**Utah Independent Redistricting Commission**

**Commission Meeting Minutes**

Anchor Location: Taylorsville State Office Building

Bonneville Room Floor 3

4315 South 2700 West

Taylorsville, UT 84129-2128

April 27, 2021

6:00 p.m.

Public Meeting Minutes

Attendance - Commission Members

Chair, Utah Independent Redistricting Commission - Rex Facer

Commissioner Lyle Hillyard

Commissioner Jeff Baker

Commissioner William A. Thorne

Commissioner Rob Bishop

Commissioner Christine M. Durham

Commissioner Karen Hale

Attendance - Staff and Others in Attendance at Anchor Location:

Barbara Sutherland, Division of Finance

Teresa Facer, Volunteer

Moira Facer, Volunteer

Jacob Acquah, Intern

Note: A copy of meeting materials, and an audio recording of the meeting can be found on the Public Notice Website. The minutes may refer to the recording found on the Public Notice Website with the approximate number on the recording where an issue is being discussed.

1. Welcome – Rex Facer

Commissioner Chair Rex Facer welcomed everyone to the meeting. He explained that the meeting was being livestreamed on YouTube. There were some technology issues at the last meeting. With guidance from the Utah Department of Technology Services, and Provo City. We have a zoom meeting that is being livestreamed through YouTube. The only people that are on the zoom meeting are our volunteers, the commission intern, as well Commissioner Jeff Baker, who will be making a slide presentation. Participants will be able to see Commissioner Baker’s slide presentation. Presenting the meeting this way gives one layer of removal from the zoom stream, and should keep the meeting safe.

* 1. Introduction of new Commissioner Karen Hale

Commission Chair Facer introduced a new Commissioner, Karen Hale, and asked her to introduce herself.

* Commissioner Karen Hale was pleased to see some familiar faces here, and looks forward to working with everyone.

She has worked in publishing and editing, and served for over twenty years in local and state government. She served two terms in the Utah State Senate, where she had the privilege of working with Senator Hillyard. She has been a part of one redistricting cycle, following the 2000 census. After her time in the Senate she went to work with the administration of Salt Lake City Mayor, Ralph Becker as Communications Director and Director of Community Relations. After that she served as Deputy Mayor of Community and External Affairs, for Salt Lake County Mayor, Ben McAdams. Special Initiatives Director for Mayor Jenny Wilson. She left the County last year to pursue other avenues some of which may be grandchildren.

She looks forward to working with this Commission. She knows the task is great. She feels she has big shoes to fill with the void left by Senator Jones. As they go forward with this task she shares the Commission’s desire to serve with integrity, and be sure we have a transparent inclusive process. She thanked the Commission for this opportunity to say hello and the warm welcome.

Senator Hillyard added that Commissioner Hale had the opportunity to run to Lieutenant Governor, and had the opportunity to tour the State. She has a statewide perspective.

* 1. Introduction of Intern Jacob Acquah

Commission Chair Rex Facer introduced intern Jacob Acquah.

* Jacob is the Commission’s first intern. He has finished is first year of his Master’s in Public Administration program at BYU. He has an undergrad degree in Statistics, and did an internship in the Governor’s Office of Management and Budget. He has a wealth of experience and his technical skills will be helpful to the Commission.
* Commission Chair Facer also introduce his wife Teresa Facer and his daughter Moira Facer. They have volunteered to monitor the live stream and the zoom.

Commission Chair Facer explained that the Census was released yesterday on apportionment, Utah did not gain a seat. It leaves Utah at four seats, so the commission will only draw four districts. The census legacy data with be available in mid-August. The Commission may be able to start drawing some maps by mid-August. Legacy data is the historic format that has been used in previous censuses.

1. Oath of Office – Brianna Ravarino

Chair Facer welcome counsel Bryan Nalder, and Notary Brianna Ravarino that will be helping with the Oath of Office.

The Commissioners all stood and recited the Oath of Office with Notary Brianna Ravarino. For a copy of the Oath form, please refer to the handouts attached to the meeting on the Public Notice Website, as well as 8.00 of the recording. <https://www.utah.gov/pmn/> Ms. Ravarino notarized the forms.

