

CITIZEN'S REDISTRICTING COMMISSION

Hearing Room: Secretary of State Auditorium
1500 11th Street
Sacramento, CA 95814

THURSDAY, JANUARY 13, 2011
9:30 A.M.

Reported by:
Peter Petty

APPEARANCES

MEMBERS PRESENT: (* via teleconference)

Peter Yao, Chair
Cynthia Dai, Vice Chair
Gabino T. Aguirre
Vincent Barraba
Michelle R. Di Giulio
Stanley Forbes
Lilbert "Gil" Ontai
M. Andre Parvenu
Jeanne Raya
Michael Ward
Jodie Filkins Webber

MEMBERS ABSENT:

Maria Blanco
Connie Galambos Malloy
Elaine Kuo

STAFF PRESENT:

Dora Mejia, Secretary of State's Office
Cy Rickards, Counsel, Secretary of State's Office
Anne Osborne, Secretary, Secretary of State's Office

PUBLIC COMMENT:

Brian Lawson

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P R O C E E D I N G S

JANUARY 13, 2011 9:50 A.M.

CHAIRMAN YAO: Good morning, everybody. The time is ten to 10:00, I'm sorry we got started a little later than what was scheduled, announced. We ran into a little bit of logistic problem with parking and sort of a lot of other issues.

This is a continuation of the meeting that was started yesterday at 10:30. We discussed a number of items yesterday, went into closed session late in the afternoon, reported back at around 4:30, or 4:45 yesterday, and we're going to continue with the items that are on the agenda.

Before we get going, is there any announcement by staff for us to consider today? No? Okay.

MR. RICKARDS: Do you want to note that there are two Commissioners out of the country who will not be participating?

CHAIRMAN YAO: Let's do a roll call for the official record.

MS. OSBORNE: Commissioner Aguirre - Here;
Commissioner Barraba - Here; Commissioner Blanco - She is out of the country; Commissioner Dai - Here; Commissioner Di Guilio - Here; Commissioner Filkins Webber - Here; Commissioner Forbes - Here; Commissioner Galambos Malloy

1 - She is out of the country; Commissioner Kuo - Absent;
2 Commissioner Ontai - Here; Commissioner Parvenu - Here;
3 Commissioner Raya - Here; Commissioner Ward - Here;
4 Commissioner Yao - Here.

5 We have a quorum.

6 CHAIRMAN YAO: I trust we still have a quorum.
7 All right; thank you. Before we start the item on the
8 agenda, let me open up the mic to the audience, to the
9 public. If there is anything that you would like to
10 speak to the Commission on or off the agenda today,
11 please come up to the microphone.

12 MR. LAWSON: Let me just mention one thing, that
13 question I had yesterday about when the Secretary of
14 State needs the maps, and a woman from the office
15 mentioned that they need 158 days before the election the
16 maps for the people who want to file signatures in lieu
17 of filing fees, so 158 days. There is a Presidential
18 primary February 5th, I don't know if the State Primary
19 will be then, but if it was, that would put you in
20 September, so, really a serious deadline there to look
21 at.

22 Okay, these are some comments about holding
23 public hearings probably into the future that you may be
24 looking at farther in the future, so this is sort of
25 public comment maybe not that you'll be covering today,

1 but potential. And I'm aware that you haven't set limits
2 yet, so if I seem to go too long, just say, "Why don't
3 you just take a little break and not continue?" My name
4 is Brian Lawson, I teach Political Science at Santa
5 Monica College. On the hearings, I would suggest that
6 you do it by population, the Census numbers say about 37
7 million people in California, so if you had 37 hearings,
8 try to hit one million per hearing, and in more sparsely
9 covered areas, you might need to have more hearings
10 because they are more spread out. Different hearings
11 might have different questions, so, in sparsely populated
12 areas, it might be about stitching counties together, in
13 densely populated areas, how to cut counties and cities
14 apart so as not to divide communities of interest.
15 Something mentioned in the training, people might come up
16 and give impassioned statements about their neighborhood
17 community of interest, but then not give geographic
18 information - streets, things like that; the best case
19 scenario, have computers there, so they can look up their
20 Census Blocks, things like that. Identify all
21 communities of interest - very hard in California, so you
22 might want to have a priority, first, community of
23 interest protecting by the Voting Rights Act, second
24 community of interest that might be divided, those across
25 city or county lines, and then, third, all other

1 communities of interest - just one idea, just one idea.
2 You can have your own. Then, you'll have other types of
3 hearings about proposed maps, and there you probably want
4 to have a very specific process for getting input.
5 Again, you can't determine what people will say - in
6 public input, people can say anything, but you can give
7 them suggestions about what might be most useful. So, if
8 you think about the public comments that you've asked for
9 when you put out the slate for comment on December 10th,
10 you got back a lot of comments, I think there were 110
11 comments, but a lot of those just promoted or criticized
12 one individual, and you might find that you would have a
13 similar situation with the maps, where people would
14 criticize or, you know, something about one district, but
15 you're looking at a whole map, and so you would say, "Oh,
16 if you don't like this district, your comment will be
17 more useful if you tell us how to change the other
18 districts around it," because you can't change a district
19 without bumping another district, "...and why you think
20 your district map is better than the one the Commission
21 has put out," because then you might get comment that you
22 can really use. The Legislature and the Governor, you
23 might need to hit them up for more money, one way to
24 convince them to give you more money might be to say,
25 "Hey, we can only hold hearings in a few areas, but if

1 you give us more money, then more districts will be
2 covered." So, you might be able to pitch that. Written
3 and electronically submitted public comments might be
4 helpful, so a process for that, a very sort of clear,
5 specific thing, not just kind of post anything on the
6 Web, but how would you make the comments more directed
7 for you. You will hire experts, hopefully, to help you
8 with this process, and I would encourage you to really
9 get those experts to design the system on the front end
10 that will give you useful comments and information. So,
11 you know, think about the process that they suggest. If
12 there are just going to be, you know, three people go
13 down to Fresno and just show up, or are you going to be
14 more specific about how you're going to get comment there
15 and things like that. Redistricting, taking place
16 throughout the country, well, throughout the country, but
17 throughout the state also. Cities, counties, school
18 boards, every place where they do district rather than
19 have large elections, all doing redistricting. You can
20 piggyback on them, they will want to piggyback on you,
21 something to think about. You know, Commissioner
22 Aguirre, Commissioner Parvenu, people who are really
23 involved in city and county government, and others also,
24 are resources that will be really great in that area of
25 all these other redistrictings that are going on. Some

1 of them are almost of the size of your districts, some of
2 them are even larger. The L.A. County Supervisorial
3 Districts, about two million people, districts get
4 smaller from there, but they are kind of on the same
5 size, their time frame is a little different because they
6 have elections at different times, but it is something
7 that you really want to look into. You've already had
8 some people from San Jose reaching out, the third largest
9 City in California, the sixth largest County, Santa
10 Clara, you know, pick up on these people, creative and
11 effective people in government, you know, need to work
12 with all levels of government, you have great
13 representation here from Presidential appointees, you
14 know, to every level, and so take advantage of them.
15 Again, the Bureau of Audits has tilled the field, got
16 30,000 people interested. If you can go back and get
17 them, that would be great. And when you hold your
18 hearing to identify public interest, the cities,
19 counties, the school boards, will benefit from that and
20 so I think you can make a pitch and say, "Hey, you know,
21 you've got a City Council chamber with video set-up,
22 could we use it at a lower price?" Or whatever like
23 that. So, you want to reach out to all the opportunities
24 that you have out there. So, thank you very much. Good
25 luck.

1 CHAIRMAN YAO: Thank you, Mr. Lawson. All right,
2 seeing no one else approaching the microphone, I will now
3 bring the discussion back to the Commission. The next
4 item on the agenda is Item 3 [sic], the Commission
5 Governance, time for comments, establishing advisory
6 committees, per diem guidelines, and other governance
7 matters. I thought it would be appropriate to address
8 that item as our first item. And then, perhaps
9 immediately after that is a discussion on schedules for
10 future meetings, and I think that will allow us to better
11 understand the events that are coming up. Are there any
12 other suggestions in terms of where we get started and
13 how we should proceed? If not, let's go ahead and start
14 Item 3 [sic], let's talk about the Committee - or
15 Commission - governance.

16 **Item 3. [sic] Commissioner Governance, such as limited time**
17 **for comments, establishing advisory committees, per diem**
18 **guidelines, and other governance matters.**

19 CHAIRMAN YAO: It is a broad topic. If any
20 Commissioner has any one area that we want to start, would
21 you go ahead and propose it?

22 COMMISSIONER FILKINS WEBBER: As we have done
23 previously in I think our last public hearings before we had
24 the full Commission, is we were considering a motion for
25 limitation on public comments in order for us to work more

1 effectively. We certainly appreciate public comments and I
2 would ask that we consider at least initially for our
3 meetings to have a motion to limit that for this time. I
4 don't know if it's a motion that would pertain to all of our
5 meetings in the future, or it may be a reminder if we should
6 be doing it at each open public hearing, but I would suggest
7 that we move forward with at least some procedural matters
8 such as that.

9 CHAIRMAN YAO: Cynthia.

10 VICE CHAIR DAI: Do you have a suggestion? Should
11 we do three to five minutes? Because we can always extend
12 it.

13 COMMISSIONER FILKINS WEBBER: Sure. My
14 recommendation would be three minutes, is what I'm used to in
15 my own public hearings when I attend City Council.

16 VICE CHAIR DAI: Second.

17 CHAIRMAN YAO: Yes.

18 COMMISSIONER AGUIRRE: Yes, I think three minutes
19 is quite limiting in that, you know, it's true that we want
20 to get as many people up before us as possible, but there
21 will be some communities where the individuals will not be, I
22 think, that numerous, so I would opt for a three to five,
23 based on the number of speakers that would be available to
24 present evidence. And if the numbers are numerous, then, you
25 know, you could set that three-minute time limit; however,

1 given the count of individuals in the audience who want to
2 address the Commission, it would be good to give them a
3 little bit of extra time so that they can - so that we can
4 get the best information possible.

5 CHAIRMAN YAO: Are you interested in making an
6 alternate motion?

7 COMMISSIONER AGUIRRE: Well, I would say three
8 minutes, max, five minutes, something like that.

9 COMMISSIONER WARD: We're tailoring this motion to
10 just these hearings now, correct? This isn't universal for
11 all of our meetings, that's the way I understood the initial
12 motion. Is that correct?

13 COMMISSIONER AGUIRRE: Well, if I might respond, I
14 understood the motion to be a set standard that would apply
15 to hearings up and down the State.

16 COMMISSIONER FILKINS WEBBER: Yes, that was the
17 intent of my motion primarily because it is a procedural
18 matter that seems to be lost with all of our other important
19 business, and I think if we set a standard at this point, and
20 I would gladly amend my motion, even though I think I can do
21 that based on - well, unless there is further comment, I
22 think Stanley has something to say first.

23 COMMISSIONER FORBES: Stan is fine. No, just a
24 couple of comments about public comment. I think there are
25 two kinds of public comment that we're going to perhaps be

1 hearing, one is going to be a general public comment, I mean,
2 they don't want to talk about the specific information they
3 want to give us on their specific community of interest, but
4 they have a general comment. Those, I think, should be kept
5 to a shorter period of time there and I think the three
6 minutes applies. I think the other, I mean, the other we
7 would tailor to the number of people who want to speak. I
8 mean, if you have 200 people who want to speak and you really
9 want to get through them, you may only be able to do two
10 minutes, and that is just the reality. On the other hand, if
11 there's 10, then you have a longer opportunity to speak.
12 Another thing which I think perhaps the Executive Director
13 could facilitate was that, in a number of instances, I think
14 we're going to find where, if you will, communities of
15 interest want to speak for a group of people and, so, in
16 those instances where one person wants to speak for 10 or 20,
17 that we provide more time for that group to speak, because it
18 is actually a more efficient way of doing it. And so I think
19 that concept needs to be incorporated. We don't want to
20 force only individuals to speak for three or five minutes
21 when, in fact, someone represents a significant portion of
22 the community, and they have a more extensive presentation to
23 make.

24 CHAIRMAN YAO: Commissioner Aguirre.

25 COMMISSIONER AGUIRRE: Yes. I would concur and

1 agree with the comments that were just presented. Certainly,
2 a standard for organizational presentations, I can think of
3 several advocacy organizations up and down the state that
4 would probably have more demographic and geographic input
5 than perhaps the individual, and that would necessitate a
6 longer time period, perhaps Powerpoint presentations, etc.
7 etc. So, I think that, if we could incorporate that within
8 this motion, that would be good, or else leave the option
9 open for organizations to schedule themselves ahead of time
10 with the Commission, so that we could allocate a certain
11 number of minutes that might be available to them, above and
12 beyond what would be available to individuals.

13 CHAIRMAN YAO: My comment on this is, you brought up
14 Powerpoint presentations, generally that should be agendized
15 as compared to including that as part of the general comments
16 because that can easily get out of hand in terms of technical
17 difficulties, in terms of the duration. On the City Council,
18 we do have means to go beyond these standard requirements;
19 for example, if anyone at the Commission asks the speaker a
20 question, that in essence shuts down the clock, okay? And
21 you can go as long as you want. So, the standard doesn't
22 apply in that situation. And also, at any instant in time,
23 any of the Commissioners can propose that we waive that limit
24 for any particular speakers. So, the guideline is meant to
25 be just that. If there is no real exception, no real

1 justification to it, we try to adhere to the guidelines. And
2 also, another way of doing it is to reserve a block of time
3 for public comment, so if the total of all of the comments is
4 exceeded, whatever the time limit is, half an hour, an hour,
5 then that the remaining of the public comment would take
6 place at the end of the day, or end of the meeting, as
7 compared to allowing that to impact the schedule for our
8 meetings. So, there are a number of ways that we can do it
9 in addition to just setting a time limit for each of the
10 speakers.

11 MR. FORBES: It seems to me that most of what we
12 are going to be getting, though, is going to be public
13 comment when we're on the road, that is going to be the
14 essence of the meeting, and so, I mean, setting aside the
15 time, it's not necessary, because the whole meeting is
16 basically public comments.

