

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

May 11, 2021

8:00 a.m.

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I N D E X

<u>PROCEEDING:</u>	<u>PAGE</u>
ITEM I	
ITEM I (A)	4
ITEM I (B)	6
ITEM II	
ITEM II (A)	6
ITEM II (B)	6
ITEM III	9
ITEM IV	9
ITEM V	
ITEM V (A)	16
ITEM V (B)	16
ITEM V (C)	16
ITEM V (D)	16
ITEM V (E)	16
ITEM VI	17
ITEM VII	25 & 27
ITEM VII EXECUTIVE SESSION	
ITEM VIII	21 & 24
ITEM VIII EXECUTIVE SESSION	
ITEM IX	
ITEM X	28
ITEM XI	29
ITEM XII	30
ITEM XIII	
ITEM XIII (A)	30
ITEM XIV	31
ITEM XV	31

17

18

19

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21

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 8:00 a.m. on May
3 11, 2021, via GoogleMeets, Arizona, in the presence of
4 the following Commissioners:

5 Ms. Erika Neuberg, Chairperson
6 Mr. Derrick Watchman, Vice Chairman
7 Mr. David Mehl
8 Ms. Shereen Lerner
9 Mr. Douglas York

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director
12 Ms. Valerie Neumann, Administrative Assistant
13 Mr. Roy Herrera, Ballard Spahr
14 Mr. Eric Spencer, Snell & Wilmer
15 Mr. Daniel Arellano, Ballard Spahr
16 Mr. Dennis Burke, Ballard Spahr
17 Mr. Brett Johnson, Snell & Wilmer
18 Ms. Jessica Klein, Assistant Attorney General
19 Ms. Nicole Sornsins, General Counsel, Arizona
20 Department of Administration
21 Mr. Michael Hillebrand, Arizona State Procurement
22 Office
23
24
25

1 P R O C E E D I N G

2

3 CHAIRPERSON NEUBERG: Welcome, everybody.
4 We'll dive right in.

5 Agenda Item I(A), call for quorum. It is 8:00
6 a.m. on Tuesday, May 11, 2021. I call this meeting of
7 the Independent Redistricting Commission to order.

8 For the record, the executive assistant,
9 Valerie Neumann will be taking roll. When your name is
10 called please indicate that you are present. If you
11 are unable to respond verbally we ask that you please
12 type your name.

13 Val.

14 MS. NEUMANN: Vice Chair Watchman.

15 VICE CHAIR WATCHMAN: Present.

16 MS. NEUMANN: Commissioner Lerner.

17 COMMISSIONER LERNER: Present. Good morning.

18 MS. NEUMANN: Commissioner Mehle.

19 Good morning.

20 COMMISSIONER MEHLE: Present.

21 MS. NEUMANN: Commissioner York.

22 COMMISSIONER YORK: Present.

23 MS. NEUMANN: Chairperson Neuberg.

24 CHAIRPERSON NEUBERG: I am present.

25 MS. NEUMANN: And for the record we also have

1 an attendant, Eric Spencer, from Snell & Wilmer;
2 Michael Hillebrand from ADOA; Roy Herrera from Ballard
3 Spahr; and our executive director, Brian Schmitt; and
4 Debbie Wilks, who is transcribing for us today.

5 Did I miss anyone?

6 COMMISSIONER YORK: Brent Johnson, yeah.

7 MS. NEUMANN: Brent Johnson with Snell &
8 Wilmer.

9 MR. JOHNSON: Yes, and Daniel Arellano.

10 MS. NEUMANN: And Daniel Arellano from Snell &
11 Wilmer. Thank you.

12 COMMISSIONER YORK: No. Daniel is from
13 Ballard Spahr.

14 MS. NEUMANN: Oh, Daniel is from Ballard
15 Spahr. My apologies.

16 MS. KLEIN: And this is Jessica Klein from the
17 attorney general's office.

18 MS. NEUMANN: And Jessica Klein from the
19 attorney general's office.

20 CHAIRPERSON NEUBERG: And I also noticed that
21 Nicole Sornsins just joined us from the AG's office.

22 MS. SORNSIN: Good morning.

23 CHAIRPERSON NEUBERG: I mean from the ADOA.

24 COMMISSIONER YORK: Good morning, Nicole.

25 CHAIRPERSON NEUBERG: Okay. Thank you so

1 much, Val.

