

BEFORE THE  
CITIZENS REDISTRICTING COMMISSION

State Capitol, Room 126 and 127  
Sacramento, CA 95814

WEDNESDAY, FEBRUARY 23, 2011  
9:00 A.M.

Reported by:  
Kent Odell

## APPEARANCES

### **TECHNICAL ADVISORY COMMITTEE:**

Commissioner Gabino T. Aguirre  
Commissioner Angelo N. Ancheta  
Commissioner Vincent P. Barraba, Chair  
Commissioner Michelle R. Di Giulio  
Commissioner M. Andre Parvenu  
Commissioner Peter Yao

### **STAFF PRESENT:**

Dan Claypool, Executive Director  
Kirk Miller, Counsel  
Janeece Sargis, Administrative Assistant  
Raul Villanueva, Office Manager

### **PRESENTERS:**

Carol Umfleet, DGS, Contracts Specialist

### **PUBLIC COMMENT:**

Tony Quinn  
Trudy Schaffer, League of Women Voters  
Sam Walton, NAACP  
Zabrae Valentine, California Forward

### **FINANCE AND ADMINISTRATION ADVISORY COMMITTEE:**

Commissioner Angelo N. Ancheta  
Commissioner Maria Blanco  
Commissioner Cynthia Dai, Dai  
Commissioner Michelle R. Di Giulio  
Commissioner Connie Galambos Malloy  
Commissioner Michael Ward  
Commissioner Peter Yao

### **STAFF PRESENT:**

Dan Claypool, Executive Director  
Kirk Miller, Counsel  
Janeece Sargis, Administrative Assistant

### **PUBLIC COMMENT:**

Tony Quinn

## APPEARANCES

### **OUTREACH ADVISORY COMMITTEE:**

Commissioner Gabino Aguirre  
Commissioner Vincent Barraba  
Commissioner Michelle R. Di Giulio  
Commissioner "Gil" R. Ontai  
Commissioner M. Andre Parvenu  
Commissioner Jeanne Raya  
Commissioner Peter Yao

### **STAFF:**

Daniel Claypool  
Janeece Sargis

### **PRESENTATIONS:**

Sarah Rubin, Center for Collaborative Policy (CCP)  
Charlotte Chorneau, Center for Collaborative Policy (CCP)

### **PUBLIC COMMENT:**

Bonnie Glaser, U.C. Berkeley, Research Analyst (Election  
Administration Research Center)  
Trudy Schafer, League of Women Voters  
Rani Woods, Los Angeles County Federation of Labor, AFL-CIO

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P R O C E E D I N G S

FEBRUARY 23, 2011

9:02 A.M.

**TECHNICAL ADVISORY COMMITTEE**

MS. SARGIS: Commissioner Aguirre - Here;

CHAIRMAN BARRABA - Here; Commissioner Di Guilio  
- Here; Commissioner Parvenu - Here.

COMMISSIONER ANCHETA: I think I was added to  
the Committee when I joined, so...

MS. SARGIS: Right, you are added. Commissioner  
Ancheta - Here. We have a quorum.

CHAIRMAN BARRABA: All right, we'll get started  
and let's open it up for any comments from the public.  
We will welcome them to - right there. Any comments from  
the public? Yes. Come up, sir.

MR. QUINN: Well, good morning. My name is Tony  
Quinn and I was asked by one of the authors of  
Proposition 11 to give you a few thoughts today. I have  
been involved with this subject for 40 years, it doesn't  
seem possible, but I have. I worked for the Legislature  
in 1971 and 1981 and I have been writing about it and I  
have written a little bit about your work and I expect to  
do more of that; I am not looking for any kind of job  
this year, I've been through all of that. But, I did  
want to make a few comments.

First of all, the job of doing it right really

1 is not that hard. California is a logical state, you can  
2 look at it, and it breaks down into logical pieces.  
3 Doing it wrong is actually harder. When I did it for the  
4 Legislature, my basic job was to take care of my members.  
5 We knew how it should have been done, but doing it for  
6 our members was much different.

7           The second point is that you are doing a  
8 statewide plan; you're going to hear from lots of  
9 communities. I kind of know what they're going to say  
10 because I sit in on hearings, also, and they're going to  
11 say, "Don't cut us up." Nobody is going to say, "Gee, I  
12 want my State Senator to be 200 miles away." But, as  
13 you're going to find, when you do a statewide plan, there  
14 are going to be ripples. The population is going to  
15 ripple, and not everybody is going to get what they want.  
16 At the same time, you're dealing with districts that  
17 start around 500,000 people and go up to nearly one  
18 million, so a lot of the communities are going to be  
19 decided simply by the size. And the issues you're going  
20 to face are going to be along the edges.

21           I've also looked over the years and have been  
22 involved with the Voting Rights Act issues; I think  
23 they're very important in this state. Once again, that  
24 can be done in a logical manner. I encourage you to  
25 read, if you haven't already, the Report of the Masters,

1 the Special Masters to the Supreme Court in 1991, and  
2 they will tell you that they looked at the Voting Rights  
3 Act districts first, they started in Central L.A., and  
4 the plan that they came up with led to the largest number  
5 of non-Anglo Legislators ever being elected here. So,  
6 again, following the logic of the State, you can do it  
7 well.

8 I just have kind of some thoughts about what  
9 sort of people you should be looking for, since that's  
10 your job now, to find the right kind of consultants.  
11 First of all, you should look at somebody that's done  
12 this kind of work before. I don't think anybody is  
13 available that's done it statewide before because the  
14 Legislature did it, and I don't think you want to hire  
15 any of their folks. In 2001 - the Masters did it in '91,  
16 and I did it in '81, and you don't want to hire me! But,  
17 you need people that sort of understand how the State  
18 breaks down into regions, and I think it's going to be a  
19 lot easier if you look at the State and begin to kind of  
20 break it up, and I'll give you just a thought there; I'm  
21 working with some folks on just looking at different ways  
22 of doing the State. One way to do it, if you go down the  
23 coast, and if you respect the mountain range, which the  
24 Masters did, that separates the coast from the inland, at  
25 the Oregon Border, come down, go through all the counties

1 that touch San Francisco Bay, then go down and take in  
2 Santa Cruz and Monterey. That's a fairly sensible  
3 region. And there are corridors of transportation, media  
4 markets, and if you do that, if you look at it, you'll  
5 find that that's just about 12 Congressional Districts.  
6 So, if you say, "Hey, we're going to take that region and  
7 try to divide it up in a sensible way, then you only have  
8 to go outside the region one time to get the necessary  
9 population. And I think that you'll find that it's going  
10 to be much easier if you approach it that way.