17 CHAIRMAN YAO: Yeah.

18 COMMISSIONER FORBES: So, I think what I would
19 suggest is that we adhere basically to a three-minute limit,
20 as was proposed, with a recognition that, depending on the
21 number of speakers, that that number could be increased, and
22 that we would ask that the Executive Director, when he is
23 setting these meetings up, solicits in advance comments or
24 requests from groups that would like to address us for a
25 longer period of time, but probably not more than 15 minutes.

1 I think that you then begin to have an individual group
2 dominate whatever meeting is taking place.

3 CHAIRMAN YAO: Is that an alternate motion to what
4 Commissioner Webber had proposed?

5 COMMISSIONER FORBES: It could be - yes.

6 CHAIRMAN YAO: Would anybody like to second?

7 COMMISSIONER PARVENU: I will second that motion.

8 CHAIRMAN YAO: All right, we will have to vote on
9 the alternate motion first, before we vote on the initial
10 motion.

11 COMMISSIONER AGUIRRE: Could we restate the motion?

12 CHAIRMAN YAO: All right.

13 COMMISSIONER FORBES: The motion is that the basic
14 standard for individual comments will be three minutes. That
15 amount of time is subject to be extended, depending on the
16 number of individuals who wish to speak to us. The Executive
17 Director, at the time the meetings are set up, will find a
18 mechanism to solicit groups who would like to speak as a
19 group, and those presentations could be up to as much as 15
20 minutes, but not more. That is the motion.

21 MR. RICKARDS: Let me just ask a question because I
22 have no opinion here. Did you intend to mean the Executive
23 Director, or the Chair?

24 COMMISSIONER FORBES: The Executive Director,
25 because this is before the meeting takes place, when you are

1 developing -

2 MR. RICKARDS: Just so that was clear.

3 COMMISSIONER FORBES: Yes, or whoever the Executive
4 Director has do this, him or her, or staff.

5 COMMISSIONER PARVENU: Within that motion, I think
6 we should define what number constitutes a group, 10, 15, 20,
7 I think if that motion is modified a bit to define the
8 minimum number of persons that would be designated as a
9 group.

10 COMMISSIONER FORBES: I think, at this point, I
11 would leave that to the discretion of the Executive Director
12 because I think that is a very hard thing to quantify at this
13 time, personally.

14 COMMISSIONER RAYA: Now I remember what my question
15 was. So, any of these time limits are subject to waiver at
16 the time, including your group time, correct?

17 COMMISSIONER FORBES: I mean, all time limits are
18 subject to the waiver of the people holding the hearing. I
19 will say, however, that I would discourage presentation
20 [inaudible], that's from my personal experience.

21 VICE CHAIR DAI: I think the most important thing
22 is that we're trying to establish a standard guideline, and
23 so I think three minutes as a standard guideline for
24 individuals, obviously, if the room was empty, then it is a
25 waiver, if there are 200 people in the room, it is subject to

1 waiver, but we just want to give the public some sense of
2 being succinct. because we want to allow for a maximum
3 number of comments, if possible, whenever we do gather. I do
4 think the modification here with the idea of groups,
5 organizations that might have more substantive presentation,
6 I think that's a good rule of thumb, but I also think it's,
7 you know, definitely something that should be agendized if
8 they're going to be doing Powerpoints.

9 COMMISSIONER AGUIRRE: And I would add that it's
10 not something that we've already done here in these hearings,
11 but that that statement should be written, and it should be
12 read at the beginning of every hearing, and perhaps before
13 any continued meetings here, where you would inform the
14 public about what the public comment guidelines would apply.

15 CHAIRMAN YAO: All right, the alternate motion has
16 been moved and second. Are we ready to take a vote on it?
17 This is the procedure, if the alternate motion fails, then we
18 would go back to the original motion of what Commissioner
19 Webber had proposed, without the additions, the modifications
20 that were proposed by Mr. Forbes. So, we are voting on the
21 alternate motion at this point in time. Let's do a voice
22 vote.

23 MS. OSBORNE: Commissioner Aguirre - Yes;
24 Commissioner Barraba - Yes; Commissioner Blanco - [Absent];
25 Commissioner Dai - Yes; Commissioner Di Guilio - Yes;

1 Commissioner Filkins Webber - Yes; Commissioner Forbes - Yes;
2 Commissioner Galambos Malloy - [inaudible]; Commissioner Kuo
3 - [Absent]; Commissioner Ontai - Aye; Commissioner Parvenu -
4 Yes; Commissioner Raya - Yes; Commissioner Ward - Yes;
5 Commissioner Yao - Yes.

6 CHAIRMAN YAO: So, it is unanimous and that will be
7 our standard from this point on, and we probably should have
8 such a statement on our website for future references, as
9 well. All right, next item on the Commission is Governance.
10 Would anybody like to bring up a discussion topic?

11 VICE CHAIR DAI: I would like to propose that it is
12 fairly cumbersome to do the business of the Commission with
13 14 people each time, so I would like to propose a sub-
14 committee, an advisory sub-committee structure. There are
15 several functions that I think are fairly obvious and we can
16 discuss the exact composition, or not, but I would suggest
17 one committee kind of be a finance and administration
18 committee to deal with managing our limited budget and
19 resources, and working closely with the Executive Director on
20 getting contracts done, etc., another one should be a
21 technical advisory committee that will deal with matters such
22 as selecting what mapping software we use, which consultants
23 we might want to hire to deal with the technical matters, and
24 an outreach committee that will, of course, all of us will be
25 participating in outreach efforts, but one that actually

1 does the planning of it in conjunction with staff to
2 figure out how many we're going to do, what they're going
3 to look like, where they're going to be held, etc., and
4 to most importantly develop a schedule for the public
5 hearings. A legal committee that will probably work
6 closely with counsel, including helping to hire counsel
7 to deal with all of the legal issues surrounding
8 redistricting, and finally, a public information
9 committee that would work closely with our Public Affairs
10 Officer, making sure that we're consistent in how we
11 communicate with the public.

12 CHAIRMAN YAO: Commissioner Dai, would you care
13 to elaborate as to what your vision of a Commission is,
14 maximum number of membership, how often they meet, and -

15 VICE CHAIR DAI: Yes, I would propose, given the
16 structure of the Commission, that there be a minimum
17 number of three representative of the Democratic Party,
18 the Republican Party, and someone from Decline to
19 State/Other, and that in terms of maximum, I think it
20 becomes kind of unwieldy when you get beyond six people,
21 it kind of defeats the purpose of having a smaller
22 working group, but then again, I don't know if we need to
23 be as hard core about the - my feeling is this is a
24 voluntary gig for all of us, and if people are interested
25 and available and have the time and want to contribute on

1 multiple different committees, I think I would welcome
2 that. I would just say that, as a practical matter, it
3 becomes more difficult to meet. We clarified yesterday
4 with counsel that any of these committees are also
5 subject to Bagley-Keene requirements with advance notice,
6 14-day notice - well, I'm actually not clear whether it
7 is 14 days or 10, so if you can clarify that?

8 MR. RICKARDS: Just to be clear, we went through
9 this yesterday. If you have three or more members of a
10 committee, you're subject to Bagley-Keene; if you have
11 two, you're not. If you have a committee that you
12 delegate to, an idea that hasn't been mentioned yet, but
13 if they have delegated the powers, as long as there are
14 two or more people, they are subject to Bagley-Keene.
15 So, that's just something for you to consider. It's
16 obviously up to you and there are real logistical
17 advantages to having committees of two people, but they
18 may not satisfy what you want to get done. Does that
19 answer the question?

20 VICE CHAIR DAI: Well, the Voters First Act has a
21 longer notice period, as I recall.

22 MR. RICKARDS: Yeah, I'm not clear - I don't
23 think the Act is clear that the 14 days would apply to a
24 committee. I think you would be well served to get as
25 much notice as you possibly can, and 14 days whenever you

1 could. It's just not clear that - what is clear is the
2 committee is subject to Bagley-Keene; whether the
3 committee is subject to the 14-day notice, I'm not sure.
4 You have to sort of think in terms of there are policy
5 reasons you may want to do that, but that's up to you.

6 VICE CHAIR DAI: Yeah, so there might be a little
7 more flexibility in terms of the notice period, obviously
8 if we can give more notice, we should. But, you know, I
9 think there is another question as to whether, like the
10 full Commission, whether we would live stream all the
11 committee meetings, as well. I don't know if that is as
12 necessary, but at some point it becomes extremely
13 difficult for us to get business done if we can't meet in
14 smaller groups to work out a lot of the details. I do
15 believe the Voters First Act does not allow us to
16 delegate powers to any subcommittees, so these would all
17 be one proposing advisory subcommittees that would kind
18 of do a lot of the leg work and consider options and
19 alternatives and presented to the full Commission, and we
20 would vote on it as a full Commission.

21 CHAIRMAN YAO: A question on the logistics of the
22 meeting. Can, for example, phone conferences be
23 acceptable in such a meeting?

24 MR. RICKARDS: Well, again, you're subject to
25 Bagley-Keene, so if you're on the phone, it would have to

1 be in place that it's accessible to the public, and the
2 public can participate. There is no limit that, because
3 it's a committee, that you can't do it that way, but
4 whenever you anticipate one or more members of a body
5 being on the phone, then you have those logistics to
6 think of.

7 COMMISSIONER FORBES: I'm inclined, I mean, not
8 just for this purpose, but I think it would be useful for
9 our soon to be hired Executive Director to identify in
10 both Northern and Southern California a place where we
11 can videoconference rather than fly back and forth to
12 have a meeting in Sacramento, or in Southern California,
13 have a place where we can sit down, that the public has
14 access to, but that we can talk and see one another
15 through video cameras and have a subcommittee meeting
16 that way. I think it would be a lot more efficient and
17 cheaper. And surely that exists.

18 VICE CHAIR DAI: Yeah, and I think as long as it
19 is noticed, then it would be fine.

20 COMMISSIONER FORBES: Exactly.

21 VICE CHAIR DAI: I am just thinking logistically,
22 we have so much work to get done right now and, of
23 course, we weren't able to notice the public on committee
24 meetings since they were just proposed, but I think it
25 would be useful for us to form these committees now,

1 figure out who is interested in serving on which
2 committees, we obviously have many Commissioners with
3 multiple skills, and varying levels of availability,
4 which I think is fine because we're all going to
5 participate, I know, to the extent possible in the public
6 hearings, whether people want to be part of the planning
7 of that, but the subcommittee, I think, is an individual
8 choice, but I think we should see if we have the kind of
9 make-up that we need for these subcommittees, and then
10 basically be able to give staff some direction so we can
11 start the public notice because, if we go with 14 days,
12 the block is ticking.

13 COMMISSIONER FORBES: I do think these are good
14 categories.

15 CHAIRMAN YAO: Commissioner Aguirre.

16 COMMISSIONER AGUIRRE: Yes. I know it was
17 suggested and I thought it was a great idea that we use
18 the UC and CSU system and the Community College system,
19 which are already, I think, most of them are wired for
20 not only video conferencing, but for livestreaming, as
21 well. Certainly there are some communities around the
22 state who may have very minimal contact with the higher
23 education system, and that might not be applicable for
24 outreaching to them, so, in that regard, then, we would
25 go to what I would term community-friendly sites where

1 certain communities kind of congregate and feel
2 comfortable with, and it might be that local elementary
3 schools and public high schools and community centers
4 might be a better venue for that. But, given the limited
5 resources that we have, I think that we should take
6 advantage of the UC, CSU, Community College System, as
7 venues, given that we could probably get those free of
8 charge. And another very good suggestion, I thought, was
9 that that would allow us to engage the student community,
10 and it becomes kind of a learning opportunity, as well,
11 in addition to giving them an opportunity to weigh in on
12 the future of California.

13 CHAIRMAN YAO: All right, it has been proposed
14 that we have five - is that the right number -
15 subcommittees, identified by Commissioner Dai. Are there
16 any further suggestions in terms of increasing or
17 decreasing from this quantity, five, at this point in
18 time?

19 VICE CHAIR DAI: I just want to clarify that I
20 think the Commission should feel free to form ad hoc
21 committees as we need, so these are just some that I
22 think might be ongoing.

23 CHAIRMAN YAO: But what is on the floor right now
24 is the initial five, right? Okay.

25 COMMISSIONER PARVENU: My assumption in looking

1 at these subcommittee categories is that any one of us
2 can serve on multiple committees.

3 VICE CHAIR DAI: As much as you have time and
4 interest and ability to contribute.

5 COMMISSIONER ONTAI: I think these five are
6 excellent suggestions to start off with.

7 COMMISSIONER DI GUILIO: I think it makes this
8 process much more manageable and it allows us and staff
9 and the public to have more of a face, instead of 12 to
10 14 people, this will really provide, I think, a little
11 more access and a little more efficiency in the process.
12 And, in particular, under tight guidelines, it is what we
13 need right now. Thank you, Commissioner.

14 CHAIRMAN YAO: Any additional thoughts, comments,
15 on the subcommittee governance structure?

16 COMMISSIONER FORBES: I would move that we
17 establish these five subcommittees for the Commission.

18 VICE CHAIR DAI: Second.

19 CHAIRMAN YAO: All right, it's moved and second.

20 Let me open the floor mic to anybody that is in the
21 audience who may be interested in commenting to the
22 Commission on the proposal of having initially five
23 subcommittees to handle the workload that we have. All
24 right, we'll bring the discussion back to the Commission.
25 Are there any further discussion? And if not, we'll go

1 to the vote. All right, let's have a roll call, please.

2 MS. OSBORNE: Commissioner Aguirre - Yes;
3 Commissioner Barraba - Yes; Commissioner Blanco - [Absent];
4 Commissioner Dai - Yes; Commissioner Di Guilio - Yes;
5 Commissioner Filkins Webber - Yes; Commissioner Forbes - Yes;
6 Commissioner Galambos Malloy - [inaudible]; Commissioner Kuo
7 - [Absent]; Commissioner Ontai - Aye; Commissioner Parvenu -
8 Aye; Commissioner Raya - Yes; Commissioner Ward - Yes;
9 Commissioner Yao - Yes.