2 Please note for the minutes that a quorum is
3 present.

4 Agenda Item I(B), call for notice. Val, was
5 the notice and agenda for the Commission meeting
6 properly posted 48 hours in advance of today's meeting?

7 MS. NEUMANN: Yes, Madam Chairwoman.

8 CHAIRPERSON NEUBERG: Thank you very much.

9 We move to Agenda Item No. II, approval of
10 minutes from May 4th, 2021.

11 Thank you, Valerie, for providing written
12 minutes for both the general session and the executive
13 session. I do have a question for counsel and my
14 colleagues. We have been using transcripts in the
15 past, which fulfill our statutory requirements for
16 minutes. What is it that we would like to propose to
17 serve as our official minutes? If we do both we have
18 to legally ensure that both are legally sound, meaning,
19 you know, transcripts -- the video recordings -- I'm
20 sorry if I used the wrong language. The video
21 recordings are responsible for watching from beginning
22 to end to ensure there is no interruption. So I don't
23 know if legal counsel wants to chime in or my
24 colleagues about which minutes we want to propose.

25 MR. JOHNSON: Is the question whether the

1 approval will be of the minutes or the video, Madam
2 Chairwoman?

3 CHAIRPERSON NEUBERG: Correct.

4 MR. JOHNSON: I think our preference would be
5 to approve the minutes now that we have them and we are
6 able to review them, the minutes that would be approved
7 by the Commission.

8 CHAIRPERSON NEUBERG: Okay. Thank you. And
9 the video recordings will still remain online --

10 MR. JOHNSON: That's correct.

11 CHAIRPERSON NEUBERG: -- for ease of public
12 consumption?

13 Okay. Thank you. I hope that my colleagues
14 have had time to review the written minutes for both
15 the general session and the executive session. Is
16 there any discussion?

17 COMMISSIONER LERNER: Excuse me. I just have
18 a question. What happens to the transcriptions? Are
19 we not going to be doing those anymore? I'm trying to
20 understand what we ultimately will have, minutes,
21 videos, and transcriptions, or no transcriptions in the
22 future?

23 CHAIRPERSON NEUBERG: My understanding is we
24 will have all three, but the question is how we use
25 them, which is part of what we're discussing. The

1 written minutes will serve as our official minutes.
2 The video recordings are -- I think are helpful.
3 They're easy to do. And the transcription is helpful.
4 What we do with them in terms of posting or not, I'm
5 not sure we've made a determination.

6 Brian or Counsel?

7 MR. JOHNSON: It's our view that we would keep
8 all three, but, again, what will be approved by the
9 Commission will be the minutes, but we will keep the
10 other two documents and use them as we see fit or as
11 necessary.

12 COMMISSIONER LERNER: Thank you much. That's
13 all I was wondering.

14 So I would move to approve the minutes from
15 May 4th for the general session and executive sessions.

16 COMMISSIONER MEHL: I second.

17 CHAIRPERSON NEUBERG: Any further discussion?
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 unanimously approve the
4 written minutes from last week, May 4th, from the
5 general session and executive session.

6 And, again, thank you, Val, for stepping up.
7 We really appreciate it. And welcome. We're really
8 excited.

9 With that, we'll move to Agenda Item Number
10 III, opportunity for public comments. Public comments
11 will open for a minimum of 30 minutes and remain open
12 until the adjournment of the meeting. Comments will
13 only be accepted electronically in writing on the link
14 provided in the notice and agenda for this public
15 meeting and will be limited to 3,000 characters.
16 Please note members of the Commission may not discuss
17 items that are not specifically identified on the
18 agenda. Therefore, pursuant to A.R.S. 38-431.01(H)
19 action taken as a result of public comment will be
20 limited to directing staff to study the matter,
21 responding to any criticism, or scheduling the matter
22 for further consideration and decision at a later date.