11 I also think your contractor needs to know what  
12 is wrong with the current plan and I should tell you here  
13 that I was engaged by three cities in 2003 as their  
14 expert witness in a lawsuit against the current plan on  
15 State Constitutional grounds; I also thought it was  
16 unconstitutional on Federal Voting Rights Act grounds,  
17 but I didn't get into that suit. Stockton was one of the  
18 places that hired me; it turns out that San Joaquin  
19 County has half a million people, or thereabouts, has no  
20 Assembly member that lives in the County, no State  
21 Senator that lives in the County, and no member of  
22 Congress. Every one of them lives outside this County of  
23 half a million people, that's strictly a result of how  
24 they were divided up - and they're mad about that. And I  
25 will tell you that I'm going to be working with some

1 people in Stockton next month, and we're going to come to  
2 you and say, "Look, this is what happened to us and we're  
3 mad as hell about it, and we don't want it to happen  
4 again." I think your consultant needs to know that, and  
5 I think your consultant needs to be aware of what was  
6 done. And there are certain pressure points. You're  
7 going to hear a lot about Voting Rights Act violations in  
8 the San Fernando Valley, and I am absolutely convinced  
9 that that happened, the Asian Community of Berryessa and  
10 Milpitas was divided up, purposely, for partisan reasons,  
11 they should be brought back together, Oxnard is in the  
12 wrong place again for partisan reasons. So, you know,  
13 your consultant needs to understand that.

14 I know you're going to have a lot of public  
15 hearings. I would hope that your consultant is there  
16 with the computer, with the maps, and so, when the public  
17 comes and says, "This is what we would like," your  
18 consultant can say, "Well, that can be done if the  
19 Districts are drawn such and such," or your consultant  
20 may have to say, "Look, given the criteria, given the  
21 equality of the districts, what you're asking for may not  
22 be possible." But I think your consultant really needs  
23 to know the state, know the entire state.

24 And finally, you have I think received messages  
25 about the need for political balance and I am one of the

1 people who have used my small ability to get that message  
2 out. So, as somebody who has been in this before, you do  
3 not want the politicians or representatives thereof to  
4 have any role in drawing the districts; at the same time,  
5 you really need to have people that everyone can feel  
6 confident about and I will just give you one quick  
7 example. From my having looked at the state, you are  
8 going to have to collapse Democratic districts in the San  
9 Francisco Bay Area, you have no choice, because the  
10 population simply does not allow as many as are there  
11 now. You're going to have to, I think, collapse some  
12 Republican districts in the Inland Empire, they are  
13 highly gerrymandered right now. You will find when we  
14 get the Census Data that the Latino growth into the  
15 Inland Empire Riverside and San Bernardino has been very  
16 great, and I think Section 2 will require you to address  
17 that. You're going to make Republicans mad; you're going  
18 to end up making Democrats mad. You're much better off,  
19 I think, to have them within the tent rather than looking  
20 around to do referenda, which they can do under the law,  
21 or lawsuits. Arizona had 10 years' worth of lawsuits and  
22 that was a Commission that really tried, and they did as  
23 good a job as they could, and the final Arizona plan has  
24 shown, as we know, has shown a lot of switches between  
25 the parties, which California hasn't had.

1           And I would just say, kind of my final thought,  
2 is from *The Godfather*, and that is sound advice, "Keep  
3 your friends close, by your enemies closer." So, that is  
4 kind of what I wanted to share with you and I'm very  
5 happy to have had the opportunity to do so. Thank you.

6           CHAIRMAN BARRABA: Thank you very much. Are  
7 there any other comments from the public? Okay, seeing  
8 none, let's move to the agenda items, the first one being  
9 Recruiting and Hiring -

10           COMMISSIONER ANCHETA: Sorry, Mr. Barraba, just  
11 for a clarification, because what - I had asked the Chair  
12 to put a couple items on the agenda, and just to note,  
13 they may have to come up, just given whatever time we  
14 have today, in front of the full Commission, but if you  
15 look on - these aren't numbered, but if you look at the  
16 full Commission Business Meeting - I guess it's page 4 of  
17 the published Agenda, there are a number of items that I  
18 raised with the Chair, and I think they're not  
19 specifically calendared for this meeting, but I'm hoping  
20 to bring them up at some point, either here or in the  
21 full Commission. So, the three items that I had put in  
22 front of the Chair were some discussion of the publicly  
23 available Redistricting software, that's one; the second  
24 was looking at various data where we're going outside of  
25 the Census Data, which would include neighborhood

1 information, communities of interest, and then also  
2 Voting Rights Act related data which includes racially  
3 polarized voting studies. And then, the third area,  
4 which I think is also - which is listed on the Advisory  
5 Committee Agenda, is some consideration to introduce some  
6 discussion, and I think we're going to have some follow-  
7 up, as well, looking at potential adjustments to the  
8 Census Data. So, I put those on the agenda and, again, I  
9 think we've got a number of other items for the Technical  
10 Committee this morning, but just to flag those issues  
11 that I had brought up with the Chair.

12 CHAIRMAN BARRABA: Commissioner Ancheta, when  
13 you say "adjustments to the Census Data," what kind of  
14 adjustments were you thinking about?

15 COMMISSIONER ANCHETA: Well, that's a good  
16 question. Without getting too much into the content of  
17 the discussion, there are areas - and there is precedent  
18 both in California and in other states - to take the PL  
19 94 data and either reduce or reallocate some of those  
20 numbers, depending on what you're trying to do, and there  
21 are various groups - again, this comes in different  
22 states and different localities, but may include, for  
23 example, overseas individuals, including Military  
24 personnel, students, prisoners, for example.

25 CHAIRMAN BARRABA: That would not be related to

1 actually adjusting the numbers based on undercount or  
2 anything like that?

3 COMMISSIONER ANCHETA: It could be based on an  
4 undercount; it could also be on how the allocations fit  
5 within particular counties, for example, areas that have  
6 large prison populations, whether one might adjust some  
7 of those numbers based on the prison population. But I  
8 think some of this is going to be presented in a training  
9 session tomorrow or Friday, perhaps. And, again, I think  
10 there are some issues that will require a little more in-  
11 depth analysis, but I wanted to sort of start the  
12 discussion at some point.

13 CHAIRMAN BARRABA: Having some experience with  
14 adjusting the Census count, I can tell you, that is a  
15 very complex subject.

16 COMMISSIONER ANCHETA: Right.

17 CHAIRMAN BARRABA: But I don't see any problem  
18 in making judgments about what is included in the  
19 allocation, but if somebody is going to try to change the  
20 count based on expected undercount, that is a much more  
21 complicated issue, which we may not resolve in time for -

22 COMMISSIONER ANCHETA: Right, no, and that's  
23 only been an issue in past Census counts and in  
24 redistricting, but that's not specifically what I'm  
25 looking at from this point.

1           COMMISSIONER AGUIRRE:  Could I ask a question  
2 about the prison population?

3           CHAIRMAN BARRABA:  Yes.

4           COMMISSIONER AGUIRRE:  Do you know whether  
5 they're typically counted within their geographic area,  
6 or whether prisoners are counted in their County of  
7 origin?