1. Conflict of Interest Disclosure – Bryan Nalder

The next document the Commission signed, is the Disclosure Statement. Assistant Attorney General Bryan Nalder explained that the Disclosure Statement is Pursuant to the Utah Public Officers’ and Employees’ Ethics Act, Utah Code Ann. §§ 67-16-1 through 67-16-15. The Utah Attorney General’s Office and the Utah Independent Redistricting Commission will keep signed and notarized copies of the Disclosure Statement for each Commissioner.

* Counsel Bryan Nalder explained and reviewed the Disclosure Statement with the Commissioners, and answered any questions they had on the form. Refer to 9:00 of the recording on the Public Notice Website <https://www.utah.gov/pmn/>. The Disclosure Statement is also included in the handouts attached to the meeting materials for this meeting on the Public Notice Website.

1. Utah Independent Redistricting Commissioner Certification – Rex Facer

Chair Facer reviewed the Utah Independent Redistricting Commissioner Certification form. Pursuant to Utah Code § 20 A-20-201(7). Refer to 14:17 of the recording posted on the Public Notice Website <https://www.utah.gov/pmn/>. The certification form is included in the handouts and attached to the meeting materials for this meeting on the Public Notice Website.

* Commission Chair Facer asked the Commissioners to sign the Certification form and return it to him. He will deliver the forms to the Governor’s Office.

1. Approval of April 13, 2021 Utah Independent Redistricting Commission Meeting Minutes – (Commission motion required)

Chair Facer asked if the Commissioners had any corrections or additions to the minutes. If not, he asked for a motion to approve the meeting minutes from the April 13, 2021 Utah Independent Redistricting Commission.

* Commissioner Hillyard moved to approve the minutes, Commissioner Thorne seconded the motion. A vote was taken, the motion carried. The minutes from The April 13, 2021 meeting are approved. The approved minutes will be posted on the Public Notice Website.

1. Electronic Meeting Policy – (Commission motion required)

Chair Facer asked for guidance from Counsel Bryan Nalder to review the Electronic Meetings Policy. In order to have remote participation from any member of the Commission the policy needs to be reviewed and adopted, by the commission.

* Mr. Nalder stated the Open and Public Meetings Act requires a public body to have a policy in order to have electronic meetings. Pursuant to Utah Code Section § 52-4-207. The policy explained what is required under the Act, he asked the Commission to read through the policy. It outlines the procedures when commission members are joining a meeting telephonically or electronically.

Refer to 17:37 of the recording that is posted to the Public Notice Website, along with a copy of the Electronic Meeting Policy that is attached with the meeting materials for this meeting. <https://www.utah.gov/pmn/>.

* Commissioner Thorne asked if someone was going to attend the meeting electronically, would they be required to give notice 24 hour in advance of the meeting.
* Mr. Nalder stated that you would give notice to the Chair if possible. The Chair is required to give notice of the meeting 24 hours before the meeting starts on the Public Notice Website. Participants are not required to give the 24-hour notice if they will be joining electronically.

There was a discussion about the policy, Commissioner William Thorne likes the option of joining the meeting electronically if he is not able to join in person. Commission Chair Facer said that he would like be able to participate in meetings if he was not be able to join in person. This provision would make that possible. There was no further discussion on the Electronic Meeting Policy. Commission Chair Facer asked for a motion to adopt the policy.

* Commissioner Lyle Hillyard moved to approve the Electronic Meeting Policy. Commissioner Karen Hale seconded the motion. A vote was taken, and the Motion passed.

1. Search Committee Report and Recommendation concerning Executive Director
   1. Commission Decision on Executive Director (Commission motion required)

The Search Committee, Commission Chair Facer, Commissioner Hillyard, and Commission Durham, met with four different candidates for the Executor Director position. After meeting with the candidates, they made a unanimous decision that they would like to recommend to the Commission that Gordon Haight be the Executive Director. He is currently the assistant City Manager for the City of the Herriman. This is a full time, short-term position, and Mr. Haight is aware of that, and feels it is an opportunity to do something important.