23 And with that we will move to Agenda Item
24 No. IV, which is discussion on public comments received
25 prior to today's May 11th meeting. Before I turn it

1 over to my colleagues for your thoughts, reactions, you
2 know, anything you want to share, there was one item
3 that, you know, caught my attention, and I would like
4 to share the resolution. There were actually a couple
5 of comments just questioning what the ultimate
6 boundaries were with regard to our law firms that we're
7 using in terms of their ability to be representing, you
8 know, political candidates or other outside interests,
9 and so, you know, it elicited a thoughtful
10 interchanging of our firms, and I would like to give
11 what, you know, has been agreed upon. It really just
12 truly clarifies what they expressed in their interviews
13 and their proposals and, you know, just make sure we're
14 all on the same page.

15 To anybody listening, we can release the state
16 press, so don't feel that anybody needs to be writing
17 notes. But as a general sense, as promised during the
18 vetting process and required under the applicable rules
19 of professional conduct, IRC's legal counsel will not
20 be advising any candidate, political party, or
21 political committee in regard to the Arizona
22 redistricting process. As the election law bar is
23 small in Arizona, it's understandable that the IRC's
24 legal counsel will continue to advise clients in regard
25 to other unrelated election law matters, including

1 campaign finance, petition nomination challenges, and
2 initiative compliance issues. As there is no reason to
3 believe that the IRC's legal counsel will not honor
4 their ethical duties to maintain the confidentiality of
5 IRC information, the IRC remains confident in the
6 policies and procedures already mandated by the state
7 bar of Arizona and also in compliance with the Arizona
8 Attorney General's Office contract requirements.

9 And with that, I just want to reiterate my
10 experience. I have complete faith in the integrity,
11 the competenceness, the commitment of our attorneys to
12 serve the Commission. They've been working remarkably
13 collegially, collaboratively. I'm most grateful, and
14 it truly has been a bright spot.

15 And with that I turn it over to other comments
16 or questions.

17 COMMISSIONER LERNER: Chair Neuberg, I
18 actually have some comments about the public comments
19 that I would like to make.

20 CHAIRPERSON NEUBERG: Please.

21 COMMISSIONER LERNER: So we typically don't
22 spend a lot of time talking about those other than to
23 say thank you and bring up one or two comments, but
24 today I do want to take a few minutes. I actually have
25 a statement that I wrote out to be completely open

1 here.

2 And I want to thank everybody for their
3 comments. We had a lot of comments from the public.
4 Clearly the choice of a mapping consultant was
5 something that was of high interest to the public, and
6 I know I appreciate that. I do want to say, though,
7 that a concern of mine was that there was quite a
8 partisan tone, and there was some misinformation that
9 was included in many of the comments, and I just want
10 to respond to a few of them about that.

11 Many of you asked us to hire an independent
12 redistricting company without partisan influence, and
13 our chair had commented on that, that we all felt it
14 would have been ideal had we been able to do so, but we
15 only received three proposals, and all of them had
16 partisanship as part of that. Haystack was leaning
17 Democrat; Timmons and NDC and Taylor English lean
18 Republican.

19 The majority of the comments that I want to
20 discuss are those who opposed hiring Haystack, and they
21 focused on their partisanship, not the qualifications.
22 So I'm compelled to clarify that despite what many
23 people said, they are not a Socialist company, nor are
24 they owned by Obama or Sanders, both of whom were
25 simply clients of Haystack. And I want to clarify

1 that, that Obama and Sanders would have had nothing to
2 do with Arizona's mapping process, despite what many
3 people commented upon.