8           COMMISSIONER ANCHETA:  Right.  So, the question  
9 - and this is the core of the question, actually,  
10 regarding prisoners, at least, is that the Census has,  
11 and for this most recent Census, has counted prisoners  
12 where they are physically located on April 1<sup>st</sup>, 2010, so  
13 that population, if they are in the prison, is counted in  
14 the prison and as part of that particular Census Block or  
15 tract, or whatever - unit - that you want to look at,  
16 they're not counted at their home residence, or last  
17 known residence.  What has happened in a couple of states  
18 and, again, this is an issue we might want to take up,  
19 I'm simply introducing it as a one of a couple issues  
20 around the Census Data, is that it is possible to  
21 subtract out prison populations which a number of  
22 California Counties actually already do for their County  
23 Boards of Supervisors.  It is also possible to, although  
24 this requires additional data which is outside of the  
25 Census, which is actually going to the basic State

1 agencies that run prisons, and perhaps the Federal  
2 Prisons, is you can try to get data on last known  
3 residence and try to reallocate those numbers to the last  
4 known residence. Now, that's a complicated set of data  
5 that you have to try to get, and I don't know if that's  
6 readily available in California. So, that's an issue  
7 that will have to be looked at, but that's the core of a  
8 lot of these questions just around the prison population.

9 COMMISSIONER AGUIRRE: Yeah, because there is,  
10 of course, the early release program, now no longer the  
11 early release program, where prisoners have gone back to  
12 their county of origins, community of origin, and I don't  
13 know whether we have those numbers down.

14 COMMISSIONER PARVENU: To my understanding, only  
15 three states have - there is an HR bill currently in  
16 motion to actually have, I guess, nationwide that  
17 consideration with Census counts. Currently, there is  
18 the State of New York, Maryland, and Delaware, and I  
19 believe the District of Columbia, also, because they have  
20 Lorton Prison, which is across the Potomac in the State  
21 of Virginia, so that count typically contributed to  
22 Washington. But, my question is to Commissioner Ancheta.  
23 With non-Census Data, I heard you in a previous meeting  
24 mention sociological or demographic or other perhaps, I  
25 guess, academic studies or research that might complement

1 what Census Data we have, to sort of give us a better  
2 idea of what communities of interest are, what the  
3 demographic composition is of areas, is that a comment -  
4           COMMISSIONER DI GIULIO: Could I suggest  
5 something really fast, Commissioner Parvenu, and for the  
6 rest of my Commissioners? That I think this is a  
7 fantastic discussion and one that we as the Technical  
8 Committee need to take up. I think that maybe the place  
9 for it, if we have an opportunity, might be later today.  
10 I'd like to suggest that maybe - I'm thinking in terms of  
11 how we can best utilize our time and I think there are  
12 two pressing issues that we really need to address, that  
13 we need to bring to the full Commission, and then that  
14 might afford us an opportunity to discuss some other  
15 things as we move forward. And let me throw this out  
16 there and see if my fellow Commissioners agree. I think  
17 the first one would be the recruiting and hiring  
18 consultants and the IFB process and how we're going to be  
19 moving forward, and we have a presentation for that,  
20 because we need to decide as the Technical Advisory  
21 Committee if this is how we want to proceed in terms of,  
22 also, the dates, the data, the things that will be given  
23 to the full Commission for consideration. And then, the  
24 other one is that we also need to discuss some of the  
25 issues of software as it relates to the outreach and what

1 we're required to do by the Proposition, and we need to  
2 make some decisions about the money and who might enact  
3 modes to be able to do that outreach. I think that would  
4 be important information that we need to make some  
5 decisions on today, and we can bring to the full  
6 Commission, and then I would suggest, afterwards, that  
7 maybe some of the issues that Commissioner Ancheta had  
8 brought up, that we put on the agenda, or have an  
9 opportunity to discuss if time is willing. Is there  
10 anything else that Commissioners feel might be important  
11 for us to address now in terms of decision-making and  
12 that we can bring to the full Commission?

13 CHAIRMAN BARRABA: I think everybody would  
14 concur with that suggestion? Okay. So with that in  
15 mind, let me ask Carol Umfleet to - Dan, did you want to  
16 make a comment?

17 MR. CLAYPOOL: You've got microphones  
18 everywhere. Only that I'd like to introduce our  
19 specialist. Carol, I think the public needs to know that  
20 Carol has well over 25 years worth of experience with the  
21 Department of General Services, as a Contract Specialist,  
22 and as soon as we were running into our problems with  
23 delegated authority, we looked for someone who could help  
24 us move through the regular process, and Carol has done a  
25 fantastic job in very few days. So, I will turn it over

1 to Carol.

2 MS. UMFLEET: Good morning. Within the last  
3 week, we did compile and complete our Statement of Work,  
4 which is really an outline of all the requirements that  
5 we need.

6 COMMISSIONER DI GIULIO: Sorry, real fast.  
7 Carol, I think you might be able to give just a little  
8 bit of background, I'm not sure if people in the audience  
9 are kind of aware of where we are today and what we're  
10 discussing, how we've gotten to this point. Would that  
11 be possible to do a brief - or, maybe, I'm not sure.

12 MS. UMFLEET: We -- to hire a consultant to do  
13 the line drawing, we have to issue a competitive bid, so  
14 what we're doing is putting together the requirements for  
15 that bid and what I will proceed to talk about is exactly  
16 where we are at now and where we're going to go in the  
17 next month because our target for award is by the end of  
18 March. So, we developed our Statement of Work, we gave  
19 that to the Department of General Services Procurement  
20 Division yesterday. General Services Procurement will be  
21 administering this bid for us. That's a good thing for  
22 us, they are the experts, they will facilitate it, it  
23 will be as fast as it can be done, and any exceptions  
24 they can make to establish process is, those are the  
25 people that will know what can or cannot be done. I

19

1 asked them for the release date for the bid, and the  
2 award date, and they have not compiled that yet, but they  
3 understand we have one month and that this needs to be  
4 awarded by the end of March, and they have committed that  
5 they will do everything possible to get that done.  
6 Before the bid can be released, they are going to have to  
7 put that bid package together, they'll take our  
8 requirements, and they'll add all the Codes, the laws,  
9 the certs, the big package. It's unknown at this time  
10 whether it's going to be a request for a proposal, which  
11 is a more lengthy process, or an invitation for bid. The  
12 document we have is suited for a Request for Proposal,  
13 but because it's a longer process, they are looking at  
14 releasing this as an Invitation for Bid just because of  
15 the time constraints. But we don't know yet. What  
16 Procurement will do is put this bid package together,  
17 they have to get the Department of General Service's  
18 legal review and approval, they are required to post  
19 online and advertise, it will be a minimum of three days.  
20 So, this will not be released before next week.

21 COMMISSIONER AGUIRRE: Is the Request for Bid -  
22 are the elements of that similar to what we have before  
23 us with the RFP?

24 MS. UMFLEET: Yes. It's a little more  
25 streamlined, though. In case anyone wants to know, the

1 Guidelines that are going to apply to this whole process,  
2 it's out on the Department of General Service's Office of  
3 Legal Services, it's called *State Contracting Manual I*,  
4 everything. So, if anything I say you've got further  
5 questions and you want to go see what an interagency  
6 agreement, everything they say about that, it's there.  
7 If you want to see all of that, it's out there, so just  
8 as a reference, that's a good place to go look and it's  
9 where I study - memorizing that manual.