10 CHAIRMAN YAO: So, again, a unanimous vote on this
11 item. Thank you. Anybody like to propose the next topic?

12 COMMISSIONER FORBES: Yes, I would like to talk
13 about - it is probably one that we've all, or at least most
14 of us, have had to address at one point or another, is the
15 question of media relations. I mean, I know, as I've gotten
16 several requests to go on the radio and be informed, and I've
17 declined them pending a discussion with the Commission as to
18 what we should say, or whether we should do it, or just how
19 you want to handle that, and I just wanted to raise that as
20 an issue.

21 VICE CHAIR DAI: We're going to have a public
22 information committee, soon.

23 COMMISSIONER FORBES: But if we have to give 14
24 days' notice, it might be a month before they're ready to -
25 so, I just wanted to raise the issue. How do people feel

1 about that? I mean, my sense is that, so long as all we say
2 is what has been said publicly, and we could just use it as
3 another venue, and the procedures that we're talking about,
4 no substance, then I think we're probably okay, but I just
5 wanted to see what other folks had to say, or just, Cy?

6 COMMISSIONER BARRABA: That is the approach I've
7 used when I've been called. I've said, "All I can talk to
8 you about is what's already been done. I can't project
9 what's going to be done." That usually turns off the
10 interview.

11 COMMISSIONER FILKINS WEBBER: Well, we must also be
12 conscience of the fact that any individual that may be
13 considering contact with the media be concerned about the
14 type of information that may be related to you, other than
15 just questioning. Each Commissioner member must keep in mind
16 that you cannot accept information concerning redistricting
17 outside of a public hearing, so, to the extent in which a
18 media member might try and provide you information for
19 further comment, to just keep in mind that you must refrain
20 from engaging in that, or even considering the information
21 that is brought to you. And when that happens in a verbal
22 forum, that is a little more precarious, to keep that in
23 mind, as well.

24 COMMISSIONER DI GUILIO: I guess I would venture to
25 say that I think that's probably better for us to err on the

1 side of caution. It doesn't mean that we don't have to,
2 Commissioners may not have to be involved with radio or
3 newspaper, but I think if there is ever an issue, I have been
4 inclined to err on the side of lightly declining. I think we
5 represent the larger face of the Commission and, again, for
6 me personally, I've taken that tact. I think other
7 individuals may be a little more eloquent than myself, so
8 might be able to navigate those intricacies that have been
9 mentioned, but it's kind of a tricky line, I suppose. The
10 perception is everything and I think that sometimes we don't
11 have control of someone else is providing this information,
12 or asking us questions that might put us in an awkward
13 position.

14 COMMISSIONER BARRABA: It just occurred to me that
15 you might want, if approached, say we - because of the rules,
16 we are putting together a process to allow us to do a better
17 job of communicating through the press, and then that way it
18 doesn't sound like you're trying to hide, which is not our
19 intent.

20 COMMISSIONER FORBES: We can make reference to the
21 fact that we've created the subcommittee to have that met,
22 but that we'll be handling media contacts.

23 CHAIRMAN YAO: During the month of December, I
24 think the number of us tried a number of different approaches
25 in addressing this media issue. I think one that I found

1 somewhat effective is, at the conclusion of a formal meeting
2 such as this, to come together, or maybe we can even do it
3 while we're in session, come up with a press release type of
4 format with bullet points, so those are the things that we
5 should touch upon whenever we talk to the media, is to get
6 the latest information to them, so at least that will address
7 the completeness of the message. And one additional thought
8 I have, this is strictly a personal thought, it has not been
9 proposed or discussed with anybody else, is perhaps coming up
10 again on a very regular basis, come up with a presentation
11 package, perhaps, something approaching a half hour
12 presentation for a thorough package, Powerpoint, perhaps,
13 again covering everything that has been discussed and decided
14 by the Commission up to that point in time, and then perhaps
15 a elevator speech version, let's say a five-minute version,
16 so that if the radio calls you up and don't give you any
17 time, at least you're ready to repeat that message and, in
18 essence, conveying the bulk of the same message in the major
19 presentation package. So, that does involve a little bit of
20 preparation ahead of time in terms of making an effort to
21 very concisely and carefully summarize. Perhaps this could
22 be part of the staff activity, but it could also be our
23 activity, as well. So, that perhaps would be one way in
24 terms of allowing all of us to speak to the Press with a
25 uniform voice.

1 COMMISSIONER AGUIRRE: And I would suggest that the
2 practical context for all interviews is an opportunity for
3 community outreach, so that, within whatever statement we
4 draw up, whether it is written or understood to be delivered
5 in a standard way, that we should make, as one might say, a
6 shout-out for community participation and use this as an
7 advocacy piece for participating in the process. Also, of
8 course, we're communicating in English right now, but that
9 those of us that are bilingual or multi-lingual, that we will
10 certainly have a very special role to play in outreaching
11 with media outlets that are language specific to those types
12 of communities. So, it's a daunting task, but we can do it,
13 we can organize it, I'm glad we're having this discussion
14 because this is a very important piece.

15 VICE CHAIR DAI: Yeah, I think it will be easier
16 when the Outreach Committee has established a schedule, and
17 so when people try to give us redistricting information, we
18 can say, "Please come to the next hearing."

19 CHAIRMAN YAO: All right, until such time the
20 Outreach Committee is in place, Stan, would you like to move
21 - would you like to make a motion to adopt a certain set of
22 practices?

23 COMMISSIONER FORBES: I think the motion I would
24 make is that it will be our practice as a whole Commission to
25 prepare at the end of our Commission meetings, and there are

1 multiple days, and it is the end of a multiple-day, a
2 statement as to what we have achieved and what we have talked
3 about, and decisions we've made, so that we all have the same
4 piece of information on which to base any media contacts that
5 we have. And I do think, and I think you're correct, that in
6 every opportunity, I mean, this is a part of it, too, that at
7 every opportunity we need to encourage the public to
8 participate, and that needs to be part of every meeting
9 message. That's the lengthy motion.

10 COMMISSIONER ONTAI: Well, I'll shorten it and
11 second it.

12 CHAIRMAN YAO: It's moved and second. So, let me
13 at this point open up the floor mic to the public, if the
14 public would like to chime in on this discussion or make
15 further suggestions or comment on what we have discussed,
16 please come up to the microphone. All right, seeing no one
17 approaching the mic, I'll bring it back to the Commission for
18 further discussion, initially. Any additional comments?

19 COMMISSIONER WARD: Just curious, who is going to
20 be responsible for creating that?

21 VICE CHAIR DAI: I would suggest that our Community
22 Affairs, Public Affairs Officer, would probably be
23 responsible for creating that in conjunction with the Public
24 Information Committee.

25 COMMISSIONER WARD: But who is going to do it today

1 for this set of meetings?

2 VICE CHAIR DAI: I did it last time, so...

3 COMMISSIONER FORBES: And you did such a good job.

4 VICE CHAIR DAI: I was going to volunteer

5 Commissioner Ward to do that.

6 COMMISSIONER WARD: Great, thank you. And as far
7 as the Public Information Committee, do we envision that all
8 media contact be reported to them?

9 VICE CHAIR DAI: Again, I would suggest that we
10 coordinate that through staff and that this Committee is
11 formed to work with the staff person who will be responsible
12 for dealing with Media Relations.

13 COMMISSIONER WARD: Okay, I'm just wondering if
14 this motion is going to in any way help streamline what media
15 contacts, so, again, kind of like Ms. Filkins Webber was
16 saying, we don't have a shotgun approach to our media
17 outreach, but more of a controlled, targeted effort. I'm
18 wondering what device we can build into this motion to help
19 ensure that.

20 COMMISSIONER FORBES: Well, that was the purpose of
21 having us prepare a statement at the end of our meetings, so
22 we all have a consistent message.

23 COMMISSIONER WARD: So that tailors the message
24 well. How about media contact?

25 COMMISSIONER FORBES: I think, at this point, it's

1 more media contact with us. That's really my concern and I
2 think we'll have our committee in place and our staff at
3 hand, as well, that it will go the other way, but I think
4 this is for our current situation, I think.

5 VICE CHAIR DAI: Yeah, and once we have a Public
6 Information Officer, then, believe me, the media will be
7 contacting that person. I mean, we're all getting
8 individually contacted right now because there is no staff in
9 place, so there are a lot of things that are happening now
10 because we're not quite set up yet.

11 COMMISSIONER WARD: Okay, yeah, I was just
12 wondering if we wanted to build any of the definitions for
13 that media contact into this motion or not. So, at this
14 point, we can all go ahead and respond to those requests at
15 will, with the guidance of a press release, okay.

16 COMMISSIONER PARVENU: I just wanted to elaborate
17 on public information, that I know this is technical and this
18 will probably take care of itself when we have our
19 Communications or Public Information Officer, but this
20 involves also the creation of brochures and distribution
21 materials that we'll all agree upon, that staff will
22 certainly take care of with the accompanied budget to go with
23 it. Okay, I just wanted to be clear.

24 VICE CHAIR DAI: Which might be it's all electronic
25 on the website.

1 COMMISSIONER PARVENU: I just wanted to clarify
2 that.

3 CHAIRMAN YAO: All right, seeing that the
4 discussion has come to a halt, let's do a roll call on this
5 motion that is before us.

6 MS. OSBORNE: Commissioner Aguirre - Yes;
7 Commissioner Barraba - Yes; Commissioner Blanco - [Absent];
8 Commissioner Dai - Yes; Commissioner Di Guilio - Yes;
9 Commissioner Filkins Webber - Yes; Commissioner Forbes - Yes;
10 Commissioner Galambos Malloy - [inaudible]; Commissioner Kuo
11 - [Absent]; Commissioner Ontai - Aye; Commissioner Parvenu -
12 Yes; Commissioner Raya - Yes; Commissioner Ward - Yes;
13 Commissioner Yao - Yes.

14 CHAIRMAN YAO: All right, this motion passes
15 because we have a unanimous amount of those who are present.
16 All right, the next item on the governance.

17 COMMISSIONER BARRABA: Peter, you or everybody was
18 handed out a little flow chart and I think this is maybe
19 complimentary to the discussion -

20 CHAIRMAN YAO: Could you speak a little closer to
21 the mic, please?

22 COMMISSIONER BARRABA: This is very consistent with
23 the discussion we just had on committees, and in this case,
24 there was a Technical Committee, which we've agreed we ought
25 to have. This is an example of how we might be able to have

1 a small group with specific capabilities in place to respond
2 to the needs of the entire Commission, and this is initial
3 thoughts, and this is not a proposal, this is just to get the
4 conversation started, so we would, in essence, we have
5 already committed to conduct these outreach programs and that
6 would be to determine what citizens' preferences are, and
7 then, based on that, our Commission defines preferences into
8 alternative ways of looking at redistricting. The Technical
9 Committee would then identify alternative ways of responding
10 to those requests, which the CRC then could engage with the
11 outreach as to what do you think about what we just put
12 together. The important thing here is you see a bunch of
13 return flows, because my guess is the experience that we'll
14 have, particularly initially, is that that's not what we
15 meant. Or, "Now that I see what you've done, oh, wait, no, I
16 think we ought to do it another way." And so, this Technical
17 Committee should be in the position to be very responsive to
18 the kinds of questions they are going to be raising. I think
19 this will happen to all of the committees. We should be
20 positioned to make sure that the Commission is the one who
21 gives the direction to the Committee, and then the Committee
22 responds to the Commission, then the Commission says, "Yes,
23 you've heard us right," or, "Now that you've explained
24 something to me, yeah, I think we ought to change the
25 direction." And at that point, then it's up to the

1 Commission to go back to the Outreach Program and say, "This
2 is the direction we plan to be taking," and get reaction to
3 that. And then, based on that reaction, then we would come
4 up with the best solution to the approach. And I think the
5 point was made by Commissioner Dai is that, when these
6 requests are made by a particular committee, you're not going
7 to have to get all 14 people in the room each time a change
8 is needed, a group of people who can get something done real
9 quickly, and that's why I think you don't have to - to the
10 extent we can - avoid some of the video - streaming video and
11 things of that nature on some of these activities, while
12 you're coming up with the possible solutions that I think
13 will facilitate our ability to move forward.

14 COMMISSIONER FILKINS WEBBER: I have one question,
15 Commissioner Barraba. The fourth box, which indicates
16 following the initial outreach, then your preferences, and
17 then going to the technical team, for instance, what you have
18 here to identify alternative maps; and then, in the fourth
19 box where you're stating that CRC engages in another outreach
20 program to gain citizen reaction to alternatives, that's the
21 only box that I believe we might have some concern about
22 because we are obviously going to be presenting them the
23 maps. I don't know if we're considering the first set, let's
24 say, and get public comment on - in other words, I guess my
25 point is that it looks like you're going back to the same

1 outreach plan that you're considering in Box 1, which appears
2 to be duplicative, I'm worried about budgetary concerns. Are
3 you suggesting some other alternative in Box 4? What are you
4 really looking at there, and in that you're not duplicating
5 efforts from Box 1?

6 COMMISSIONER BARRABA: Yeah, this does not
7 necessarily mean that we'd have to go out and have a bunch of
8 community meetings, this could be through publicity, through
9 the website. We would go to the Public Information team and
10 say, "How would you like - what is the most effective way of
11 letting them know the direction that we're taking?" So, it
12 doesn't have to be a whole traditional outreach as you would
13 have in Box 1.

14 COMMISSIONER FORBES: I just want to comment that
15 I'm not sure, though, that we shouldn't do that, I've just
16 been pondering as to whether, in order to really make the
17 public feel like they're engaged, is that we don't - when we
18 decide how many places we're actually going to, that we
19 basically double-schedule each location - once, to hear their
20 initial input, and once to go back to show them how we
21 incorporated what we think they said, and give them a chance
22 to actually comment on it. I think that to ask them through
23 a website is hard.