4 Many people also said that Haystack was the
5 company that was responsible for the redistricting maps
6 in 2011, which is correct. But those who are opposed I
7 feel used some inflammatory terms like "political
8 operatives," "dangerous," "un-American," "corrupt,"
9 "biased," and said the maps were a fiasco that resulted
10 in gerrymandering, none of which is true. Despite many
11 lawsuits that occurred by Republicans to overturn the
12 maps, all of the maps that had been created Haystack
13 received Department of Justice preclearance on the
14 first try and met the requirements of the Voting Rights
15 Act. In fact, looking at the last ten years since
16 those maps were adopted the Republicans maintained
17 control of both chambers of the state legislature for
18 the entire decade, so clearly if this was this a
19 Democrat -- quote, Democrat firm, was as biased as many
20 said, the Democrats would have won more seats and
21 potentially taken control of the House -- the state
22 legislature, which did not happen.

23 So in my opinion the numbers were assigned
24 that the maps that were created were fair and balanced
25 as they should be and as we would like them to be, so

1 Haystack was a qualified candidate, created nonpartisan
2 maps in 2011, despite many of the comments about them
3 that were made. The comments, again, focused almost
4 exclusively on them being a Democratic company, not on
5 their qualifications.

6 So from my perspective -- this is sort of for
7 the future, I'm hoping -- the harshness of many of the
8 comments that were made against Haystack, the negative
9 tones directed at the Commission, were inappropriate.
10 So I ask you to remember we're volunteers. We are
11 doing our best, and the angry tone you presented does
12 us no good, nor in my opinion does it help your cause.
13 This is my opinion. Last week on a 3 to 2 vote NDC was
14 selected as our mapping consultant, and I will be
15 working with them. I will also be paying close
16 attention to ensure among other things as required by
17 our Constitution minority and Native American
18 representation are properly addressed.

19 So I do ask that you please continue to send
20 us your comments and provide feedback, but I would
21 appreciate it if it's done in a respectful manner. If
22 you're uncertain about the process, please ask us
23 questions. We'll do our best to answer them. We want
24 to continue to hear from the public. We want to engage
25 with the public, but we would like to do it in a

1 respectful fashion. Thank you.

2 Thank you, Madam Chair.

3 CHAIRPERSON NEUBERG: Thank you.

4 Any other thoughts? Thank you to the public.
5 We made a commitment to provide access. I would like
6 to remind the public we are under no legal obligation
7 to open ourselves up to this level of public comment,
8 and we care deeply, but we also understand the
9 limitations. The people who are satisfied and happy
10 are not screaming. They're pretty silent. And so as
11 we do the process as, you know, data scientists, we
12 have to understand the source of the data and, you
13 know, understand our full state as best as possible.
14 And I share Commissioner Lerner's deep dedication to
15 protecting the minority interests, every community of
16 interest in Arizona.

17 And with that, I hope that our public can
18 focus on the many wonderful things that are going on
19 with this Commission. The overwhelming majority of our
20 votes have been unanimous. We've worked collegially.
21 We have great law firms. We're building a great staff
22 we have checks and balances. I know that political
23 partisanship and tension outside of our world is
24 really, really hot, but it is my deepest, deepest
25 desire for us to return to our honest, respectful

1 dialogue. Our work is just beginning. It's all ahead.
2 And I have confidence that we're going to do right by
3 the State. Yeah, it's been disappointing.

4 Any other comments?

5 With that we'll move to Item No.
6 V, executive director's report and discussion thereof.
7 And with that I will turn it over to Brian.

8 MR. SCHMITT: Thank you, Chairwoman.

9 I just have a few updates for you today.
10 Regarding the office move, we finalized plans, and
11 hopefully we'll get in a new space either early June or
12 early July. Still figuring out the timeline. There is
13 a lot of moving pieces down here.

14 The budget, the legislature is still
15 negotiating so hopefully we'll have resolution in the
16 next week or two, and then we can really start to flesh
17 out our budget and provide those numbers.

18 FTE positions, I'm still waiting on an
19 increase in authority. As soon as I have that I will
20 post the two previous positions that were approved, but
21 until that happens we're kind in a holding pattern.

22 With ADOA and IT, we've been working through
23 the requirement, the system requirements that we think
24 we'll need, and hopeful that that will get online in
25 the next couple of weeks. There is a little bit of

1 backlog, back order when it comes to computers so we're
2 working through that.