10           Because of the short timeframe, we have some  
11 challenges with getting this contract awarded by the end  
12 of March. A typical bid of this sort would take two to  
13 six months and we have one month to do it. A couple of  
14 the challenges, in particular, and where we're going to  
15 have decision points, one is if we have to change a  
16 requirement in this bid, whether we determine ourselves  
17 that something needs to be included that hasn't been, or  
18 whether we get a request from the contractor, we will  
19 have to issue an Addendum. That Addendum will delay the  
20 bid at least five days by the time we process it, we mail  
21 it, they digest it, it has to be also reviewed by DGS  
22 Legal. So, that's a five-day delay. And whether we're  
23 going to have enough time to still make an award by the  
24 end of March depends on, for instance, if we get a  
25 request for change from a contractor, and they challenge

1 us, and we have to meet with them, and we have to discuss  
2 this, just depending on what kind of time that's going to  
3 take, we're going to have to make a decision about  
4 whether we want to go ahead and cancel this bid and go  
5 with alternative processes, which I'll talk about at the  
6 end. We have the right to cancel this bid at any time,  
7 we do not have to make an award.

8           The other hard spot is going to be if we get a  
9 protest from the contractor based on they should have  
10 received the award, or it could be they recognize we  
11 haven't followed our own bid procedures, or we have not  
12 complied with some State Code. It could be we don't  
13 agree with how you've scored these bids, and the points  
14 you've awarded, any of those things could cause a  
15 protest. The problem with that protest is, by the time  
16 we get it, we're going to be within a week of April, so  
17 there just is no time because it's at the very end of the  
18 bid, right before we make the award. The good news is  
19 Department of General Services has the authority to  
20 process and review that protest, it doesn't have to go to  
21 any other department or division. And they will make a  
22 determination of merit. It's a given if they find  
23 there's merit that we will not be able to award because  
24 we will go into some scenario with five and 10-day  
25 increments, with information passed back and forth, and

1 ultimately a Hearing Officer will hear it. So,  
2 certainly, if there is a determination that the protest  
3 has merit, we will not be able to award this bid before  
4 April. If it is determined that there is no merit, what  
5 I'm not sure of and what I'll need to talk to our Legal  
6 about, is whether they have a finding and it is final,  
7 and we notify this protester there is no merit, if that  
8 is the condition, we may be able to make an award, still.  
9 I don't know if the Legal Department is going to be  
10 required to further engage with that Protester and go  
11 back and forth with information, so it's my opinion, if  
12 we get a protest, we're probably going to have to cancel  
13 the bid; if we have to issue an Addendum, maybe.

14           The other place where we've got, you know,  
15 concern, it's not likely that all of the leaders in the  
16 industry are going to submit bids with material  
17 deviations that are going to result in their bid being  
18 rejected, but it could happen. If they come in and they  
19 say, "I don't agree to this contract term and condition,"  
20 or they come in with a conditional acceptance of this  
21 requirement that we have, and their bid is rejected, we  
22 have no options. And, so, that's a consideration. Now,  
23 if we are not able to award based on this bid, we have a  
24 couple of options, one of those options is an interagency  
25 agreement with another State agency or a University, that

1 will also require review and approval by DGS Legal, but  
2 it is simply sitting down and negotiating the terms and  
3 conditions and issuing an award. Now, understand at this  
4 point we have got a week, maybe, if we're lucky and it  
5 depends on whether we did an Addendum and used up  
6 everything but two days. And we will be looking at this  
7 in front - I mean, we will be prepared to move with these  
8 documents in advance of this last minute, so just  
9 understand we'll be prepared to move, but we still have a  
10 processing timeline we're going to have to adhere to. We  
11 could run into a problem with an interagency agreement if  
12 we end up with an entity that does not agree to the terms  
13 and conditions, and they want to sit and talk about it  
14 for days and days, or just refuse to agree, we will not  
15 be able to issue a contract. Another alternative, and  
16 these are the only two I can think of, or that I know of,  
17 is a non-competitive bid contract. And that generally  
18 has, you know, media attention that is not something  
19 anybody wants, and so that's a consideration before going  
20 there. You know, generally, the only reason you get to  
21 issue or get an approval for a non-competitive bid  
22 contract is if there is only one contractor, or it is an  
23 emergency - health and welfare and all of that. But,  
24 there are cases made for - a business case, they have  
25 been made and they have been approved. The approval

1 authority is going to be, if you don't have an agency  
2 secretary or a department director, it will be the top  
3 two executives in the Commission that will be required to  
4 sign that NCB or Non-Competitive Bid Contract, that's the  
5 approval. That will also have to be - we'll work  
6 directly with DGS Legal to get that done, you know, we'll  
7 be working with them elbow to elbow at that stage if we  
8 go with an NCB.

9           So, that's where we stand. I think it's going  
10 to be a real challenge to get the bid awarded; it can be  
11 done, and as long as Procurement Division continues to  
12 tell us, you know, they're doing everything they can, and  
13 that's what they've been doing, they've been very - a lot  
14 of assurance - "get it to us, we'll do what we can." So,  
15 we'd like to award, but just understand, those are the  
16 variables we're going to be dealing with, and the options  
17 if we're not able to.

18           COMMISSIONER DI GIULIO: I think it might be  
19 helpful, too, a little bit, I had an opportunity to talk  
20 with Dan as the liaison from the Technical Advisory  
21 Committee to kind of look at this again to review where  
22 we stood after the last meeting, when we had looked at  
23 the option for a Technical Consultant. It was the wishes  
24 of the Commission to put it out to bid and, since then,  
25 we've seen what is the process involved in terms of RFP

1 or an IFB, and I think that the timeline that is going  
2 on, as Ms. Umfleet had mentioned, I think the intention  
3 was hopefully to get this Request for Proposal, or  
4 whatever form it is, out by next week. But, again, there  
5 are certain dates that have to be met and a certain  
6 amount of review, and I think it sounds like we might be  
7 even further behind than -- I thought it was to be  
8 released next week, but it sounds like we won't even get  
9 approval until next week regarding -

10 MS. UMFLEET: You know, they could call me, but  
11 the point is that we can't release the bid until they  
12 advertise it for three days.

13 COMMISSIONER DI GUILIO: And three days, okay.

14 MS. UMFLEET: It's Wednesday.

15 COMMISSIONER DI GUILIO: Yeah. And I believe  
16 there were some issues in terms of, as Ms. Umfleet  
17 mentioned, if protests happen along the way, we can  
18 always stop the bid, the only alternatives are the  
19 interagency agreement, or the noncompetitive bid, which  
20 lead us back to square one, which is where we were last  
21 meeting. The advantage, I think, to going out to bid, at  
22 least initially, if we can work with DGS, would be to be  
23 able to have the opportunity for outside groups that are  
24 interested to be able to submit their proposals. We can  
25 see what the proposals are and, if for some reason along

1 the way, there was a protest, or there is something that  
2 is shut down, the process completely, and we were not  
3 able to make our deadlines -- oh, sorry.

4 MS. UMFLEET: The fact that we will have  
5 completed this bid, even though we didn't award it, we've  
6 gone out, we've surveyed the market, we've collected all  
7 of their skill sets, we know what their prices are, is  
8 going to support a good business case.