24 COMMISSIONER BARRABA: Right, and that's why I
25 think we have to sit down and that's why I have the box

1 there, is we haven't figured out how we're going to do it, we
2 just know that we have to let people know that we heard them,
3 and make sure that they understand it, that what we brought
4 forward is really reflective of what they ask for.

5 One other topic I'd like to bring up --

6 CHAIRMAN YAO: Let's stay on this topic until we
7 bring it to a conclusion. This is interpreted as a set, a
8 guideline given to the Outreach Committee initially, is this
9 something that you want to consider as an overall project
10 planning process? What is your intent in discussing this
11 flow at this point in time?

12 COMMISSIONER BARRABA: The reason I put it together
13 for my own purposes was that, you know, my feeling is that
14 I'd like to participate in the Technical Committee and, in
15 doing that, I was trying to figure out how I could do that in
16 such a way that it would be responsive to the requests of the
17 entire Commission. Whether this would apply to other
18 committees, that's up to us to decide, but it's one way of
19 thinking about how we might want to go about using this
20 committee structure to make sure that the Commission is
21 thoroughly involved in all activities.

22 CHAIRMAN YAO: Commissioners, how would you want to
23 discuss this redistricting process? Shall we basically take
24 one model at a time and discuss it? Or do we want to
25 agendize it at a future meeting so that we come up with a

1 definitive model that we can concur and proceed? I guess I'm
2 trying to think out loud as to how we want to move forward
3 with this process flow concept.

4 COMMISSIONER FORBES: Well, it seems to me that
5 Item 8 in our agenda would be the place to talk about that
6 discussion and action regarding redistricting matters.

7 CHAIRMAN YAO: So you want her to expand on the
8 process during Item 8, all right.

9 COMMISSIONER DI GIULIO: Why don't we take what
10 Commissioner Barraba has already created here, and maybe we
11 can put it into, then, Item 8, and this would be a good model
12 to start with and it might be in conjunction, at some point,
13 as well, as the subcommittees get that, as they understand
14 their tasks and how theirs are going to be taking place,
15 those could also fit into whatever model is created.

16 CHAIRMAN YAO: Mr. Barraba, since we're going to
17 discuss it in greater detail in Item 8, are there any
18 objectives you want to accomplish as part of the Commission
19 Governance?

20 COMMISSIONER BARRABA: I just wanted to get it out
21 and on the table, in essence, for a discussion and as a way
22 of thinking about it. I don't think we need to take any
23 action.

24 CHAIRMAN YAO: All right. Thank you. Mr. Forbes.

25 COMMISSIONER FORBES: Yes, thank you. When we were

1 the band of eight, Commissioner Raya brought up what I think
2 is an important consideration for all of us, and that was how
3 we're going to score our per diem evaluation. I mean, the
4 advice I got from counsel at the State Auditor's Office was
5 that it is sort of the honor system and, you know, it's up to
6 you to decide whether to put in time or not. For the public,
7 we are each paid \$300 a day that we spend on Commission
8 business, but just what a day is, is somewhat flexible, shall
9 we say? And so, Commissioner Raya had brought up the issue,
10 she wanted to be sure that the public is going to get its
11 money for it, so I just wanted to sort of see whether we
12 wanted to, in our own minds, I mean, it's not going to be a
13 rigid thing, but in our own minds what we think we should be
14 doing to justify our per diem.

15 COMMISSIONER RAYA: Well, yeah, I brought it up
16 kind of from looking at it from the point of view as a
17 business owner - you are, too - what I would consider a
18 minimum work day, you know, considering, of course, people
19 have lunch, they take breaks, they chit chat a little bit,
20 whatever it is. A little harder to do when each of us is out
21 back in our own office, or home, doing the things we need to
22 do in preparation for the meetings. It's obviously easy to
23 measure what a day is when we're all sitting here for many
24 many more hours than a regular work day might actually be,
25 but my thought was that six hours and not necessarily in one

1 day, but I have been trying to look at it for myself
2 cumulatively, so when I reach six hours, then I say, "Okay, I
3 have a day," and try to account for it in that way. I think
4 anything less is, in my opinion, just not right. But maybe
5 somebody disagrees.

6 CHAIRMAN YAO: Having worked in a corporate
7 environment for 30-some years, the standard I have always
8 adhered to -- by the way, I worked for the same company for
9 30-some years, so there is only one standard I'm familiar
10 with -- is that, if on a given day, a day is defined as a
11 "work day," if we exceed four hours of activity, then the
12 corporation would allow us to define that as a full work day.
13 Anything short of it, you basically get zero, it doesn't
14 carry over to the next day or anything, as such. It's very
15 well-defined. On Monday, if you get three and a half hours
16 in, then you're not qualified to be compensated for anything
17 associated, but if you exceed four hours, then you're
18 entitled to receive benefit, things including meals and
19 things of this nature. So, that is the environment I grew up
20 with and I found it to be a reasonable set of guidelines, so
21 if you want to consider that, I would offer that as a model.

22 COMMISSIONER RAYA: Well, the only thing - the only
23 reason I find that somewhat - the reason I looked at it as
24 sort of accumulating hours is that, for example, when we were
25 reviewing "the band of six," you know, I would be at work, I

1 would be doing my work work, and then I would set aside two
2 hours, okay, I'm going to shift gears here and I'm going to
3 spend two hours doing what I need to do for the Commission,
4 and then I'd go back to doing my work, and then in the
5 evening maybe I'd spend two more hours, so I had a long work
6 day, but it was not a long Commission work day, in my
7 opinion. So, then, the next day, I would put in two hours
8 and that is when I would draw the line. To me, it's like I'm
9 looking at it, just trying to look at it as I don't think
10 four hours, honestly, that doesn't sit right with me, four
11 hours, as a day. But that's just to explain, you know, we're
12 not in a structure like you are in your job, so that's why I
13 tried to think of a number that was - eight hours, that's
14 really a lot, but six, to me, fits with my concept of a work
15 day.

16 VICE CHAIR DAI: And I think the idea of
17 accumulating is important for us because we are Citizen
18 Commissioners and most of us, I mean, several of us own
19 businesses, and other people have jobs, and we are trying to
20 fit this in, so I think we are going to need the flexibility
21 to look at an hour here, two hours there, what have you.
22 But, personally, I check e-mail, you know, I'm not going to
23 count the 15 minutes I looked at e-mail one day as a "day."
24 I mean, that's ridiculous. So, I do a similar kind of math
25 in my head in kind of thinking, okay, yeah, you know, "Over

1 the last week I've put in so many hours, and do I count that
2 as a day or two, or what have you?"

3 COMMISSIONER BARRABA: Good. And, Peter, I think
4 the notion of accumulating is good because it's easier to
5 document it than say that I put in two hours one day and four
6 the next, that's one day, and then move on to the next, the
7 accumulation. So, I would support that notion, Commissioner
8 Raya.

9 COMMISSIONER FILKINS WEBBER: In this discussion,
10 and obviously the manner in which it is identified on the
11 agenda, are we - was Commissioner Forbes' intent just to open
12 up this discussion so we have a general understanding? Or
13 was there going to be any action regarding proposed
14 guidelines that the Commission members should consider?

15 COMMISSIONER FORBES: Actually, my intent was just
16 to end up with the standard that we would adopt, not so much
17 for our purposes but I think that, again, we need as a
18 Citizens' Commission, we need to demonstrate to the public
19 that they're going to get their money's worth in a formal
20 way. So, I'll let you make the motion.

21 COMMISSIONER FILKINS WEBBER: Then I do have one
22 other -

23 COMMISSIONER FORBES: Okay.

24 COMMISSIONER FILKINS WEBBER: Based on your
25 response to my question, then, I certainly agree with

1 Commissioner Dai that I like a cumulative fashion, as well.
2 That is somewhat what I have been doing primarily because,
3 and she is, as well, I am also working full time and
4 certainly set aside possibly an hour or two, or maybe even up
5 to three, and can't get to necessarily six hours, or maybe
6 even four hours in one day, so I certainly like the
7 cumulative fashion and, in my experience, based as an hourly
8 paid defense attorney, I do go on six-minute increments, but
9 - I do - and in most of my career, I have done that, as well
10 - but looking at that, my experience also has been in looking
11 at my practice, and looking at the day, what constitutes a
12 day, and even working with my clients, I have also in my
13 experience with many of the firms that I have also worked
14 for, and in my current position, looked at four hours also as
15 being a generally set standard as a day. I have no objection
16 to extending it to six if we look at it in a cumulative
17 nature, and that is just my opinion on that. Thank you.

18 COMMISSIONER RAYA: Well, then, I will move that we
19 adopt as a standard for our per diem compensation that each
20 accumulation of six hours spent on Commission business, and
21 as I'm saying this, something else is occurring to me - okay,
22 let's try it - constitutes a day, and that each day spent in
23 public session constitutes a day. Okay.

24 VICE CHAIR DAI: I second that.

25 COMMISSIONER PARVENU: I would like to further

1 define, okay, in addition to the quantitative aspect of what
2 a day is, in terms of a number, in terms of qualitative, the
3 types of activities that would constitute what "work" is, I
4 know in preparing for this session, I spent hours reading
5 background materials and I don't know whether or not that's
6 considered working, doing Commission-related work. Of
7 course, phone calls, or preparing documents, or creating a
8 tangible product, of course, would constitute what Commission
9 work is; phone calls, radio, appearances, preparing
10 documents, is still sort of vague to me as to what we
11 collectively define as "work." I read on my own, I'll read
12 documents on California, or newspapers, or Internet, is that
13 working, doing Commission-related work? Or is that just
14 casual leisure - reading, something that I'm just doing
15 because I just want to educate myself, or be aware? Or is
16 that actually Commission-related work, per se? I'm still a
17 bit vague as to what we collectively view as work and what is
18 attributed towards the end product, which is producing these
19 four maps on time. I'm fine with the motion, I just want to
20 leave this session with a clear definition of what work is.

21 COMMISSIONER FILKINS WEBBER: From my perspective,
22 any - what I've seen and what I personally put down on my per
23 diem is, when we were obligated to take particular action
24 based on decisions made by the Commission as a whole, for
25 instance, reviewing Executive Director applications, but

1 personal education on matters to familiarize yourself, for
2 instance, obviously I did legal research to address some of
3 the issues concerning this Act, I did not bill for that -
4 well, my terminology is a little bit - I did not consider
5 that, I felt that we all come to this Commission with each of
6 our own individual interest, so, from my perspective, it is
7 obviously travel, it is obviously Commission meetings,
8 obviously necessary information or documentation presented to
9 us, reviewing public comments, reviewing e-mails related to
10 business vs. discussion other personal matters such as where
11 we might meet, or at a hotel or something like that. But I
12 think educating yourself does not necessarily - I would not
13 consider that inclusive among Commission business because
14 that is far reaching and we certainly may feel - I,
15 personally, feel that I do want to look into quite a few
16 other matters, but I don't feel that it's something that we
17 should bill to the Commission, primarily because if we were
18 required to have that knowledge before, maybe we wouldn't all
19 be here. But I don't think it's financially and fiscally
20 responsible to charge the Commission for things that you're
21 going to educate yourself on. So, I would be looking at
22 general directives from this Commission in the work that you
23 perform in achieving those objectives either in your
24 individual committee meetings, and not personal education.

25 COMMISSIONER WARD: Yeah, I would just like to add

1 that certainly, we had training yesterday, there is some
2 educational exposure, educational things that need to be
3 done, that would be, to me, appropriate to put on the dole.
4 I also think that, like you said, if we apply just customary
5 standards from corporate standards and military standards,
6 you know, you kind of answered the question, if you are doing
7 leisure reading, that's leisure reading. You know what I
8 mean? If you're doing work in support of the Commission,
9 it's just that. I mean, there's no way to nail down every
10 task that we can see down the road coming, there's no way to
11 define and spell that out, but ultimately, I would see it
12 very simply defined as, if your tasks that you're doing,
13 which you're accomplishing, is in direct support of
14 Commission business, that's work. You know, if it's not, if
15 it's a personal pursuit, or a personal interest, or an area
16 that you feel you need to bone up on, whatever the case may
17 be, well, that would not be. It seems like that is a pretty
18 good standard without, like I said, trying to nail down every
19 specific task, or every possible situation, you know, that is
20 it or is it not billable.

21 COMMISSIONER RAYA: I just want to say something, I
22 guess, a little more on the philosophical side about this
23 because it's not as simple as the paycheck you collect at
24 your job. But, you know, we all came in to this out of a
25 conviction that it was an important task to accomplish for

1 the benefit of the State, of the citizens of the State. We
2 have all done volunteer work before and usually not one where
3 you do get a per diem, but you know, we've all done volunteer
4 work and you know that there are just some things that you go
5 into and you go into them because you have that passion,
6 which is what Cynthia looks for, and a commitment to it, and
7 so you know there are some sacrifices you're going to make.
8 It may be the fact that you're away from home, it may be the
9 fact that you're not tending to your own business or
10 employment, but that's the choice we made. We also came into
11 it, I think, with a certain amount - we came into it with
12 certain skills, some with different levels of background
13 information, and I think that's just incumbent on us as
14 individuals to make sure that we are prepared to do the job,
15 whatever that takes, but we're all in a different place, so
16 there is absolutely no way to measure, you know, how much
17 math I would have to study, or maybe somebody else having to
18 become more familiar with the law or something, but that's
19 just - we're sort of thrown into this and I think our biggest
20 responsibility is to make the most of the budget we have and,
21 you know, take it from there.

22 COMMISSIONER FORBES: I don't know if this
23 clarifies it or not, but it's sort of my test; if I'm simply
24 curious, or I'm simply interested, that doesn't go on the
25 clock. If it furthers the specific goal, is a better nexus,

1 to use a good legal word, a better nexus between what I'm
2 doing and the Commission's work, then it goes on the clock.

3 CHAIRMAN YAO: All right, there's a motion on the
4 floor and it has been seconded in terms of defining how we
5 should submit our per diem. Does anybody need any further
6 clarification on that? All right, if not, then let me open
7 up the discussion to the audience. Would anybody like to
8 comment on the per diem definition that we have proposed?
9 All right, if not, let's do a voice vote on the motion that's
10 on the floor.