3 And that is pretty much all I have for the
4 moment. If you have any questions, please let me know.

5 CHAIRPERSON NEUBERG: If there are no
6 questions -- if there are no questions we can move on
7 to Agenda Item No. VI, discussion and possible action
8 on community outreach coordinator and other potential
9 hires and duties of all IRC staff positions.

10 Back to you, Brian.

11 MR. SCHMITT: Thank you.

12 So with the community outreach coordinator I'm
13 hopeful that you all will approve that position today,
14 so in case I do get the increase in authority in
15 between meetings I can post the job position and we can
16 start collecting resumes for that position. That is
17 really all I have on that item.

18 CHAIRPERSON NEUBERG: Okay. Brian, can you
19 repeat the position that you want approval for?

20 MR. SCHMITT: Sure. Community outreach
21 coordinator.

22 CHAIRPERSON NEUBERG: And that's one person?

23 MR. SCHMITT: Yes.

24 CHAIRPERSON NEUBERG: Okay. Because I believe
25 at one point we had discussed the possibility of

1 needing additional hires, but you're looking for one?

2 MR. SCHMITT: One to help coordinate all the
3 efforts. The previous Commission also hired I believe
4 four part-time outreach folks, and so that may be a
5 need in the future. We just -- we have to figure out
6 what our plan is with public hearings and that -- that
7 kind of stuff before we are able to know if we'll need
8 any more positions.

9 CHAIRPERSON NEUBERG: And can you just share,
10 if you don't mind, the duties of this community
11 outreach coordinator? How is this person going to
12 facilitate our work? And to be honest, how is this
13 person potentially going to calm people's concerns
14 about accessing the needs and the views of our minority
15 populations? Can you share a little bit about what
16 we're looking for?

17 MR. SCHMITT: Absolutely. I think over the
18 next six months it's going to be important that the
19 Commission reach out to as many different groups,
20 communities of interest as possible. It's going to be
21 a job that everyone on the staff has. Having someone
22 that can help coordinate or reach different groups
23 would be a helpful add-on to the Commission.

24 CHAIRPERSON NEUBERG: Okay. So my
25 understanding of the value and the urgency of this

1 position is that these are the people who are literally
2 on the ground learning each community's gripes and
3 preferences and helping gather that data where it's not
4 just data coming to us like with social media, where
5 it's -- it's valuable but it's preselected, it's
6 biased. It's us being able to also go out into the
7 community and understand this as objectively as
8 possible. That's my understanding.

9 MR. SCHMITT: Absolutely, and also individuals
10 in community groups --

11 CHAIRPERSON NEUBERG: Okay. I think you got
12 cut off, but I thank you, Brian. I think it's an
13 important position.

14 And I'm ready to entertain a motion, but let's
15 have discussion.

16 COMMISSIONER YORK: This is Commissioner York.
17 I've reviewed the job description. I think it's very
18 thorough and complete, and I would recommend moving
19 forward.

20 VICE CHAIR WATCHMAN: And Vice Chair seconds
21 that motion.

22 CHAIRPERSON NEUBERG: Any further discussion?
23 Okay. We'll do a vote. Vice Chair Watchman.

24 VICE CHAIR WATCHMAN: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Mehle.

1 COMMISSIONER MEHL: Aye.

2 CHAIRPERSON NEUBERG: Commissioner Lerner.

3 COMMISSIONER LERNER: Aye.

4 CHAIRPERSON NEUBERG: Commissioner York.

5 COMMISSIONER YORK: Aye.

6 CHAIRPERSON NEUBERG: Commissioner Neuberg is
7 an aye.

8 And with that we have approved a community
9 outreach coordinator position.

10 MR. SCHMITT: Thank you, Commissioner.

11 CHAIRPERSON NEUBERG: Anything else, Brian, on
12 Agenda Item No. VI?

13 MR. SCHMITT: No. That is all I have for you
14 at the moment.

15 CHAIRPERSON NEUBERG: Okay. Thank you very
16 much.

17 With that we'll move to No. VII, discussion
18 and possible action on legal counsel briefing. We have
19 some important updates, guidance and training from our
20 attorneys today focusing on conflicts of interest and
21 ethics, which just ironically has to do with what
22 public comments were about the law firms. Now we have
23 to subject ourselves to that same level of scrutiny.
24 Use of subcommittees and compliance with open meeting
25 law, demographer presentation opportunities, and

1 utilization of non-census government data, and public
2 records compliance, initial guidance.