9 COMMISSIONER DI GUILIO: Another point being  
10 that, if that were the case, if we had all this  
11 information from those potential consultants, if for some  
12 reason the process was brought to a screeching halt, and  
13 we decided to go either the interagency route vis a vis  
14 maybe some of the Applicants, or if we ended up without  
15 another option, is to do a no-bid contract, we would have  
16 a selection from which to choose. And I think, as I  
17 understand, and talking to Mr. Claypool, the State would  
18 look more favorably on a no-bid contract if we had done  
19 that initial research and had laid out plans from  
20 multiple organizations.

21 COMMISSIONER ANCHETA: Now, it's my  
22 understanding, and I think Mr. Claypool can speak to this  
23 a little bit, but it seems that some of these processes  
24 can go in parallel, right? So, for example, if we can  
25 pursue - we'll go through the competitive bid process as

1 we are doing right now, but we can also in parallel, say,  
2 look at an interagency - or at least explore interagency  
3 agreements at the same time -

4 MS. UMFLEET: Draft the documents - the process  
5 time is going to occur right at the end of March, and  
6 there's nothing we can do about that, but we will be able  
7 to develop the documents and be in place.

8 MR. CLAYPOOL: Yes, and that was always our  
9 intention, was that as soon as we had the meeting in  
10 Claremont, we realized that the timeframe was too short  
11 for us to simply rely on the process to work perfectly,  
12 so we are developing, as Carol said, the documents to put  
13 them in place, but we can't - I don't know that we can  
14 necessarily in good faith pursue a separate agreement  
15 until we know that the avenue that we're taking isn't  
16 going to work. Having said that, though, with much of  
17 this, the important part is having everything set in  
18 place, in case something goes wrong.

19 CHAIRMAN BARRABA: Are we going to discuss the  
20 bid, itself? The question I have and maybe Commissioner  
21 Ancheta could jump in, on page 3 -

22 MS. UMFLEET: I gave away my last copy. But you  
23 can tell me what it says.

24 CHAIRMAN BARRABA: Okay, it says the  
25 Redistricting database will not contain precinct level

1 voting data and elections data. What was the reason for  
2 that?

3 COMMISSIONER DI GIULIO: It's page 8 on this  
4 document.

5 CHAIRMAN BARRABA: Okay.

6 MR. CLAYPOOL: CHAIRMAN BARRABA, with that  
7 question, I believe that that came as us pulling together  
8 several different examples of how these contracts have  
9 been led statewide for different municipalities and so  
10 forth, so it gave us - we saw that statement in several  
11 different ones, and we said this is probably something  
12 that needs to be in this technical portion. We also  
13 discussed it with one individual who had great knowledge  
14 of the process, and that individual didn't exclude it  
15 from the technical portion; however, you have an equal  
16 amount of knowledge in this area, and if there is a  
17 reason why that shouldn't be in there, or it needs to be  
18 modified, if we do it now, it will still move forward in  
19 the revised form.

20 CHAIRMAN BARRABA: The reason I raise it, and I  
21 would be interested in Commissioner Ancheta's point of  
22 view, if we start looking inside of a district, and we  
23 have, say, an ethnic group that really dominates it, but  
24 there are differences within the group, it might be that  
25 we could see where those differences were geographically

1 on, say, an initiative vote, or a particular  
2 controversial issue, or whatever it might be. And I just  
3 would think that we would want to have access to be able  
4 to do that if it would be available to us. And if it's  
5 excluded in the database, then obviously we couldn't do  
6 it, unless I'm reading this correctly.

7 COMMISSIONER ANCHETA: I'm sorry, could you give  
8 me the section and subsection numbers rather than the  
9 page numbers?

10 CHAIRMAN BARRABA: It's Redistricting Database -

11 COMMISSIONER DI GIULIO: Section 6, Subsection  
12 6.

13 COMMISSIONER ANCHETA: Subsection 6, okay.  
14 Sorry.

15 CHAIRMAN BARRABA: The last line.

16 COMMISSIONER ANCHETA: Okay, there we go. Well,  
17 most of the data that we're going to be getting that will  
18 be in the statewide database and available to whoever  
19 does the work for us, there will be some elections data  
20 in that database is my understanding and, again, this is  
21 primarily for Voting Rights Act purposes, and this goes  
22 to the item I was getting on the agenda for later today  
23 or tomorrow, is that for Voting Rights Act compliance,  
24 we're not looking at the whole state, we're looking at  
25 various areas where there may be a majority minority

1 populations, or the Section 5 counties, that you're going  
2 to want to get, if it is available, certain kinds of data  
3 that looked at the minority populations there, the  
4 absence or existence of polarized voting, those kinds of  
5 things. That's the kind of data we're either going to  
6 have to get through public testimony, or research, or  
7 perhaps published studies if there are some published  
8 studies out there, but they're not going to be in the  
9 Census Data. And we'll have to figure out what we can  
10 get, in the best form, at the time we're going to start  
11 drawing lines because, I think I mentioned at previous  
12 meetings, that data often is not produced unless there's  
13 litigation. So it's a challenge for us as a Commission  
14 to figure out, "Well, are we going to draw a  
15 majority/minority district here because we think it's  
16 likely to cause a Voting Rights Act violation?" We'll  
17 have to deal with the best data we've got at that point.  
18 But, technically speaking, that's not in the  
19 redistricting database data that you get from the Census  
20 Bureau. It may be incorporated into whatever data the  
21 Technical Consultant is working with actually drawing the  
22 lines, but it's not going to be in the statewide database  
23 - formally. But, again, we might have that information  
24 and it could be coded, it could be looked at by the  
25 software that the Consultant is using. So, I think all

1 of that can come in; whether that's germane to the  
2 contract language is a question. I'm not sure if - you  
3 could delete it, you could leave it in, it may not - I  
4 think it's important that the Consultant know, and that  
5 we know, that some of that analysis has to go into the  
6 final - the draft and the final map drawing, and whether  
7 it comes in again through the statewide database or some  
8 additional data - but, in the final analysis, we'll still  
9 have to look at what we've got at a certain date and say,  
10 "Okay, this is all the data we've got, we can use, let's  
11 start drawing some lines."

12 MR. CLAYPOOL: It is very important if you wish  
13 to have - if you think you have the need for that data,  
14 then we need to pull that out or revise it, because we're  
15 going to bind our contractor with this contract, and that  
16 will be one of the things that binds it.

17 CHAIRMAN BARRABA: I guess what my concern was,  
18 when I read it, it precludes the opportunity if it became  
19 necessary to look at that, and I didn't know what the  
20 value was of leaving it out. That was, I guess, the  
21 question I had.

22 COMMISSIONER DI GIULIO: So, would you suggest  
23 eliminating that line?

24 CHAIRMAN BARRABA: I would suggest that, but I  
25 want to make sure we're not doing something dumb by doing

1 that.