11 MS. OSBORNE: Commissioner Aguirre - Yes;
12 Commissioner Barraba - Yes; Commissioner Blanco - [Absent];
13 Commissioner Dai - Yes; Commissioner Di Guilio - Yes;
14 Commissioner Filkins Webber - Yes; Commissioner Forbes - Yes;
15 Commissioner Galambos Malloy - [inaudible]; Commissioner Kuo
16 - [Absent]; Commissioner Ontai - Aye; Commissioner Parvenu -
17 Yes; Commissioner Raya - Yes; Commissioner Ward - Yes;
18 Commissioner Yao - Yes.

19 CHAIRMAN YAO: All right, four times in a row we
20 got a unanimous vote by those who are present. All right,
21 any other item that we want to discuss in terms of the
22 Commissioner Governance?

23 VICE CHAIR DAI: I just want to suggest that the
24 practical thing to implement, the Committee membership, is
25 that each Commissioner kind of jot down which committee or

1 committees you are interested in participating in, and also
2 which ones you are willing to participate in. So, I want to
3 clarify because some, you may be personally interested in,
4 and some you may have the skills for and are willing to be
5 tapped. And then we can ask staff to assist us and make sure
6 we have the right composition for the committees.

7 CHAIRMAN YAO: Shall we come back this afternoon or
8 Friday, and pin down the membership? All right, thank you.
9 Any additional items?

10 COMMISSIONER FORBES: Actually, I was going to
11 suggest that we, today, give staff the numbers so that
12 tomorrow we can see how well we do and if we have to juggle
13 the membership.

14 VICE CHAIR DAI: Or even this afternoon.

15 COMMISSIONER FORBES: Or even this afternoon. I've
16 got mine down.

17 CHAIRMAN YAO: All right, give your input to Anne
18 ASAP.

19 COMMISSIONER FILKINS WEBBER: Yeah, have we
20 considered whether - I don't know what type of contact we
21 have with the other two commissioners that are out of the
22 country and whether they've been responding via e-mail, but
23 if it was possible to shoot them a quick e-mail that we
24 passed this Advisory Committee structure and see if we happen
25 to get a response from them this afternoon, that might be

1 helpful to fill it out further.

2 MS. MEJIA: Actually, Commissioner Blanco is
3 unavailable and Commissioner Galambos Malloy is traveling
4 today, so she is unavailable, as well.

5 COMMISSIONER FILKINS WEBBER: Okay, thank you.

6 CHAIRMAN YAO: We will apply the corporate rule
7 that if they are absent, they are on a committee.

8 VICE CHAIR DAI: They will be assigned. They will
9 be volunteered.

10 COMMISSIONER PARVENU: I may be a bit forward here,
11 but would it be possible for us to at least go down the row
12 here and see what committees that we would be interested in
13 so that we have at least, if not an official record, that we
14 have a general record of what each and every one of us are at
15 least leaning towards in terms of these subcommittees? Could
16 we do that before we move on this?

17 CHAIRMAN YAO: All right, for the Finance
18 Administrative Subcommittee, just raise your hand, maybe
19 staff can read off the name -

20 MR. RICKARDS: Could we ask you to just raise your
21 hand and speak your name just to be sure we got it?

22 CHAIRMAN YAO: All right, raise your hand and speak
23 your name.

24 COMMISSIONER ONTAI: I would be interested - Gil
25 Ontai.

1 CHAIRMAN YAO: Peter Yao.

2 COMMISSIONER DI GIULIO: Michelle Di Giulio.

3 VICE CHAIR DAI: Cynthia Dai.

4 MR. RICKARDS: And? I'm sorry, I thought your hand
5 went up. I understand that completely, that's why I went to
6 law school, I can't make two and two fit.

7 CHAIRMAN YAO: Technical Advisory Committee?

8 COMMISSIONER BARRABA: Vince Barraba.

9 COMMISSIONER PARVENU: Andre Parvenu.

10 CHAIRMAN YAO: And Peter Yao. The Outreach
11 Subcommittee?

12 COMMISSIONER FILKINS WEBBER: Commissioner Filkins
13 Webber.

14 COMMISSIONER FORBES: Commissioner Forbes.

15 COMMISSIONER ONTAI: Commissioner Ontai.

16 COMMISSIONER DI GIULIO: Commissioner Di Giulio.

17 COMMISSIONER PARVENU: Commissioner Andre Parvenu.

18 COMMISSIONER RAYA: Have we maxed out? I think we
19 have so many of us interested.

20 MR. RICKARDS: How many of us don't want to be on
21 it?

22 VICE CHAIR DAI: I was going to say I want to be
23 clear that - I was trying to be clear before that this is the
24 committee that would do the planning for it because I expect
25 all of us to be actually doing the outreach, so that might

1 help.

2 COMMISSIONER RAYA: 'Cause how many people do we
3 have already?

4 COMMISSIONER FILKINS WEBBER: Everybody.

5 COMMISSIONER RAYA: Everybody.

6 COMMISSIONER BARRABA: I don't have to be on that
7 committee.

8 COMMISSIONER FILKINS WEBBER: Planning,
9 Commissioner Filkins Webber.

10 MR. RICKARD: On that Committee, let's let Anne
11 read off the names that we managed to scribble down and see
12 who we missed.

13 MS. OSBORNE: Okay, I have Commissioner Filkins
14 Webber, Commissioner Forbes, Commissioner Ontai, Commissioner
15 Di Guilio, and Commissioner Parvenu.

16 COMMISSIONER RAYA: Commissioner Raya, I'd like to
17 be on that.

18 MS. OSBORNE: Commissioner Aguirre and Commissioner
19 Dai?

20 VICE CHAIR DAI: Yeah, we'll probably want to make
21 some decisions because that is kind of too big.

22 COMMISSIONER WARD: Commissioner Ward.

23 COMMISSIONER RAYA: Maybe we'll be able to pare it
24 down to a smaller number of people who will take input from
25 everybody else who is interested, rather than -

1 VICE CHAIR DAI: Or maybe we should break it up,
2 different -

3 CHAIRMAN YAO: Well, we have the input, let's take
4 time out and discuss it the next time we touch on this topic,
5 but let's don't try to work it out at this moment.

6 The Legal Subcommittee?

7 COMMISSIONER FILKINS WEBBER: Commissioner Filkins
8 Webber.

9 COMMISSIONER FORBES: Forbes.

10 COMMISSIONER WARD: Commissioner Ward.

11 COMMISSIONER FILKINS WEBBER: We would need a
12 Democrat.

13 VICE CHAIR DAI: We have another lawyer, okay,
14 okay, I'm in.

15 MR. RICKARDS: No pressure.

16 VICE CHAIR DAI: Since I'll probably get booted
17 from Outreach. Sometimes you serve, sometimes - there you
18 go.

19 CHAIRMAN YAO: Okay, last but certainly not least,
20 the Public Information Subcommittee.

21 COMMISSIONER BARRABA: Commissioner Barraba.

22 COMMISSIONER FORBES: Forbes.

23 COMMISSIONER PARVENU: Parvenu.

24 COMMISSIONER RAYA: Raya.

25 COMMISSIONER WARD: Commissioner Ward.

1 COMMISSIONER DI GIULIO: I won't do the Public
2 Information, but could I maybe switch to Technical, then? I
3 know Andre is already there, but would that be possible to do
4 Technical? And I'll forfeit Public Information.

5 COMMISSIONER BARRABA: My only concern about the
6 Technical Committee, given the requirements, if we got more
7 than two people on it, it's going to really slow down our
8 ability to respond to inquiries, and it just seems to me that
9 if we could limit it to two, that we would be in a much
10 better position to respond quickly, rather than having to
11 publish everything that we're going to do. So, I would ask
12 the Commission to consider that as a possibility.

13 COMMISSIONER DI GIULIO: You mean more than two - I
14 thought we said that we'd have at least one from each - oh,
15 you mean more than one in -

16 COMMISSIONER BARRABA: No, I meant no more than two
17 people so we're excluded from the -

18 COMMISSIONER DI GIULIO: No, I think we decided
19 that we'd have at least one from each -

20 COMMISSIONER BARRABA: I am asking an exception
21 from that because of the need to respond quickly, rather than
22 having to publish everything that we -

23 COMMISSIONER DI GIULIO: In the Technical Group,
24 you already have four, though.

25 COMMISSIONER BARRABA: That was my - that's what

1 I'm concerned about, yes.

2 COMMISSIONER DI GIULIO: Okay, well, I don't know
3 if you want to address that to the other Commissioners.

4 COMMISSIONER BARRABA: Yeah, I thought we'd bring
5 it up at the public -

6 CHAIRMAN YAO: Who were the four again?

7 MS. OSBORNE: For Technical?

8 CHAIRMAN YAO: Correct.

9 MS. OSBORNE: Commissioner Barraba, Commissioner
10 Parvenu, Commissioner Aguirre, Commissioner Yao.

11 CHAIRMAN YAO: All right, I'll -

12 COMMISSIONER GI GIULIO: Maybe I should ask, with
13 the Technical side, though, part of that - maybe we should
14 define what technical is a little bit because I understood
15 Commissioner Dai's description of it was not just
16 implementation of the technical side, but also the looking
17 who the technical consultants will be and reviewing some of
18 the material, and it's not just the actual -

19 COMMISSIONER BARRABA: Well, we could set up two
20 committees, one to have a broader aspect over the look at how
21 we structure, but then have a subcommittee, if we could do
22 that, of just two people who will respond to inquiries. That
23 might be one way we could -

24 COMMISSIONER DI GIULIO: Inquires being -

25 COMMISSIONER RAYA: Or you mean -

1 COMMISSIONER BARRABA: In the sense of this flow
2 chart. Somebody says, you know, "I'd like to see what
3 happens if we did this, let's see what the map looks like."

4 COMMISSIONER DI GIULIO: But any changes to a map
5 will have to be done - it won't be done by the committee.

6 COMMISSIONER BARRABA: It is not a change to the
7 map, it is the response to an inquiry about a map.

8 COMMISSIONER DI GIULIO: So you just say, "Thank
9 you, we've gotten your response and we'll bring it to the
10 Commission?"

11 COMMISSIONER BARRABA: No, we get it from the
12 Commission only, and then as soon as someone asks for it, you
13 give them a look at it rather than having to post it the 14
14 days that we're going to bring this back to you in 14 days,
15 which is going to make it impossible to do it with any speed.

16 COMMISSIONER DI GIULIO: Maybe I'm losing you. If
17 I'm understanding you correctly, if there's a change, someone
18 proposes a change, and you're saying if there are just two
19 Commissioners, then they'll be able to - those two
20 individuals can physically make a change on the map, and that
21 can happen without the prior notice -

22 COMMISSIONER BARRABA: Yes.

23 COMMISSIONER DI GIULIO: -- but maybe I'm
24 misunderstanding it, I thought that the whole Commission
25 would take a look at any suggestions for changes and, as a

1 group, we would make the change, decide whether or not that
2 was a change we wanted -

3 COMMISSIONER BARRABA: We will be providing you the
4 wherewithal to make that judgment.

5 COMMISSIONER RAYA: May I ask a question? When
6 Commissioner Dai first went through this list, you said, she
7 said select mapping software and consultants. So, to me,
8 that's kind of a set-up process, not the ongoing. So I'd
9 like to know for sure what the technical committee is
10 proposed to do.

11 VICE CHAIR DAI: Yeah, let me clarify because,
12 Commissioner Barraba, you might recall that the Commission
13 got advice from the Arizona Commissioner before about that
14 the Commission itself should not actually move any lines and
15 that should all be done through the consultants, and I
16 thought that was actually pretty wise counsel. So, I didn't
17 intend for the Commissioners to actually be doing that, but
18 just to let the consultants that we would hire to implement
19 the changes and respond to inquiries because they don't have
20 any notice requirements.

21 COMMISSIONER BARRABA: My only goal is to make sure
22 that we get a quick answer to questions and to avoid - not
23 that you side on the issue, but that you get information upon
24 which you can decide.

25 VICE CHAIR DAI: Which we can ask for consultants

1 to do with no notice at all.

2 COMMISSIONER DI GIULIO: So, maybe going back to
3 this original committee, we could say that that aspect of
4 whether it would be a subcommittee of two of the Commissioner
5 at a later date, or whether it would be the consultants.
6 Maybe that's the decision even for -

7 COMMISSIONER BARRABA: The broader Commission.

8 COMMISSIONER DI GIULIO: Yeah, of the broader.

9 COMMISSIONER BARRABA: Yeah, I think that would be
10 fine.

11 COMMISSIONER DI GIULIO: So, for now, we can just
12 limit it to, again, software, technical outreach, maybe even
13 the aspects of any type of meeting set-ups and like that.
14 So, with that, can I get back on the committee?

15 COMMISSIONER BARRABA: Absolutely.

16 CHAIRMAN YAO: Let's see, I think that modified our
17 decision on the initial five committees. Would you like to
18 make a -

19 COMMISSIONER BARRABA: No, I think we keep it as it
20 is and that committee can make a decision on how we're going
21 to respond to inquiries.

22 CHAIRMAN YAO: All right. Is it necessary for us
23 to break at around 11:30 to take care of some of the computer
24 technical issues, so we have about 15 minutes left between
25 now and 11:30. Instead of starting on the next agenda item

1 of scheduling, we can do that. Are there any other general
2 topics associated with the Governance that you wanted to
3 discuss? Yes.

4 COMMISSIONER AGUIRRE: Yes, before we move forward,
5 I'd just like to emphasize the need for what I would consider
6 a strong budgetary allocation for the outreach process. You
7 know, there have been comments about limited resources and
8 one of my fellow commissioners mentioned that perhaps we
9 might only get as far as the network, the Internet, and that
10 would be good for some Californians, but there is a
11 significant population that do not have access to the
12 Internet, and thereby would be excluded. And the only way to
13 fix that would be to re-look at the Outreach Plan and make
14 sure that we have several, multiple avenues for communicating
15 with the public and informing them about the process.

16 CHAIRMAN YAO: Would that be part of the charter of
17 the Finance Administration Subcommittee? Would you want this
18 entire Commission to address that topic?

