**Utah Independent Redistricting Commission**

**Commission Meeting Minutes**

Anchor Location: Taylorsville State Office Building

Bear Lake Room – Third Floor

4315 South 2700 West

Taylorsville, UT 84129-2128

June 4, 2021

12:00 p.m.

Public Meeting Minutes

Virtual 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

Bryan Nalder, Assistant Attorney General

Chris (C.J.) Jennings, State Division of Purchasing & General Services - Assistant Director

Attendance - Staff and Others in Attendance at Anchor Location:

Gordon Haight, Commission Executive Director

Jacob Acquah, GIS

Aly Escobar, Administrative Coordinator

Brian Mullahy, Channel 2

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.

I. Welcome - Rex Facer

Commission Chair Rex Facer welcomed everyone to the meeting and moved to the next item on the agenda.

II. Action Item: General Counsel and Voting Rights act Counsel Discussion and Decision - Christine Durham (Commission motion required)

Commissioner Christine Durham thanked CJ Jennings for guiding the commission through the States procurement process. The subcommittee consisted of four members – Lyle Hillyard, Christine Durham, William Thorne, and Gordon Haight. The scoring system was completed and the subcommittee had a clear recommendation for the commission. The subcommittee did not feel comfortable having different attorneys for general counsel and voting rights act. The conversation turned to CJ Jennings to explain the procurement process to hire a firm.

Please refer to 5:16 of the recording to hear the presentation. The recording is posted to the Public Notice Website on the June 4 2021 post. <https://www.utah.gov/pmn/>

After the explanation of the RFP a motion was made to cancel the voting rights RFP by Commissioner Christine Durham with the understanding that general counsel contains sufficient expertise to cover for voting rights act counsel, Commissioner Lyle Hillyard second.

*The vote was recorded as follows:*

*Commissioner Jeff Baker Aye*

*Commissioner William A. Thorne Aye*

*Commissioner Karen Hale Aye*

*Commissioner Christine M. Durham Aye*

*Commissioner Rob Bishop Aye*

*Commissioner Lyle Hillyard Aye*

*Chair Commissioner Rex Facer Aye*

*The motion carries unanimously.*

Commissioner Christine Durham clarified that the subcommittee did not participate in scoring the cost factor. The subcommittee only scored on all of the substantive areas that CJ presented. The firm that scored the highest was the firm of Ray Quinney & Nebeker based in Salt Lake City. Commissioner Lyle Hillyard added that the subcommittee never contacted the law firms and the law firms never contacted the subcommittee members to lobby on their behalf. They based their scoring on the written documents that were turned in.

A motion to proceed with Ray Quinney & Nebeker as our general counsel and to provide us with voting rights act advices, as well was made by Commissioner Karen Hale and a second by Commissioner Lyle Hillyard.

*The vote was recorded as follows:*

*Commissioner Jeff Baker Aye*

*Commissioner William A. Thorne Aye*

*Commissioner Karen Hale Aye*

*Commissioner Christine M. Durham Aye*

*Commissioner Rob Bishop Aye*

*Commissioner Lyle Hillyard Aye*

*Chair Commissioner Rex Facer Aye*

*The motion carries unanimously.*

Chair Facer directed staff to proceed with finalizing a contract, so the commission can have legal representation from firm Ray Quinney & Nebeker as soon as possible. Gordon added that staff will meet with them to negotiate a final cost to make sure it is not recurring, but capped due to limited funds. Commissioner Lyle Hillyard gave clear direction to staff to do three things - First, have an attorney that the commission can always go to for immediate legal counsel. Second, to understand the magnitude of the job – Utah has never done this before voting accurate litigation. Third, the firm needs to understand there are fiscal limits. Commissioner William Thorne agreed on the hard cap on fees and added that the firm needs to continue the job until the process is over.

Chair Rex Facer was grateful for the comments and stated that a budget discussion will have to occur at next Tuesday's commission meeting to have more context, as far as where some of the expenditures are going to be allocated. CJ will be preparing the documents to award the recipients as well as notices for the other participant of the RFP.

III. Action Item: Discussion and Decision for hiring Communication/Marketing and Public Information Firms - Gordon Haight

Gordon explained that the State of Utah has a procedure that if you're spending less than $100,000 for professional services, the commission can hire a qualified vendor from the list provided by the State for communication and marketing services from a number of firms. Gordon explained that the commission has two big challenges in the process of redistricting - One is ensuring that the maps are legal and they meet all requirements. The second issue is making sure the public has an opportunity to participate in the process. Therefore, he believes that with the funds given to the commission both can be accomplished. Gordon will bring a summary of the budget on Tuesday’s meeting to see how they can accomplish both of those things.

Commissioner Thorne asked CJ and Bryan to make sure that this was alright from their professional perspectives. CJ replied absolutely, just to be aware that there is a hard cap of $100,000 anything over that the commission needs to go through the regular procurement process. CJ can help staff make sure guidelines are followed to pick the most qualified firm.

Commissioner Lyle Hillyard’s main concern is conflict of interest since the commission is an independent entity. Commissioner Karen Hale suggested staff to pick a firm that has great experience in public engagement, but also to consider firms that have experience with diverse populations as well.

Commissioner Lyle Hillyard motioned to move with the guidance that was received from Commissioner Hillyard then Commissioner Hale on the types of parameters that we want to be paying attention to. Commissioner Christine Durham seconded the motion.

*The vote was recorded as follows:*

*Commissioner Jeff Baker Aye*

*Commissioner William A. Thorne Aye*

*Commissioner Karen Hale Aye*

*Commissioner Christine M. Durham Aye*

*Commissioner Rob Bishop Aye*

*Commissioner Lyle Hillyard Aye*

*Chair Commissioner Rex Facer Aye*

*The motion carries unanimously.*

IV. Discussion of alternative locations for public hearings across the state - Rex Facer

The Commissioners discussed alternative locations for the upcoming public meetings in the month of September and October. Please refer to 27:23 of the recording to hear the whole discussion. The recording is posted to the Public Notice Website on the June 4 2021, post. <https://www.utah.gov/pmn/>