2           COMMISSIONER ANCHETA: Well, if you look at the  
3 sentence before that, it does talk about a separate  
4 contractor, so I think one thing we might try to settle  
5 at this point is are we going to going to get a separate  
6 contractor who will look at that data - and, again, it  
7 does not have to all be in the single database, at some  
8 point, you have to say, "Well, here's some other data  
9 we've got, let's adjust the lines." But I think a bigger  
10 question is, are we going to have a separate contractor  
11 in addition to this contractor that will do that because,  
12 if we are, then they can work with that other kind of  
13 data, and this contractor can focus on the core stuff.

14           COMMISSIONER DI GIULIO: I think part of the  
15 issue - I think there are a couple of issues here, and I  
16 think one is the VRA expert, or experts, will also be  
17 very heavily involved with the Technical Consultant(s).  
18 I also think there's an opportunity, and this is probably  
19 a point of discussion for us in terms of, it's my  
20 understanding that, in terms of the actual line drawing  
21 services, as opposed to the VRA specialist, maybe where  
22 we can have more than one with some different opinions;  
23 with the actual line drawing services, it's best to have  
24 just one consultant do that, but that doesn't preclude us  
25 looking at maybe an additional Technical Consultant who

1 could serve as a peer reviewer, someone who could be a  
2 checks and balance for the individual or the organization  
3 that is doing the line drawing, that could tell us  
4 whether or not - I mean, both for checks and balances for  
5 the individual contractors, but also to give us as a  
6 Commission the opportunity to hear other points of view.  
7 I think that is a point of discussion and I'm not sure if  
8 we want to do that now or wait for a little while.

9 CHAIRMAN BARRABA: We've got to now because we  
10 don't want to slow this process down.

11 COMMISSIONER DI GIULIO: Well, I think in terms  
12 of can - maybe Mr. Claypool could elaborate on how that  
13 would work, I don't know if it necessarily needs to be  
14 written in. Does it need to be written into the -

15 MR. CLAYPOOL: I believe - we've already written  
16 in the requirement that we have the option to provide a  
17 peer review consultant on this, and it was one of the  
18 thoughts that came about trying to provide some balance  
19 for those individuals who were worried that, if we had a  
20 line drawer that was perceived in one manner or another  
21 that we would also have someone who could go ahead and  
22 provide this type of oversight, particularly in an area  
23 where it's perceived that someone could skew the data in  
24 a way that could cause the Commission to possibly make a  
25 map in error, or make an error in drawing a map, I should

34

1 say. So, we've included that as language that we have  
2 the right to put in a peer review person, or entity, and  
3 we would have a separate contract and have considered  
4 within the budget that we're building a separate contract  
5 for that function. We would do it by the same  
6 competitive bid process. It isn't as critical as our  
7 line drawer because we need this individual to come  
8 aboard and start working with us on the plans for the  
9 input meetings. We would need the peer review member to  
10 come aboard as we start getting completed maps.

11 COMMISSIONER DI GIULIO: And is that, I'm sorry,  
12 is that actually in the contract? Or is that something -  
13 I was -

14 MR. CLAYPOOL: I believe if you go to the first  
15 page -

16 MS. UMFLEET: It will be under Administrative  
17 Requirements and that will be - I'm not sure if your  
18 document is identical to mine, but -

19 COMMISSIONER DI GIULIO: Was it under a section  
20 that we could edit or not? I didn't even look at the -

21 MR. CLAYPOOL: So, the first reference to a peer  
22 review, it would be in Section 1, Introduction and  
23 Overview Requirements, and it will be the paragraph  
24 directly above the key action dates. And for the  
25 benefit, because we haven't distributed this, it says,

1 "The contractor must also provide unfettered access to  
2 any completed map and/or report and the supporting  
3 documentation for either of those documents during any  
4 phase of the redistricting process to a separate peer  
5 review individual, individuals, or entity, assigned by  
6 the Commission for the purpose of providing an  
7 independent evaluation of the map and/or report prior to  
8 its submission to the Commission for its consideration  
9 and/or approval." I have to say there was some  
10 confusion, I talked with the Director - the Executive  
11 Director - for Arizona in 2000, and he had, in a  
12 conversation, said that they had had a peer reviewer go  
13 over their maps and to provide consenting or dissenting  
14 opinions. Having talked, however, with Karin MacDonald  
15 and, as she spoke with Bruce Cain, who is involved in  
16 that, he didn't remember a peer review process there.  
17 So, I'm not exactly sure how the peer review actually  
18 occurred in Arizona, other than I'm certain that the  
19 Executive Director was certain that he had hired somebody  
20 and paid somebody for that function. It makes sense,  
21 however, I think, in our process, and he believed that it  
22 made a great deal of sense in their process, to provide  
23 this counter-balance and just that second opinion before  
24 you get it that everything had been considered.

25 CHAIRMAN BARRABA: So this is an option for the

1 Commission to exercise, should it choose to do so, it's  
2 not a requirement?

3 MR. CLAYPOOL: It is. For this document, it's  
4 written as an option, but it also shows that it will be a  
5 separate entity, and then we were going to propose at  
6 this meeting that we start forward with an RFP for that  
7 function.

8 COMMISSIONER DI GIULIO: And just to clarify,  
9 too, Commissioner Aguirre pointed out a Section 5, number  
10 6, which is on page 4, there is also Commissioner Peer  
11 Review, which is in the Not Editing sections, for those  
12 of us who have breezed through that area, so I think it  
13 would be helpful for the full Commission to also see  
14 that.

15 CHAIRMAN BARRABA: So, I guess I'm still  
16 questioning why we would eliminate the possibility of  
17 getting access to that information.

18 MR. CLAYPOOL: Well, and as you were talking, I  
19 began to realize where this came from, because of what  
20 we're looking at here; I believe it's in that particular  
21 set of data, for the person that we spoke with, and that  
22 was Paul McKaskle, when we started asking for an opinion  
23 regarding what was in this, we needed to find someone  
24 that had experience, and his opinion at that time was  
25 that - I believe it is with - he thought that it would

1 polarize data - and so his opinion was that - and, again,  
2 I hope I characterize this correctly - that those  
3 neighborhoods would be clearly defined, and it wouldn't  
4 be necessary to look at this dataset to establish that,  
5 and that you would only come back to this dataset if it  
6 was necessary at a later date and have somebody else do  
7 that work for you. I can come back and I can have Raul  
8 give me the exact words that he said, and that might be  
9 helpful. So, if you'll give me a few minutes, I'll just  
10 step outside and get that language and then I can bring  
11 it back to you.

12 CHAIRMAN BARRABA: I think we could put that on  
13 abeyance before we - I don't want to slow the process  
14 down. But I don't see, I mean, it could be informative  
15 information, it doesn't have to be polarizing  
16 information, and why would we exclude information that  
17 would give us further insight into an area, would be the  
18 question I have.

19 COMMISSIONER DI GIULIO: CHAIRMAN BARRABA, do  
20 you have a suggestion as to maybe how you would prefer to  
21 have that language written if we wanted to give -

22 CHAIRMAN BARRABA: I would eliminate -

23 COMMISSIONER ANCHETA: Well, so much of - it  
24 seems like this Subsection 6 is largely informational for  
25 a potential contractor - it seems like it's like that.