19 COMMISSIONER AGUIRRE: I just wanted to get it on
20 the record because, you know, we need to approach the public
21 and emphasize the importance of the outreach aspect of the
22 process.

23 CHAIRMAN YAO: Thank you. Any additional topics
24 you want to discuss in the next 10, 15 minutes, under the
25 general heading of the Commission Governance? All right, I

1 think it's probably more appropriate to break at this point
2 in time, as compared to starting and then stopping in the
3 middle of the next discussion, which will be the scheduling.
4 Yes?

5 MS. MEJIA: Commissioner Yao, could we go through
6 the Committees, the Subcommittee list one more time?

7 CHAIRMAN YAO: Sure.

8 MS. OSBORNE: Okay, on the Finance Committee, we
9 have Commissioner Ontai, Commissioner Yao, Commissioner Di
10 Guilio, Commissioner Dai; Technical Committee, we have
11 Commissioner Barraba, Commissioner Parvenu, Commissioner
12 Aguirre, Commissioner Yao, Commissioner Di Guilio; Outreach,
13 we have Commissioner Filkins Webber, Commissioner Forbes,
14 Commissioner Ontai, Commissioner Raya, Commissioner Aguirre,
15 Commissioner Dai; Legal, we have Commissioner Filkins Webber,
16 Commissioner Forbes, Commissioner Ward, Commissioner Raya;
17 Public Relations, we have Commissioner Barraba, Commissioner
18 Aguirre, Commissioner Forbes, Commissioner Parvenu,
19 Commissioner Raya, Commissioner Ward. Is that correct?

20 CHAIRMAN YAO: I think, uh, the answer is yes.
21 Mike?

22 COMMISSIONER WARD: I believe you left out
23 Commissioner Ward on the Outreach list.

24 MS. OSBORNE: Outreach or Public Relations?

25 COMMISSIONER WARD: Both.

1 MS. OSBORNE: Okay.

2 VICE CHAIR DAI: So we'll probably look at maybe
3 splitting the outreach function into two or something like
4 that, so that might be something we want to talk about.

5 COMMISSIONER DI GIULIO: We still have two
6 Commissioners - three Commissioners - who are not here, so...

7 VICE CHAIR DAI: They will weigh in also.

8 CHAIRMAN YAO: All right, could I request that you
9 come back, that when we meet again with either a one or two
10 sentences encompassing what you think is the Statement of
11 Work associated with each of the subcommittees, just one
12 member of each subcommittee can make take time out to draft a
13 sentence or two for us all to understand.

14 COMMISSIONER FILKINS WEBBER: I'll do legal, so
15 I'll put a statement together as to what I believe I
16 understand the - unless you're asking Commissioner Dai to do
17 it, but -

18 CHAIRMAN YAO: All right - I don't think we
19 necessarily decide who is to do it, just one of you, take
20 time out to write a sentence and at least that will be a
21 straw man statement, a straw man charter for each of the
22 commissions when we come back and discuss this. I guess
23 maybe we do not need to discuss this further. Or do we? I
24 think we will have to talk about the schedule, so at that
25 point in time maybe that will be the appropriate time to just

1 have a look on paper as to what we think the Statement of
2 Work is for each of the subcommittees.

3 COMMISSIONER FILKINS WEBBER: Keep in mind, when we
4 do adjourn this session that we will need to have proper
5 agendized issues for this committee, too. So, maybe when we
6 consider preparing this charter, I guess, for a lack of a
7 better word, that you keep in mind that maybe what the agenda
8 description will be for each of these committees, so we
9 provide proper notice at this point, even though we may not
10 have a specific designated date for the meeting of these
11 committees, but maybe provide public notice as to what the
12 anticipated topics would be for scheduled agendas.

13 CHAIRMAN YAO: Right. All right, would anybody
14 like to - oh, let me comment as to what the rest of the day
15 is like. We're going to adjourn very shortly for a break,
16 not only a lunch break, but to get to some of the computer
17 issues, and we will go into closed session when we convene,
18 and we will come out of the closed session anticipated to be
19 around 4:00 p.m. today, and at that point in time, we can
20 either start on the schedule and discussion if we get out
21 early enough; if not, then we will start that first thing
22 tomorrow. So, if there are no other matters to address
23 before the break - are there any?

24 MR. RICKARDS: No, I just wanted - you're coming
25 back into open session again before we go into closed

1 session, correct?

2 CHAIRMAN YAO: Do we need to do that?

3 MR. RICKARDS: If you're going into closed session
4 right after the break, then you just need to announce that
5 again, and then include the announcement to the public the
6 statutory section.

7 CHAIRMAN YAO: Okay, thank you. So, it is not
8 necessary for us to report back on the closed session because
9 we are going to have an open session first thing tomorrow
10 morning, is that not correct?

11 MR. RICKARDS: No, you need to come back sometime
12 before 5:00, come back into open session, just report that
13 you've been in closed session, and then in just a general way
14 what you've done.

15 CHAIRMAN YAO: Correct, I think that was the intent
16 of my announcement is that we'll likely be coming out of
17 closed session at around 4:00 p.m. this afternoon and we may
18 or may not start with our next agenda item on the open
19 session; if not, then we're going to start that first thing
20 tomorrow, and then we'll go into closed session again
21 tomorrow.

22 MR. RICKARDS: Yeah, that's fine, as long as you -
23 just as long as you announce before you go in and come back
24 on the record, if you will, in open session after you're
25 done, each time.

1 CHAIRMAN YAO: All right. So we're going to take a
2 break from the open session at this point in time and
3 starting immediately after lunch, we're going to go into a
4 closed session per Government Code Section 11126a-1. The
5 topic is consideration of personnel matters, evaluation of
6 candidates for Commission staff positions. All right, so
7 we'll see everybody back here at 1:00 p.m. or 1:30? I
8 forgot. 1:15.

9 MS. MEJIA: 1:15 would be fine. Please stay until
10 we get your laptops squared away.

11 CHAIRMAN YAO: Correct. All right, thank you very
12 much.

13 (Recess at 11:26 a.m.)

14 (Reconvene at 4:15 p.m.)

15 CHAIRMAN YAO: It's 4:15. I'm going to call the
16 general session in order. We have held a closed session on
17 the consideration of personnel matters, evaluation of
18 candidates for Commission staff positions pertinent to
19 Government Code Section 11126(a)(1). There has been no
20 decisions made during the closed session, so there is nothing
21 to report out at this point in time.

22 VICE CHAIR DAI: There was one decision made, our
23 last item.

24 CHAIRMAN YAO: Go ahead.

25 VICE CHAIR DAI: We are not going to report the

1 names of the four finalists.

2 CHAIRMAN YAO: There has been a request from the
3 public on releasing the name of the four candidates that
4 we're interviewing, and the Commission has made the decision,
5 or has given direction to staff, in not releasing the names.
6 This is the standard practice of the State of California, and
7 so we decided to adhere to that standard. Anything else I
8 forgot? All right, so now we're back on the general session
9 agenda. I think we finished discussing the Item 3 [sic], the
10 Commission Governance, and I would like at this point in time
11 to initiate the discussion of the Schedule, specifically, the
12 schedule for the balance of this particular meeting that
13 we're operating to, and I think before we're finished, we
14 want to discuss the subsequent meetings of the entire
15 Commission, as well as perhaps the schedule of meetings for
16 the Subcommittees, as well. If there are other scheduling
17 matters that we want to discuss, this is the time to consider
18 that.

19 **Item 9. Schedule, operation and location of future**
20 **meetings.**

21 CHAIRMAN YAO: So, in terms of - I think a number
22 of Commissioners have expressed interest in terms of planning
23 the meeting, not just one meeting at a time, but on a long
24 term basis, and this has been proposed that perhaps we set
25 aside standard days of the week, or days of the month, or a

1 certain block of time for such events. So, at this point in
2 time, if any Commissioners have any thought as to how we can
3 address this issue of scheduling for future meetings, I would
4 like to entertain any such thoughts. Cynthia.

5 VICE CHAIR DAI: Yeah, I think one of the issues
6 that we need to think about is, apparently the full
7 Commission must act on every contract that involves staff,
8 and I'm not sure if we'll get a different interpretation of
9 that, so there's probably a necessity to meet multiple times
10 a month, at least, just so we can make those decisions. So,
11 I don't see a way around that. I mean, especially in the
12 beginning, we're going to have to make a lot of these
13 decisions just to get things going on the Commission.

14 CHAIRMAN YAO: This is per the requirement of the
15 Voters First Act, is we cannot - this Commission cannot
16 delegate that authority to anyone else, we have to vote and
17 approve every single contract. Is that the -

18 VICE CHAIR DAI: With a super majority, I think.

19 CHAIRMAN YAO: With the super majority. Is that
20 the understanding?

21 MR. RICKARDS: That is my understanding, that is
22 the way the Act reads, that you have to vote and you need a
23 super majority for all staff decisions.

24 CHAIRMAN YAO: All right. So, I think that's
25 probably one of the drivers for having frequent meetings, at

1 least during the first few months of this particular
2 Commission.

3 COMMISSIONER RAYA: I want to address one other
4 issue that affects those of us who have five day a week other
5 jobs, and that is, if we can pick particular days, perhaps,
6 of the week if that works, but at least set aside specific
7 days. I think our biggest difficulty, although we've all
8 managed to get here pretty much, is just the uncertainty of
9 the schedule. So, it is not enough to just say we're going
10 to meet a couple times a month and then decide, you know,
11 "Oh, it's going to be next Wednesday," but so that we can
12 plan ahead.

13 VICE CHAIR DAI: I also think that, given some of
14 us do work five days a week, that we should seriously
15 consider meeting on weekends, as well. We're going to have
16 to do this anyway for public hearings to accommodate the
17 public, might as well get in the habit, and our only
18 restriction on meeting over the weekend for this particular
19 meeting is that we're meeting in a state building. So, I
20 would like to throw that consideration out, that we consider
21 other venues that might allow us to meet on the weekend.

22 COMMISSIONER FORBES: Right, I was going to make a
23 simple suggestion because I think that - I would hope we
24 could locate a site in Southern California so that the
25 Southern California folks don't have to do all the flying, so

1 to speak, get all those miles.

2 VICE CHAIR DAI: We want to move south for the
3 winter anyway.

4 COMMISSIONER FORBES: Follow those birds.

5 COMMISSIONER DI GIULIO: Well, I'm assuming with
6 one of the issues that we have to deal with, with any other
7 meeting, whether it be on the weekend or at another location,
8 is simply the technical aspects of it. So, do we have a way
9 to take our technical crew with us? Or are we going to have
10 to hire out for that immediately? So, that presents a
11 logistical challenge, is to find somebody to do those things.
12 I think that would be the biggest - I think everyone is
13 willing to go someplace else, we can get the notice out, it's
14 the technical aspect of -

15 COMMISSIONER FORBES: I mean, it might be one of
16 those things that we have to wait until we actually have the
17 Executive Director, who then can make the necessary phone
18 calls to find out whether there is a location that has staff
19 and such?

20 COMMISSIONER DI GIULIO: So, for now, maybe to stay
21 with the traditional day -

22 COMMISSIONER FORBES: For the next week or so.

23 COMMISSIONER DI GIULIO: -- at least until we have
24 other questions to consider.

25 COMMISSIONER FORBES: Well, I think that would be

1 an early task.

2 CHAIRMAN YAO: You lost me in the discussion. The
3 State Building is not available on the weekends, period?

4 COMMISSIONER FORBES: I don't know. What I was
5 saying was that the Executive Director would locate another
6 facility, whether - we've talked about universities -

7 CHAIRMAN YAO: No, I understand that part of it,
8 but in terms of - I heard at the conclusion that we would
9 only meet on the week days. I question that as to whether
10 that's really what we meant. If we decide to meet on the
11 weekends here in Sacramento, at a state building, is that
12 possible?

13 MS. MEJIA: When we scheduled this meeting back in
14 December, the Department of General Service, who operates
15 this building, was not allowed to work any overtime because
16 of budgetary constraints. As far as I know, that's still in
17 place, and the only way they could work overtime was if it
18 was an emergency, and we couldn't very well say that he's
19 scheduling a meeting in advance as an emergency. So, because
20 the state is so broke, they're limiting overtime. It doesn't
21 mean it can't be done, it's just going to take more effort
22 and more money to do that. There's always a way to do
23 something, it just takes more time and more - a little more
24 advance notice. And because of the 14-day requirement that
25 we had to get out at the end of December, and not having your

1 staff on board, and not having a lot in place, we were trying
2 to put some meetings together quickly so that you could start
3 meeting, get your staff hired, knowing that, you know, in
4 February, you probably would be meeting in other locations,
5 on weekends, and as you suggested, in Southern California.
6 So, we realize this is a bit of an inconvenience for the
7 Commissioners, this month, but we expect to open it more next
8 month.

9 CHAIRMAN YAO: Can everybody accept the conclusions
10 that, during the month of January, we're going to continue to
11 meet during the week days in Sacramento?

12 VICE CHAIR DAI: Well, we have to, that's what our
13 noticed meeting is.

14 CHAIRMAN YAO: Right, okay.

15 COMMISSIONER PARVENU: With regard to meeting here
16 in Sacramento, and the fact that, as it was stated earlier,
17 that some of us work, and that our agenda has an indefinite
18 end date, we have these agendas that can roll over for
19 multiple days, possibly theoretically a week - a week or
20 more. Do we foresee - do we perceive in the foreseeable
21 future that our meetings will pretty much go the way they
22 have this go round? Like three days? Or do we see long
23 marathon continuous series? Or, if so, if it's going to be
24 this way, I prefer to meet on a Wednesday as we did, have
25 Thursday and Friday so we can get back to our respective

1 homes over the weekend, and conclude our business. This
2 works fine for me traveling in the middle of the week, for
3 example, with less hassle at the airport. I don't know if we
4 can constrict ourselves to a three-day maximum, I guess
5 that's not allowable? We have to keep it open until the
6 business is concluded, no matter how many days it takes. But
7 this particular -

8 VICE CHAIR DAI: No, we can do whatever we want.
9 We did that because of the 14-day notice requirement, and to
10 give ourselves maximum flexibility to discuss a large number
11 of topics, which, you know, we didn't know whether we would
12 get to them or not, or what have you, so we did it for
13 maximum flexibility.