3 I'm going to suggest that we vote to go into
4 executive session, which will not be open to the
5 public, for the purpose of obtaining legal advice to
6 further implement and/or advance these legal issues
7 pursuant to A.R.S. 38-431.03(A)(3).

8 Before we take that vote, with our counsel, is
9 there anything you want to share in the public?

10 MR. JOHNSON: Chairwoman Neuberg, if we may,
11 could we possibly table that and go to Item VIII,
12 because I appreciate the ADOA and the attorney
13 general's office are on the phone. We have the time
14 right now. If we could get them out of the way that
15 would be great.

16 CHAIRPERSON NEUBERG: Okay. You got it. We
17 are going to use our discretion and respect the time
18 the co-counsel to go to Agenda Item No. VIII,
19 discussion and possible action on options for mapping
20 consultant. (A), update regarding notice of award and
21 posting of procurement file.

22 I'm going to recommend that the Commission
23 vote to go into executive session, which will not be
24 open to the public, for the purpose of obtaining legal
25 advice, A.R.S. 38-431.03(A)(3), as well as for the

1 purpose of discussion or consideration of records
2 exempt by law from public inspection, including the
3 receipt and discussion of information or testimony that
4 is specifically required to be maintained as
5 confidential by state or federal law,
6 A.R.S. 38-431.03(A)(2), pursuant to A.R.S. 41-2534(D),
7 the content of proposals submitted under the State's
8 request for proposal procurement process is
9 confidential until contract award so as to avoid the
10 disclosure of contents prejudicial to competing offers
11 during the process of negotiation.

12 With that I'll entertain a motion to go into
13 executive session, and we will give a full briefing to
14 the public when we return on the status of this
15 confidential process.

16 Do I have a motion to go into executive
17 session to continue the conversation on the procurement
18 process with mapping consultants?

19 VICE CHAIR WATCHMAN: Vice Chair Watchman so
20 moves.

21 CHAIRPERSON NEUBERG: Do I have a second?

22 COMMISSIONER YORK: Second.

23 CHAIRPERSON NEUBERG: Any further discussion?
24 Vice Chair Watchman.

25 VICE CHAIR WATCHMAN: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Mehle.

2 COMMISSIONER MEHL: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Lerner.

4 COMMISSIONER LERNER: Aye.

5 CHAIRPERSON NEUBERG: Commissioner York.

6 COMMISSIONER YORK: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Neuberg is
8 an aye.

9 We will meet in executive session. We do not
10 anticipate it taking a significant amount of time,
11 maybe 15 minutes, but no guarantees. Please make sure
12 we X out of this link and rejoin in the separate one.
13 And thank you.

14 (Whereupon the proceeding is in executive
15 session from 8:29 a.m. until 12:26 p.m.)

16

17 * * * * *

18

19 (Whereupon the proceeding resumes in general
20 session.)

21

22 CHAIRPERSON NEUBERG: Okay. Do we have our
23 entire team? Jessica, I believe that may be you on the
24 phone line, and there is Michael. If somebody else
25 could also maybe just take a look around the tiles and

1 ensure we have our entire team and we can resume our
2 public session.

3 MS. KLEIN: Madam Chair, this is Jessica.
4 That is me.

5 CHAIRPERSON NEUBERG: Okay. Thank you. Hi.
6 Okay. With that, I think we will resume our
7 public session. We are on Agenda Item No. VIII.