1 And, again, whether we - I don't think it necessarily  
2 binds us to have a separate contract, but that's the  
3 language that's in the subsection. I don't know, I don't  
4 think it's essential. Again, I think anybody who is  
5 going to take this on will know what's in the statewide  
6 database and what's not in the statewide database if  
7 that's what this paragraph, or this subsection does. If  
8 there's more to it, I'm open to another opinion on what  
9 it says.

10 COMMISSIONER DI GIULIO: It's a binding  
11 contract, is it not a binding contract, what's in here?

12 MS. UMFLEET: All of the requirements in Section  
13 6 are mandatory when we are requesting in response to  
14 them [inaudible] [00:48:12] contractor, and they will be  
15 scored.

16 MR. CLAYPOOL: So, because Raul is actually  
17 reading this back at the office, he sent me a quick note.  
18 It said the no vote data was in there because it's not  
19 part of the line drawing, and it could cause a view of  
20 partisanship, and that was what Mr. McKaskle's view was,  
21 that you didn't want - unless you had to go into that  
22 data, or have a separate contractor do it, you didn't  
23 want to have the view that it was influencing a partisan  
24 line.

25 CHAIRMAN BARRABA: That would be an abuse of the

1 data rather than an insight into the differences that  
2 might exist within a larger community, which I think  
3 we're kind of obligated to find out.

4           COMMISSIONER ANCHETA: Yeah, and I would  
5 disagree with Mr. McKaskle's interpretation of what data  
6 is necessary at that level. Again, I think whether there  
7 is enough data will be a question, but I think we will  
8 need to look at whatever data are available on this  
9 particular issue to decide are we in compliance, or are  
10 we trying to prevent a Section 2 lawsuit when we're  
11 drawing a certain district, so we will need that data.  
12 Again, it's not what is formally in the statewide  
13 database, I think that is clear -

14           CHAIRMAN BARRABA: I thought that -- they do  
15 have the ability to do it, they have actually geo-coded  
16 the voting precincts relative to enumeration districts,  
17 things of that nature.

18           COMMISSIONER ANCHETA: And again, race data, of  
19 course, is coded in the PL 94, we will know all of that.

20           COMMISSIONER AGUIRRE: Well, perhaps we could  
21 task that with our VRA attorney, who certainly would be  
22 aware of Section 2, Section 5 counties, but also, the  
23 Department of Justice has sued, and sometimes resolved,  
24 voting irregularities in communities throughout  
25 California, so that information also would be available

1 for us. I agree that the more data that we have,  
2 especially regarding Section 2 and Section 5, the better  
3 off we're going to be and it will provide an extra  
4 measure of protection against potential loss where we  
5 would be challenged for perhaps not considering all the  
6 factors that relate to redistricting.

7 COMMISSIONER DI GIULIO: Can I suggest, then,  
8 that maybe we assume -- that maybe we should eliminate to  
9 some degree that paragraph, I'm assuming.

10 CHAIRMAN BARRABA: Well, I don't mind the rest  
11 of the paragraph, it's just that one line, that voting  
12 data.

13 COMMISSIONER DI GIULIO: Yeah, and part of that,  
14 then, I would hate to tie the hands of a contractor if we  
15 put this in the RFP/IFB, then that's what it will be, if  
16 we decide as a Commission later on that we would not like  
17 to have that data, or if we find that those issues that  
18 Mr. McKaskle - well, then we would just direct - what  
19 would we direct?

20 CHAIRMAN BARRABA: It would be an extra cost if  
21 we wanted to do it, so it would not be an initial bid to  
22 add it in, right?

23 MS. UMFLEET: We would not be able - well,  
24 amendments to the resulting contract, I believe, we can  
25 extend for a year - we can extend the contract for a year

1 without approval; after that, we'd have to do an  
2 amendment to change the terms of that contract.

3 CHAIRMAN BARRABA: I guess the question is, is  
4 this something that we should bring to the full  
5 Commission and make sure that we have got the support of  
6 our colleagues? Or is this something we can do  
7 ourselves?

8 COMMISSIONER DI GIULIO: Are we still talking  
9 about this?

10 CHAIRMAN BARRABA: Yeah, I'm talking about this  
11 last sentence, just a sentence, the last sentence. How  
12 do you all feel about that?

13 COMMISSIONER AGUIRRE: Yes, I was going to ask  
14 what you prefer. You may be the most experienced  
15 individual here related to that, so would you prefer to  
16 leave it as is, or to strike it, or change it?

17 CHAIRMAN BARRABA: I would strike it. The only  
18 thing I would bring up is we could take racial data and  
19 misuse it politically and nobody is telling us to take  
20 that one out, so it's your intent that really counts  
21 here, and our intent is not to be partisan. And if we  
22 couldn't use this information to help us to address area  
23 issues and descriptions of areas that the voting data  
24 would imply, not their party preference, or candidate  
25 preference, but the indications around that, I think

1 we're missing something. So, that's what I would  
2 support.

3 COMMISSIONER DI GIULIO: I should clarify, when  
4 I say taking out, I just meant taking the sentence out,  
5 not taking out the technology associated. I think it  
6 would just not tie our hands, you know, if we needed to  
7 put those restrictions on at a later date, but, again, I  
8 think it goes back to CHAIRMAN BARRABA saying that we  
9 have the ability to use or misuse, but that's what we're  
10 here as a Commission, and hopefully we'll be able to make  
11 that determination, so why tie our hands now? We can do  
12 that later on.

13 COMMISSIONER PARVENU: I agree, I agree. I'm  
14 inclined to strike that sentence because I believe our  
15 approach would be as inclusive as possible and there will  
16 be certain nuances when we get the data, the statewide  
17 database, and if there's any information that can assist  
18 us in micro-dissecting what these zones are, I think it's  
19 at our discretion to use it to our benefit, but we have  
20 to have the data in order to make it useful, so I would  
21 rather be inclusive than exclusive.

22 COMMISSIONER ANCHETA: Yeah, I concur with that,  
23 as well. I think for process purposes, I'm not sure if  
24 we have to recommend this to the full Commission or -

25 CHAIRMAN BARRABA: Okay [inaudible] [00:53:34]

1 one sentence out.

2 COMMISSIONER DI GIULIO: I think we can report  
3 what we've done and our reasoning for that. I think  
4 that's what our job is, to kind of not put these details  
5 on their plate.

6 COMMISSIONER ANCHETA: That's fine with me.

7 COMMISSIONER AGUIRRE: Mr. Barraba?

8 CHAIRMAN BARRABA: Yes.

9 COMMISSIONER AGUIRRE: I have a question about  
10 the peer review. Now, as I understand it, the maps are  
11 going to be reviewed by, you know, the Secretary of State  
12 and will have to pass muster with the courts, so a peer  
13 review, then, not necessarily a legal peer review, but a  
14 process review, or -

15 MR. CLAYPOOL: And I was going on my  
16 conversation with the Arizona Executive Director. It was  
17 a peer review that looked at the data that had been used  
18 to actually draw the map that was in question, all of the  
19 data, the different comments, and so forth, and then to  
20 add a concurrence or dissent, not necessarily to hand you  
21 another map, but just to say "this is a second opinion  
22 and you may want to consider that my read of this is more  
23 that this should have been done, rather than that was  
24 done, before you get it to consider."