14 COMMISSIONER PARVENU: This three-day arrangement
15 just happens to work well for me and my schedule.

16 COMMISSIONER FILKINS WEBBER: And we're all going
17 to have different opinions in that regard, given that I do
18 work five days, more actually seven days a week, really, but
19 you know, as far as the customary business days, Wednesday is
20 hard. And maybe Jeanne might agree with me on that, you
21 know, three days devoted to my usual employment might be a
22 lot easier with commitment to at least a minimum of two days
23 at this point during the week, with an assumption that it
24 might carry over into the weekend when we're a full
25 Commission, independent, and we can select the venues with

1 proper notice. But that's kind of my recommendation, as a
2 full time employee.

3 COMMISSIONER DI GIULIO: Any particular two days
4 that you're thinking?

5 COMMISSIONER FILKINS WEBBER: Oh, the Thursday and
6 Fridays seem - works for my schedule. I'm not in court on
7 Fridays and I can obviously rearrange things right now on the
8 Thursday/Friday schedule.

9 COMMISSIONER DI GIULIO: Just out of curiosity, I
10 am assuming it is a two-day, do we want to consider - I don't
11 have a preference, but I'm just wondering, do we want to
12 consider a Monday/Tuesday, that way in case we have to go an
13 extra day, we can do a Wednesday? Because if we do a
14 Thursday/Friday and we still find that we're rushed to finish
15 our business, it's the weekend. I'm just throwing that out.

16 COMMISSIONER BARRABA: As I understand it, if we
17 wanted to go to the weekend, then that's a logistical issue
18 that we have to address now. It might cost a few more bucks.

19 VICE CHAIR DAI: Only for this month.

20 COMMISSIONER BARRABA: Yeah.

21 COMMISSIONER FILKINS WEBBER: I don't see a
22 necessity to push it, and I think given the limited number of
23 weeks that are left in January, I don't know that we would
24 get approval, to be honest with you. I think it's
25 impractical to consider weekend work for January.

1 MR. RICKARDS: Yeah, you couldn't even get the
2 notice out. And your notice indicates it's not on weekends,
3 so if you figure 14 days, January pretty much -

4 COMMISSIONER FILKINS WEBBER: So, are we
5 considering what our schedule will be for January? Or are we
6 just talking overall to try and select particular days to
7 have more finality?

8 VICE CHAIR DAI: Both.

9 COMMISSIONER FILKINS WEBBER: Well, but see, there
10 is a difference. There is a difference between the two as
11 far as functionality. I mean, once we're up and we have an
12 Executive Director, and we're an independent Commission, and
13 we can provide notice for the coming months, I mean, then
14 we've got more flexibility.

15 VICE CHAIR DAI: We don't have time, though,
16 because we're going to be mid-month very soon and we're
17 already going to be into February for the notice, so I think
18 we have to actually think about February now.

19 COMMISSIONER FILKINS WEBBER: Okay, well, then, are
20 you thinking about Sacramento? Or are you thinking about
21 some other location? Because, at this point, if you need to
22 provide the notice, I think it's probably best to consider
23 Sacramento for at least February until we can get up and
24 running, that would be my recommendation for - given the fact
25 that we've got six new Commissioners, this is their first

1 time in, as well, and getting used to this, for the next 30
2 days notice for February I would recommend that we stay in
3 Sacramento until we actually have the definitive date upon
4 which we are no longer under the Secretary of State and we're
5 operating on our own. But that would be my recommendation.

6 CHAIRMAN YAO: Yeah, the operating reality is that
7 we're probably going to be looking at January and February in
8 this particular location, and starting in March, I think at
9 this point we probably see a little more flexibility.

10 COMMISSIONER DI GIULIO: So that would mean that
11 continuing in February that the weekends would be out because
12 of the overtime issue for the state, so we would be looking
13 at the remainder of January and February as just the five-day
14 week, until we can do otherwise.

15 COMMISSIONER RAYA: Well, keeping in mind, too,
16 that, I mean, as we see today, and the last two days, you
17 know, some people just aren't going to be able to make - you
18 know, we're not all going to be here every single time.

19 VICE CHAIR DAI: And that's okay.

20 COMMISSIONER RAYA: Yeah.

21 COMMISSIONER BARRABA: And what that would cause us
22 to think about is, when we know we have a vote where you need
23 a super majority, we better find a day that everybody is
24 going to be here.

25 VICE CHAIR DAI: Right.

1 CHAIRMAN YAO: See, it appears the direction we're
2 heading is blocking off Wednesday, Thursday and Friday. Now,
3 perhaps we can modify that slightly, saying that we're going
4 to hold the decisions that require a super majority to be
5 present, or to gain approval. We'll try to hold those on
6 Thursday and Friday, and then with Wednesday is try to get a
7 lot of the other type of - either we want to call it
8 administrative or other kinds of decisions that we have to
9 make. Would that be a general concept that we can all
10 embrace?

11 COMMISSIONER RAYA: And are we talking about
12 Wednesday, Thursday, and Friday of every week - at this
13 point?

14 CHAIRMAN YAO: We're talking about picking
15 preferred days at this point and we haven't talked about when
16 the next meeting is or anything at this point in time. I
17 would want to see if we can reach some kind of understanding
18 and then we can work the details as to the next step if that
19 is okay with you?

20 COMMISSIONER RAYA: That's fine.

21 VICE CHAIR DAI: So, can we talk about what the
22 implications are for this month?

23 COMMISSIONER DI GIULIO: Just so I'm clear, on some
24 of those days where I'm at a total loss for a flexible
25 schedule, those are - I can easily do, it's just a preference

1 for having enough notice, that it wasn't last minute. So,
2 I'm available for those.

3 COMMISSIONER FILKINS WEBBER: And one further
4 clarification for my schedule, as well, I could be added for
5 unavailability on Tuesday the 18th, and Friday the 21st.

6 COMMISSIONER BARRABA: I'm absolutely unavailable
7 on the 18th.

8 VICE CHAIR DAI: It looks like the 18th is out.

9 COMMISSIONER PARVENU: It's a moot point because
10 we're not going to be here anyway, but I'm not available on
11 the 25th of January.

12 CHAIRMAN YAO: Do we have any sense as to Connie's
13 calendar? Or Maria's -

14 VICE CHAIR DAI: She's available according to her -

15 CHAIRMAN YAO: They're both available? Okay.

16 VICE CHAIR DAI: But we could not - according to
17 this, we could not meet on the 21st because we wouldn't have
18 our quotient of Republicans. Is that correct?

19 COMMISSIONER BARRABA: I could be here on the 21st.

20 VICE CHAIR DAI: Oh, you can. Okay. So the
21 latter half of next week?

22 COMMISSIONER FILKINS WEBBER: But just the 20th or
23 21st? Or are you talking about Wednesday? There are quite a
24 number of people that aren't here on Wednesday.

25 VICE CHAIR DAI: Wednesday is looking questionable.

1 COMMISSIOENR BARRABA: Yeah, I could be available
2 on the 19th, 20th and 21st.

3 VICE CHAIR DAI: You can?

4 COMMISSIONER BARRABA: Yes.

5 VICE CHAIR DAI: I can be available either the 19th
6 or the 20th, but not both. So it would be better for me if
7 they were contiguous.

8 COMMISSIONER DI GUILIO: Commissioner Parvenu, your
9 availability on Thursday, the 20th? Is that flexible or not
10 available?

11 COMMISSIONER PARVENU: I can make myself available
12 on the 20th and 21st, preferably not the 19th because the 17th
13 is a holiday and that's a short week, but I can make it for
14 the 20th and 21st if necessary.

15 COMMISSIONER ONTAI: And I could make myself
16 available on the 21st.

17 COMMISSIONER FILKINS WEBBER: It is subject to
18 change for me right now.

19 VICE CHAIR DAI: So it looks like the 20th and 21st
20 next week.

21 CHAIRMAN YAO: It's been proposed the 20th and 21st
22 next week as being the time that we reconvene after we recess
23 Friday. Is that acceptable at this point in time?

24 VICE CHAIR DAI: My question is, can we project
25 further out into the future, to do the rest of the month?

1 CHAIRMAN YAO: Yeah, we'll do that. I know some of
2 you are driving 50 miles or more to get here. I think one
3 way we can squeeze in a little bit more time is starting the
4 meeting at 9:30 as compared to 10:30 on the first day. Is
5 that acceptable?

6 VICE CHAIR DAI: 9:30 works for me.

7 COMMISSIONER BARRABA: I'd rather come in the night
8 before.

9 CHAIRMAN YAO: That's fine, that's fine.

10 COMMISSIONER FORBES: And the rest of the month can
11 be 9:30 if it fits for you.

12 CHAIRMAN YAO: Oh, the schedule, the way we have
13 defined it, it's 9:30. Okay. So plan - so, for sure, we're
14 going to be reconvening the meeting on the 20th, and we
15 probably will work all day the 20th and 21st, and allow us to
16 go home on the 22nd. How about the week following? What are
17 your preferences? Do you want to continue to look at
18 Wednesday, Thursday, and Friday? Are there any - that would
19 avoid the 25th, which Andre is not available.

20 COMMISSIONER FORBES: I think having three days
21 that week might be a useful thing because, hopefully, by then
22 we'll have an Executive Director on board and we can start
23 having a discussion with the Executive Director, which is
24 what we need to do.

25 COMMISSIONER DI GIULIO: I can be here on the 26th,

1 27th, and 28th, but I may have to leave a little early.

2 CHAIRMAN YAO: Okay, I think it's understood that
3 the probability of getting all 14 of us in a meeting is a
4 goal, and not a reality. And so, as long as we have enough
5 people to make decisions, that's really what we're looking
6 for. All right, so the schedule for January is the 20th,
7 21st, 26th, 27th, and 28th. Okay, let's look into the month of
8 February. Again, it's going to be in Sacramento.

9 COMMISSIONER RAYA: May I just ask a question?

10 CHAIRMAN YAO: Sure.

11 COMMISSIONER RAYA: I mean, right now, I'm
12 available all those days. If something changed, you know,
13 that just couldn't be helped, who do we contact so that, if
14 it's not just me or two or three other people who suddenly
15 have an emergency, and then we find that we don't have a
16 quorum?

17 CHAIRMAN YAO: Always contact staff, and staff will
18 in turn notify everybody else, and then we can make a
19 separate decision at that point in time. It's easy to cancel
20 a meeting, but it's next to impossible to set up a meeting.

21 VICE CHAIR DAI: And I think, for February, I think
22 we should assume the first half of February is in Sacramento,
23 but we might actually have someone on board who can help us
24 maybe start scheduling stuff for the second half of February
25 and still have adequate notice.

1 CHAIRMAN YAO: All right, so we want to start
2 noticing the first half of the month and try to work the
3 location issue on the second half. So, shall we go ahead,
4 then, and block off second, third and fourth, which is
5 Wednesday, Thursday, Friday, and 9th, 10th and 11th, which
6 again is Wednesday, Thursday and Friday of February?

7 COMMISSIONER BARRABA: I will not be able to
8 participate on those days.

9 COMMISSIONER FILKINS WEBBER: I will not be able to
10 participate on Friday -

11 CHAIRMAN YAO: Which Friday?

12 COMMISSIONER FILKINS WEBBER: February 4th.

13 CHAIRMAN YAO: Okay.

14 COMMISSIONER WARD [presumed]: Neither will I.

15 VICE CHAIR DAI: I will be out on the third.

16 COMMISSIONER PARVENU: I will not be able to
17 participate that week.

18 CHAIRMAN YAO: All right, let's try to make some
19 decision on the first week of February. It looks like we're
20 one shy on the 3rd, one shy on the 4th, and - I'm sorry, two
21 shy on the 3rd, two shy on the 4th, and one shy -

22 VICE CHAIR DAI: Peter, I suggest that we all
23 submit our dates to staff so they can do a calendar for us,
24 and that would be more efficient for us to look at that
25 tomorrow morning or something, after we've done the month.

1 CHAIRMAN YAO: Okay, so you want to hold off the
2 February schedule decision until tomorrow morning? All
3 right, that's fine.

4 COMMISSIONER DI GIULIO: And can we - I mean, we
5 could also to some degree, we could put a notice out since it
6 sounds like we need to have the meetings in Sacramento for
7 maybe the first two weeks, and it's going to be during the
8 week days, and depending on what happens next week and even
9 the following week when we already have meetings scheduled
10 for sure, that might dictate what we need for February a
11 little bit more, so in the mean time, we could get our
12 schedules to staff and put a notice up, a continuously
13 running notice, and work on the details once we have a little
14 more idea what we need for the next two weeks.

15 CHAIRMAN YAO: Again, this does not require a
16 decision, but just a little bit food for thought or
17 consideration, Commissioner Ontai and myself had dinner and
18 we discussed over dinner as to perhaps having the next
19 available meeting starting with the south part of the state,
20 perhaps in San Diego. Would we want to task Gil at this
21 point in time to try to make that happen toward the - again,
22 if the ED is in place, we will get his help, and in the mean
23 time perhaps Gil would volunteer to assume that activity, to
24 see if we can line something up for the second half of
25 February?

1 COMMISSIONER FILKINS WEBBER: I certainly
2 appreciate that, the only other comment that I would have in
3 that regard, Commissioner Yao, is that I thought you had some
4 connections in Claremont, or given your prior position with
5 the Claremont City Council, and if you consider the number of
6 people that are in Southern California, you know, there are
7 more of us in Orange County, there are three of us in Los
8 Angeles County, one in Riverside County vs. one in San Diego,
9 so you're still talking about the entire Commission traveling
10 a greater distance if we considered San Diego vs. more Los
11 Angeles, Orange County Area, just practically speaking, for
12 travel costs, as well.