It is the recommendation of the Search Committee that we formally proceed with offering employment to Gordon Haight, as the Executive Director, of the Utah Independent Redistricting Commission.

* Commissioner Rob Bishop moved to approve Gordon Haight as the Executive Director. William Thorne seconded the motion. A vote was taken, and the motion carried.

Chair Facer will meet with Mr. Haight, he would like to get this finalize quickly.

1. RFP update
   1. General Legal Counsel
   2. Voting Rights Act Counsel

There is an RFP out for General Counsel for the Commission. In the meantime, Bryan Nalder from the Attorney General’s Office has been assigned as temporary counsel for the Commission. The RFP’s will close on May 4, 2021. There will need to be a committee to review the applications. There have been seven firms indicate that they intend to submit a proposal. Those numbers could increase by the close date.

* Commissioner Hillyard asked if there was a firm that would step in and have some attorneys available. Possibly one full time attorney and other attorneys be on a call basis. He also asked if the attorneys would be required to meet the same requirements the commission.

Chair Facer said the expectations were put in the RFP that they would need to be compliant with the general provisions of the statute. They were also asked for any disclosure of any partisan political activity that they have engaged in, in the last ten years.

* Commissioner Hillyard feels that there needs to be some consistency in

the way the Commission looks at the Firms that have applied.

* Commissioner Durham suggested that the Firms applying have a conflict check of their attorneys, to see if there is a conflict with any of the attorneys.
* Commissioner Rob Bishop suggested to have all three attorneys on the Commission be on the committee.

It was decided to have Commissioner Hillyard, Commissioner Durham, and Commissioner Thorn, join Chair Facer as the review panel for the commissions counsel.

There are two RFP’s one for General Counsel and one for Voting Rights Counsel, with the same deadlines.

1. Website Update

Chair Facer met with the designer of the website, they have some preliminary mock ups of the pages. The website would have the timeline, and eventually maps. They are looking at having mapping software, that individuals would be able to draw their own maps. They are waiting on the Office of Legislative Research and General Counsel to finalize the contract.

There are two vendors that represent different elements of the software, one of which is the tech company Esri. When the contract is finalized. They can move forward with the software for the commission. Also, the commission will have to look at staffing support for the website.

The website could be up and running in two weeks, but some pieces may be delayed. There is a new email address where people can submit comments to the commission. They have turned off the ability to comment on the livestream. If someone wants to submit a comment, the comments can be submitted to [uirccomments@utah.gov](mailto:uirccomments@utah.gov) . There will be a page where the email address will be put up on the livestream.

1. Jeff Baker Presentation: “2011 Utah Redistricting and Reprecincting Issues”

Commissioner Jeff Baker has experience with geographic information systems. In his work at Davis County he has some relevant experience in the drawing of precincts.

* Commission Baker shared a presentation with the Commission that had been presented to the Utah Association of Counties ten years ago. To follow Commissioner Baker’s presentation, please refer to 32:52 of the recording posted on the Public Notice Website. <https://www.utah.gov/pmn/>. The presentation can be obtained by a GRAMA request through the Davis County Clerk’s Office.
* Commissioner Baker explained that the presentation is about 40 minutes long, but he will try to present everything within 25 minutes. He is employed by Davis County, but he wanted to make it clear, that he is not representing Davis County in any official capacity. He also wanted the Commission to know that he is sharing this presentation with the permission of Davis County. He proceeded with the presentation.

1. Discussion Item: Mission and Objectives for the Commission

Commission Chair Rex Facer asked the commission how they would define success of this Commission. The Commission discussed and made some suggestion, on what they feel would be the success of the Commission. To hear the whole discussion, refer to 1:21:57, on the recording posted to the Public Notice Website. <https://www.utah.gov/pmn/>