8 Thank you for everybody's patience while we
9 were in executive session. We had the opportunity to
10 get an update on where we are with the procurement
11 officers as it relates to awarding the contract to the
12 mapping consultants. When we were in executive session
13 we finalized the procurement documentation and contract
14 award determination. Acting as the contract
15 evaluators, Commissioners will sign the determination,
16 and the state procurement officer will submit the
17 written determination with the procurement file that
18 will be posted within three days.

19 And with that I would also like to just give a
20 deep sense of gratitude, thanks, to our, you know, MVPs
21 with procurement: Jessica Klein, Michael Hillebrand,
22 Nicole Sornsin. It's not an easy process. Your
23 professionalism along the way, your competence, the
24 diligence has been truly invaluable, and so we're
25 excited to be at this stage and feel really good about

1 the process, so thank you so much for your
2 participation and support.

3 If there are no other further conversations
4 about Agenda Item No. VIII, we are going to go back to
5 Number VII, which we skipped over, which is discussion
6 and possible action on legal counsel briefing. We have
7 training on conflicts of interest and ethics, use of
8 subcommittees in compliance with open meeting law,
9 demographer presentation opportunities and utilization
10 of non-census government data, and public records
11 compliance, initial guidance. Some of this will be
12 done in executive session.

13 Prior to entertaining a motion to go into
14 executive session, which will not be open to the
15 public, for the purpose of obtaining legal advice to
16 further implement and/or advance these legal issues
17 pursuant to A.R.S. 38-431.03(A)(3), is there anything
18 that our legal counsel would like to share in public?

19 MR. HERRERA: Not at this point, Madam
20 Chairwoman.

21 CHAIRPERSON NEUBERG: We will return and give
22 you a debrief.

23 With that, I will entertain a motion to move
24 into executive session.

25 COMMISSIONER YORK: This is Commissioner York.

1 I so move to move into executive session, and I would
2 also like to thank the SPO officers.

3 CHAIRPERSON NEUBERG: Thank you.

4 Do we have a second?

5 VICE CHAIR WATCHMAN: Commissioner Watchman
6 seconds.

7 CHAIRPERSON NEUBERG: Any further discussion?
8 Vice Chair Watchman.

9 VICE CHAIR WATCHMAN: Aye.

10 CHAIRPERSON NEUBERG: Commissioner Mehle.

11 COMMISSIONER MEHL: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Lerner.

13 COMMISSIONER LERNER: Aye.

14 CHAIRPERSON NEUBERG: Commissioner York.

15 COMMISSIONER YORK: Aye.

16 CHAIRPERSON NEUBERG: Commissioner Neuberg is
17 an aye.

18 And with that we will move into executive
19 session, and we will be joined by our legal counsel,
20 Brett, Roy, our transcriptionist, Valerie Neumann,
21 Brian Schmitt, and if there is anybody -- Eric Spencer,
22 and if there is anybody in addition we will make sure
23 to include those people in our minutes. We will see
24 you in executive session.

25

1 (Whereupon the proceeding is in executive
2 session from 9:06 a.m. until 12:26 p.m.)

3
4 * * * * *

5
6 (Whereupon the proceeding resumes in general
7 Session.)

8
9 CHAIRPERSON NEUBERG: With that, we are
10 pleased to join back with public session. Thank you
11 for your patience.

12 We had the benefit of getting a full debrief
13 from our counsel on training with conflicts of
14 interests and ethics, the use of subcommittees. I
15 would say of particular note as a result of the
16 conversation in executive session we have determined
17 that we're interested in bringing in a state
18 demographer to present to us opportunities to learn
19 from non-census government data and to also further
20 look into what the Census Bureau may be able to share
21 with us, and we also further need to explore Item (D),
22 public records compliance, and that will be tabled for
23 another day. But in the interim we will be moving
24 forward with inviting a state demographer and somebody
25 from the Census Bureau to brief us, not in lieu of

1 census data, but as a prospective and context.

2 And with that, if there is no other further
3 conversation, we will move to Agenda Item No. IX, which
4 is discussion and possible action on legal RFP. Item
5 A, closeout. So we have our two firms that we have
6 secured through their contracts with the State. The
7 legal RFPs are no longer active -- or they're active.
8 They're not necessary. And I will be entertaining a
9 motion to close those RFPs given that they're no longer
10 relative.