13 CHAIRMAN YAO: If it's the Commission's wish to
14 task me with that assignment, I'll be happy to work out this
15 -

16 COMMISSIONER FILKINS WEBBER: I'm just saying,
17 practically speaking, it might be easier when we're
18 considering Southern California right now for general
19 meetings, if we're going to change location, that it's
20 probably going to be easier for a majority of people -
21 Commissioner Blanco, myself, you, Commissioner Raya, I mean,
22 everybody, at least there is a larger percentage of us in
23 Southern California right now. If we are considering that
24 meeting, it's more convenient when we're looking at Orange
25 County and Los Angeles than a two hour drive for all of us,

1 two and a half hour drive with traffic, down there. I'm just
2 saying, just practically speaking, I think that's a
3 consideration given that I know all of the freeways down
4 there, all of the traffic patterns, I know precisely where
5 the traffic patterns are every single time on every freeway
6 in Southern California, so... If anybody has questions about
7 that, trust me, I even know how to get down 5, down the 15,
8 all the way down to San Diego, and I know it's going to be
9 troublesome, even though I have a FasTrac.

10 COMMISSIONER BARRABA: Peter, it will be a pleasure
11 to task you -

12 CHAIRMAN YAO: I will accept the challenge. I
13 happen to have been approached by both the colleges and the
14 City Council members on the City to host a commission meeting
15 in the City of Claremont if that is the wish of this
16 commission.

17 VICE CHAIR DAI: Get them to volunteer -

18 CHAIRMAN YAO: I think I have a very high
19 probability of making that happen, and so this will be for
20 the second half of February.

21 VICE CHAIR DAI: Well, frankly, I think if you can
22 arrange it sooner, that would be fine. I mean, I think the
23 issue is do we have resources on this Commission that we're
24 willing to volunteer to organize it in the absence of staff.
25 If we do, I see nothing wrong with going ahead and noticing

1 the meeting for -

2 CHAIRMAN YAO: For the first? All right, so we'll
3 ask staff not to make any agenda announcement until -

4 VICE CHAIR DAI: Well, if we were to agendize the
5 meeting on the 20th, then that would allow us to meet starting
6 on the 3rd, correct?

7 MR. RICKARDS: Well, it's 14 days, so you could -
8 the 20th -

9 CHAIRMAN YAO: All right, I got the message, ASAP.

10 VICE CHAIR DAI: Yeah, I mean, and if we didn't
11 want to meet until the 4th, then you could agendize the
12 meeting on the 21st.

13 CHAIRMAN YAO: Okay, so as soon as possible in the
14 month of February, all right, I will get back to staff on my
15 progress.

16 MR. RICKARDS: And we'll communicate with you, but
17 be thinking about agenda items. Since we're going to have to
18 get out an agenda, one or two, depending on where we meet in
19 February, you might want to start thinking about agenda
20 items, and we'll communicate with you about that.

21 CHAIRMAN YAO: I believe that the Chair and the
22 Vice Chair will work with staff to create that agenda.

23 MR. RICKARDS: However you want to do it, that's
24 fine. If that works for you, that works for us.

25 CHAIRMAN YAO: And if any of the Commissioners have

1 items that they want to place on the agenda, notify staff and
2 so we'll have that agenda put together, or at least the
3 proposed agenda to discuss prior to the necessary
4 announcement date.

5 VICE CHAIR DAI: I might also suggest that we
6 should be thinking about our respective committees and what
7 the agenda items should be on the committees, and maybe we
8 should structure this so that we have committee meetings for
9 a day, and then we have full commission meet to hear what the
10 committees came up with, so we can act?

11 CHAIRMAN YAO: You're moving much faster than I'm
12 ready. I'm still talking about the agenda for the entire
13 Commission. If you think we are finished with that, then
14 we'll move on over to the agenda for the committees.

15 VICE CHAIR DAI: I'm just saying we just notice it
16 at the same time so that we can all physically be there and
17 available to meet.

18 CHAIRMAN YAO: No disagreement. So, in the month
19 of February, let's don't worry about the location for the
20 time being, on the first week, it's likely that we will be
21 missing at least two Commissioners on Wednesday, Thursday and
22 Friday. Do we still want to meet?

23 VICE CHAIR DAI: As long as you have a quorum. I
24 mean, I think we just have to be realistic, all of us are
25 going to miss meetings.

1 CHAIRMAN YAO: All right, so we'll go ahead and try to
2 do Wednesday, Thursday and Friday on the first week of
3 February. And how about the second week of February? Shall
4 we go ahead and try to do Wednesday, Thursday, and Friday?

5 VICE CHAIR DAI: I would suggest that we submit our
6 dates to staff and they can produce this wonderful calendar
7 for us, and then we can talk about it.

8 CHAIRMAN YAO: Oh, that's right. I forgot the
9 previous decision that we made.

10 COMMISSIONER FILKINS WEBBER: And if we would,
11 based on the fact that we are all seeking, you know, a
12 schedule as soon as possible, again, I'd just like to mention
13 that I do have other calendar issues, you know, because I do
14 have to succumb to the Court's demands when I need to be in
15 trial, but March is pretty open right now, so if I can get
16 Commission matters scheduled in the months ahead, it would be
17 so much easier for me to be able to re-work my regular job
18 schedule. So, for instance, I would recommend that, if we're
19 going to consider a schedule, even though we don't have a
20 location yet, maybe we want to just possibly talk about the
21 days that we might be meeting, maybe we can set those days
22 aside in March, so if we could this evening provide Anne our
23 unavailability dates for February and March, and again, I'm
24 just saying it's easier for me that, if we can set aside
25 those days, then I can, rather than missing, I can actually

1 set aside my work schedule and re-work my work so that I can
2 be here for Commission work.

3 CHAIRMAN YAO: All right, in general, let's say for
4 the month of March, would two meetings be enough? Or do we
5 want to exceed two meetings during the month of March? In
6 other words, I think we pretty much decided on Wednesday,
7 Thursday, and Friday, so it's either the first or third week,
8 or second or fourth week, or some combination of such.

9 COMMISSIONER FORBES: Before we - I was going to
10 say, before we go into March and try locking that in, it
11 could well be that, by sometime in March we're beginning to
12 do outreach meetings, and so that would, I think, affect the
13 whole Commission meetings.

14 CHAIRMAN YAO: That will be above and beyond the
15 meetings that -

16 COMMISSIONER FORBES: Right, but we might not want
17 to tie up ourselves on Commission meetings if we're going to
18 have a heavy load of -

19 CHAIRMAN YAO: Again, my thought is it is a lot
20 easier to cancel the meeting than it is to try to schedule.
21 If we have an outreach meeting, then we simply cancel the
22 meeting, cancel the regular meeting, or make adjustment
23 accordingly. I think the sense I have is that we think we
24 need to meet regularly and often at the beginning phase of
25 this project, in order to make sure the project gets going

1 correctly. And on that basis, if there any preference as to
2 the first, third week, or second and fourth week? We can
3 always change it, I'm not asking for a commitment at this
4 point, but, again, if you're looking for any kind of planning
5 calendar, I think this probably would be the best way to set
6 it.

7 COMMISSIONER FILKINS WEBBER: And you can think
8 about just a possibility if we're looking at maybe the first
9 week of the month, then doing outreach in the two middle
10 weeks of the month, and then following up with a regular
11 meeting at the end of the month. So if we are looking at
12 maybe the first week and the fourth week would be our regular
13 commission meetings, then we can jam pack the middle of the
14 month with outreach meetings and the weekend meetings, the
15 evening meetings, and then sum it all up, maybe, at the end
16 of the month, and look forward to the next month.

17 CHAIRMAN YAO: You know, while you're talking, I
18 suspect that the outreach meetings probably will be more
19 likely on the weekends as compared to being week days.

20 COMMISSIONER FILKINS WEBBER: Oh, sure. I'm just
21 saying looking at the weeks, that's all -

22 CHAIRMAN YAO: So there may or may not be any real
23 conflict there.

24 VICE CHAIR DAI: I was actually hoping we would
25 start the outreach in February, but we'll have to see what

1 the Committee comes up with.

2 CHAIRMAN YAO: So, would you like to block off some
3 of the dates in March, I guess that's the question?

4 COMMISSIONER FILKINS WEBBER: My suggestion is we
5 just turn in our unavailability sheets to Anne and then see
6 what we get tomorrow morning, and then we can finalize and
7 further up this discussion tomorrow morning.

8 CHAIRMAN YAO: Okay, let's try to do one more thing
9 before we quit. How about the subcommittee meetings?

10 COMMISSIONER FILKINS WEBBER: We can't do it yet,
11 we have no notice.

12 CHAIRMAN YAO: No, I'm talking about February and
13 March -

14 VICE CHAIR DAI: So my suggestion was that we try
15 to schedule relevant committee meetings, you know, either
16 probably immediately preceding the full Commission meeting,
17 so that the Committee can discuss and hash things out, and
18 come up with alternatives and options, and be ready to
19 present recommendations to the full Commission, and then the
20 Commission can act on it shortly thereafter because those
21 meetings will have to be noticed, and probably we want to
22 livestream those also, so we should use the same facilities.
23 So, that's my suggestion, just from a logistics standpoint,
24 otherwise we're going to have, you know, quintuple the number
25 of problems in scheduling.

1 COMMISSIONER FILKINS WEBBER: The only problem
2 about livestreaming, I mean, again, I think you're right as
3 far as scheduling, and one thing I had possibly suggested is
4 that, when we get into and have provided the proper notice on
5 these subcommittees, in the beginning if we consider
6 obviously holding them maybe as break-out sessions, like in
7 this room is one thing I was thinking, but we do have to keep
8 in mind that one person may want to be on multiple
9 committees, but if we provide the public notice, and then
10 attendees here could - and if we worked them out
11 simultaneously, then we are all working, even though, again,
12 I might be on more than one committee, and it might be hard
13 to do that, but I don't know that it's productive to do them
14 one at a time in order to capture the livestreaming. I don't
15 know, I'm just saying it might be workable that we can
16 provide the appropriate notice so that members of the public
17 can be here, find out where the break-out groups are and the
18 subcommittees they're interested in, and they can sit and
19 listen to what we have to say in our subcommittees. And I
20 think that might be workable.

21 VICE CHAIR DAI: Right.

22 COMMISSIONER WARD: And the summary of all those
23 subcommittees, of course, will be live -

24 COMMISSIONER FILKINS WEBBER: Oh, absolutely. We
25 come back and we report.

1 COMMISSIONER WARD: -- so, certainly that's not a
2 problem.

3 VICE CHAIR DAI: Probably, yeah, I don't know that
4 - we're certainly not obligated to livestream all the
5 subcommittee meetings, but I think that it would be probably
6 worthwhile to look at this is something we'll get our
7 Executive Director to look at, at least having transcripts of
8 each of the subcommittee meetings.

9 COMMISSIONER FORBES: I'm sorry, I have to duck out
10 to be at my store at 5:00.

11 CHAIRMAN YAO: Thank you, Mr. Forbes.
12 Livestreaming certainly is a noble objective, but we can
13 certainly do a lot of other things along the way, perhaps
14 just simple videotape it and then put it on the Web, because
15 we're not making any decisions during any of these
16 subcommittees, okay? And as far as videotaping anything,
17 \$100 video camera pointed in the right direction would do it,
18 as compared to have high bandwidth to do the streaming. So,
19 these are some of the things that we could consider maybe
20 when we come back and discuss the schedule maybe we can also
21 discuss that, as well. Okay, anything else we want to take
22 care of as far as scheduling is concerned? Does staff have
23 enough direction from the Commission at this point to
24 proceed, with the understanding that location in some of
25 these things will be determined ASAP?

1 MR. RICKARDS: I guess our understanding is we're
2 going to get the info from you and we're going to do the
3 calendars, and then there will be some discussion about what
4 you want in the notice, and we'll figure that out and get the
5 notices out. As long as we've got the notices out, we can
6 retract meetings, it's just - and as long as we let people
7 know, then we'll have done it in good faith. And I think
8 that you grasp that. The problem is having a meeting when
9 you don't have a notice is absolutely forbidden, and that's
10 where you don't have flexibility at all. So...

11 CHAIRMAN YAO: Okay, so we're going to continue
12 this scheduled meeting when we convene tomorrow morning first
13 thing, second thing, or last thing? What's your preference?

14 VICE CHAIR DAI: Well, we have some interviews
15 tomorrow morning.

16 COMMISSIONER FILKINS WEBBER: Right, at 10:00, I
17 think, is the first one? Am I correct? Okay, as I recall.

18 CHAIRMAN YAO: So we have an hour before the
19 interview.

20 COMMISSIONER FILKINS WEBBER: We need to start at
21 9:30 and then go -

22 CHAIRMAN YAO: Right, we are starting at 9:30. So
23 we will resume the discussion of the schedule at 9:30
24 tomorrow for 45 minutes or so before we -

25 COMMISSIONER FILKINS WEBBER: No, our next

1 interviewee is at 10:00 a.m. tomorrow morning, so we need to
2 come back here, open up the record, and go into closed
3 session for 10:00 to lunch. Am I correct?

4 MR. RICKARDS: The first interview is at ten?

5 MS. MEJIA: It's at 10:00, so you'll just have a
6 few minutes tomorrow morning, you'll be here at 9:30.

7 CHAIRMAN YAO: We'll open up, but we won't have an
8 opportunity to discuss until after the interview. All right,
9 so we will recess this meeting until approximately what time
10 tomorrow, the open session? Oh, I'm sorry, 9:30. And then
11 we'll go into closed session, and then we'll resume the
12 general meeting at approximately what time?

13 MS. MEJIA: After lunch.

14 CHAIRMAN YAO: Okay, immediately after lunch at
15 around 1:15, 1:00?

16 MR. RICKARDS: Well, you can just see how the
17 interviews go, you come back down here.

18 CHAIRMAN YAO: Yeah, this is certainly just an
19 estimate at this point, but I do want to give the public an
20 estimate when we're going to be reconvening the open session.

21 MS. MEJIA: I think 1:15 is a good time.

22 CHAIRMAN YAO: All right, 1:15. All right, if
23 there is nothing further, we will recess the meeting at this
24 point until 9:30 Friday morning.

25 (Recess at 4:56 p.m.)