* Commissioner Karen Hale said, they would be successful if the public feels that there was a “sincere effort to provide a public process for redistricting.” She feels there should be a real attempt to make this process as transparent and inclusive as possible.
* Commissioner Lyle Hillyard stated it may be an impossible task to please everyone. He agrees that the commission needs to be open, but the timeframe makes it challenging.
* Commissioner Christine Durham explained that this is the first independent commission on redistricting, in the history of the State of Utah, and feels if they deliver a rational non-partisan approach to elective redistricting, the Commission will get credit for that. The mission of the Commission should be to increase the faith of Utah citizens.
* Commissioner Rob Bishop discussed that there will be complaints about what the commission does, not matter what they do. There needs to be some rational reason for the way the redistricting is done. It has to have established criteria. The Commission needs to have priorities and decide how priorities are ranked, and be specific, because there will be conflicts.
* Chair Facer stated the priorities and the core issues are what they will have to face. This will be a daunting task. If there is a good faith effort he hopes that will create faith in Utah’s population.
* Commissioner Thorne said that there are seven people on this commission that don’t have a personal interest in how the lines are drawn, and they want to do the best they can to be fair. The Commission needs to avoid the appearance of self-interest.
* Commissioner Baker would like the commission to identify communities of interest. It is the Commission’s job to represent the citizens of Utah.

1. Discussion Item: Redistricting Principles

Commission Chair Rex Facer moved to agenda item 11, and gave a brief review of the statute. The Basic Redistricting Principles are based on Utah Code § 20A-20-302. Refer to 1:38 of the recording. The Basis Redistricting Principles handouts and the recording are attached to this meeting on the Public Notice Website. <https://www.utah.gov/pmn/>

Chair Facer feels the commission may want to go through each item on the Basic Redistricting Principles, and have some experts come to a meeting to help the commission think through some of the issues. It may be too early to try and decide which issues are more important than others. He asked the Commission members if there were some criteria in the statute they thought needed more information on sooner than others.

* Commissioner Baker would like to spend more time on the communities of interest. This is something we need to have conversations about soon.
* Commissioner Thorne hopes the attorneys will be able to help the commission understand what a legitimate community of interest is.
* Commissioner Hillyard agreed the commission may identify the communities of interest, but would like to know how they will be measured.
* Commissioner Baker suggested letting communities identify themselves by handing them blank maps, and having them draw their communities’ interests.
* Commissioner Bishop would like someone to explain the core of the pre-existing districts, and what that means, and how that is accomplished when the populations shift.
* Commissioner Thorn would like to know how you go from people drawing their own maps, and getting that to an idea that could be used.
* Commissioner Baker explained the mapping software would help them identify the community of interests.
* Senator Hillyard agrees that we need a community of interest, but maybe with a community of interest, the deviation of the population is too high. If the Supreme Court says one man one vote, it won’t matter.
* Chair Facer said that is it is one person, one vote, but the Commission needs to balance the other issues as well. We can’t propose something outside of that frame of reference. He asked the commission what are some of the other things that the commission wants to make sure they have input on.
* Commissioner Baker agrees with Commissioner Bishop. He would like to have defined what the core of the pre-existing districts is.
* Commissioner Hale thinks the natural geographic alignments are important.
* Chair Facer has communicated with some professionals on the mathematical and statistical examinations of these things. He feels it’s important to have their input because statute encourages them to use the statistical and mathematical approach when possible. But, there is not a single measure that will solve all the problems. Hopefully they can help identify the difficult issues and think more carefully about them.
* Commissioner Bishop hopes the attorneys will let the commission know things that absolutely cannot be considered.
* Commissioner Durham explained in statute, that the Commission is authorized to adopt their own standard that will prohibit the commission from using partisan political data, political party affiliation, etc. She would like this to be on the agenda to get the policy in place at the onset.
* Commissioner Hillyard suggested different ways to create the districts.
* Commissioner Bishop explained that population has to be the number one priority. The commission needs to decide about having urban, rural, or combined. He feels that this is extremely significant, and a discussion the Commission needs to have.

Chair Facer appreciated the discussion, and the Commissions willingness to share their thoughts. Please refer to 1:30 on the recording for the full discussion on the redistricting principles.

The Commission discussed the proposed dates for future meetings. Chair Facer would like to get the dates finalized as soon as possible, as well as the travel dates to different counties.

The next meeting will be held on May 11, 2021.

Chair Facer asked for a motion to adjourn. Commissioner Thorne made a motion to adjourn, Commission Hale seconded the motion. The meeting adjourned at 8:04 p.m.