11 COMMISSIONER LERNER: This is Commissioner
12 Lerner. So moved.

13 COMMISSIONER MEHL: Commissioner Mehle
14 seconds.

15 CHAIRPERSON NEUBERG: Any further
16 conversation? Okay.

17 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: Commission Neuberg is an

1 aye.

2 And with that we will formally close the legal
3 RFP process.

4 And with that we will move to Agenda Item No.
5 X, which is discussion and possible action on census
6 data and delay and ways to mitigate its disruption.
7 There are two items, update concerning identification
8 of consultant to analyze the impact on Arizona; B,
9 potential invitation to Census Bureau to provide
10 presentation. That is something we previously included
11 in our decision.

12 The Commission may vote to go into executive
13 session which will not be open to the public for the
14 purpose of obtaining legal advice with respect to
15 census data and under A.R.S. 38-431.03(A)(3).

16 Counsel, is there anything that you would like
17 to share with the public before we entertain a motion
18 to go into executive session to discuss these issues?

19 MR. HERRERA: Thank you, Madam Chairwoman. I
20 can just report that legal counsel has been
21 interviewing and talking to potential consultants in
22 this area related to the census delay and the
23 differential privacy issue that we discussed last week.
24 We are still making the determination on who would be
25 appropriate to potentially have the Commission consider

1 as a consultant, but that's where we're at right now.
2 We're still talking to several folks about this.

3 As far as executive session, unless the
4 Commission wants any particular legal advice related to
5 those discussions I don't think that executive session
6 is necessarily needed at this point.

7 CHAIRPERSON NEUBERG: Thank you.

8 Are there any questions, thoughts, comments on
9 that update?

10 Okay. Thank you very much. With that, we'll
11 move on to Agenda Item No. XI, discussion of future
12 agenda item request. Is there anything that we have
13 not touched upon today that we anticipate being of
14 value to add to our agenda next week? And, of course,
15 we have a few days to submit those suggestions, but
16 while we're all convened today?

17 Okay. With that we'll move to Agenda Item No.
18 XII, discussion and possible action on the scheduling
19 of future meetings. We are on task to meet again next
20 Tuesday, the 18th. Again, from 8:00 a.m. to noon. We
21 have no other deviations expected in the ensuing weeks
22 until otherwise notified.

23 Okay. With that, we'll move to Agenda Item
24 No. XIII, announcements. A next meeting date will be
25 May 18th at 8:00 a.m.

1 With that, we move to Agenda Item No. XIV,
2 closing of public comments. Please note members of the
3 Commission may not discuss items that are not
4 specifically identified on the agenda. Therefore,
5 pursuant to A.R.S. 38-431.01(H), action taken as a
6 result of public comments will be limited to directing
7 staff to study the matter, responding to any criticism,
8 or scheduling the matter for further consideration and
9 decision at a later date.

10 And with that we move to Agenda Item No. XV,
11 which is adjournment. I will entertain a motion to
12 adjourn.

13 VICE CHAIR WATCHMAN: Commissioner Watchman so
14 moves to adjourn.

15 CHAIRPERSON NEUBERG: Do I have a second?

16 COMMISSIONER YORK: Commissioner York seconds.

17 CHAIRPERSON NEUBERG: Any discussion? Okay.

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 will adjourn, and I look
4 forward to seeing all of you next Tuesday at 8:00 a.m.
5 Thank you so much for your time.

6 (The proceedings concluded at 10:50 a.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, Deborah L. Wilks, Certified Reporter No. 50849, 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 Phoenix, Arizona, this 20th day of May, 2021.

Deborah L. Wilks

Deborah L. Wilks, RPR, CR
CERTIFIED REPORTER (AZ50849)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206.

Dated at Phoenix, Arizona, this 20th day of May, 2021.

MCR

Miller Certified Reporting, LLC
Arizona RRF No. 1058