA)

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

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 11th of May, 2021.



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

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 11th of May, 2021.



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