25 COMMISSIONER AGUIRRE: It was like a scientific

1 study, you would just concur with the conclusions of the  
2 report, or offer some criticisms.

3 MR. CLAYPOOL: Exactly.

4 COMMISSIONER DI GIULIO: I think it's before the  
5 end of it, though, it's the ongoing - it would be as we  
6 were drawing the maps, as we're going into communities,  
7 if the line drawer says, "I've taken an interpretation of  
8 what they said in L.A. and this is what I've come up  
9 with," and we as a Commission have to make that decision.  
10 There would be the peer review at that time. And so, as  
11 we go through each community and as we do the actual line  
12 drawing, the line drawer will give us the lines, but  
13 there will be a peer review for us to look to, to see if  
14 there is another option, or if there are reasonings  
15 behind that, so it will be checks and balance through the  
16 process.

17 COMMISSIONER AGUIRRE: Yeah, so it's throughout  
18 the process, not necessarily at the end of when the  
19 summary report and the maps are done.

20 COMMISSIONER DI GIULIO: Right.

21 COMMISSIONER AGUIRRE: Okay.

22 MR. CLAYPOOL: Yes, and the one other thing I  
23 would say to add on to that is that they would be adding  
24 this check and balance process for you, and then, at the  
25 very end, you would have it so that it would just give

1 everyone that vision that you had had a second opinion  
2 for this particular critical aspect of this venture.

3 CHAIRMAN BARRABA: The only concern I have about  
4 that process is that it implies that the line drawer can  
5 do whatever they want, and then, if we had somebody  
6 looking at it and saying that you did it right, or wrong,  
7 my impression - I believe that it's our job to be very  
8 explicit to what we want the line drawer to accomplish,  
9 and then, when we get the initial -- and while they're  
10 doing it, to be involved in observing it. And if we see  
11 that the line drawer is not achieving what we asked them  
12 to do, which is driven by the proposition that was  
13 supported by the people, we change it, we tell the line  
14 drawer to change it, because it's not the line drawer's  
15 final decision. And I just wonder what the value of  
16 having a peer review in there, other than because - it  
17 presumes that the line drawer is left alone to finish the  
18 deal.

19 MS. UMFLEET: It also makes a case that, now,  
20 whatever decision, it's not a clear decision, but there  
21 are multiple decisions. I just think it kind of muddies  
22 the whole thing also. And why I say that is from my  
23 experience with doing evaluations; when we do the  
24 evaluation, each of us does not have an opinion, we have  
25 one opinion, and it's a consensus, and that's all we put.

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1           CHAIRMAN BARRABA:   Yeah.

2           MS. UMFLEET:   And the reason we do that is  
3 because, then, a contractor will come in and challenge us  
4 and "that party said this many points, so how come this  
5 many points is what the final score was?" So it just  
6 creates more problem for us if we don't come out with  
7 just one.

8           COMMISSIONER DI GUILIO:   It's my - I guess this  
9 is an issue I struggle with a little bit, and I see the  
10 advantages of both ways, I'm inclined to think that, of  
11 course, we as a Commission will make the final line  
12 drawing, but I think there are two aspects, one is the  
13 appearance for the public that, I think, regardless of  
14 who we get as a consultant, one group will think there's  
15 too much of this, another group will think there's too  
16 much of that, and if we can maybe balance - if we have  
17 the option to balance it, I think we initially need to  
18 get the technical consultant, but there is the option for  
19 a peer reviewer if we feel necessary; and 2) I think  
20 that, as Commissioners, we've been instructed not to do  
21 our own line drawing. It's very important that, as we go  
22 through this, we don't do our own line drawing;  
23 therefore, the Technical Consultant will have access to  
24 all the data that's been rolled up, they will have the  
25 access to the VRA requirements and they will be

1 presenting to us the lines, and I thought that it may be  
2 a benefit to have someone else have access to that  
3 information and also provide us some feedback - that was  
4 a benefit I saw to it.

5 MS. UMFLEET: May I interrupt? Understand that  
6 we'll have to go out for a competitive bid to obtain this  
7 peer review, and it may or may not be an alternate  
8 opinion, but it may be the same opinion as -

9 COMMISSIONER DI GUILIO: And would that not --  
10 if it was the same opinion, it may be just three and four  
11 - but is it not a part of -

12 MS. UMFLEET: Well, we don't have to award -

13 COMMISSIONER DI GUILIO: -- if it's in this bid,  
14 is it a separate one? Or could we -

15 MS. UMFLEET: All this states is we've got a  
16 requirement that this contractor work with somebody. We  
17 would do a separate bid and a separate contract to hire a  
18 consultant to do the peer work.

19 COMMISSIONER DI GUILIO: I thought there might  
20 be an option based on those who applied that if we saw  
21 one as the contractor, there may be a group, or an  
22 organization, or an individual, from that same pool that  
23 we could choose as the subcontractor.

24 MR. CLAYPOOL: Well, this is just a thought, and  
25 typically with a state contract that is very technical,

1 where the people who are receiving the information may  
2 not have that same technical expertise, you'll have a  
3 peer review function to make sure that you get that  
4 second opinion. Now, the reason we're staggering, or, my  
5 thought was to stagger this peer review function, was so  
6 that some of those very people who may not be selected to  
7 be the line drawer could then put their name to the hat,  
8 to at least participate in the peer review function. It  
9 will be your choice as you score these individuals for  
10 the person that you believe has the best expertise for  
11 providing you that separate opinion, but I do believe  
12 there is extreme value in making sure that we have the  
13 ability for you, or for the Commission as a whole, to  
14 know that someone else has looked at this data and is in  
15 concurrence. I think, in most cases, there would be a  
16 concurrence, but if there is, the value of this isn't in  
17 the concurrence, it's in the dissent.

18 COMMISSIONER ANCHETA: Yeah, I lean more toward  
19 Chairman Barraba's approach, which is that - and I think,  
20 regardless of how we do this, ultimately we as a  
21 Commission have to be responsible for the lines, and  
22 we're not manipulating them on the computer ourselves,  
23 but I think we have to take ultimate responsibility both  
24 for the draft and the final version of the lines. Now,  
25 having said that, I think it's good to have - because on

1 the Commission itself, we don't have the level of  
2 technical expertise that we need to sort of, you know,  
3 understand how the manipulation of the data via the  
4 program itself, so I do feel that some need to have some  
5 technical capacity. But I feel uncomfortable simply  
6 because I'm - and I'm sort of thinking worst case  
7 scenario, which is we get both a primary consultant and  
8 then a peer reviewer who just disagrees wildly on things,  
9 and then we're kind of stuck trying to figure out how do  
10 we decide between the two of them. But, again, I think  
11 ultimately we have to figure that out anyway. So, I'm  
12 not overly concerned if we don't have a peer reviewer,  
13 but I think it adds to the capacity of the Commission  
14 overall. One question I might have is how much do you  
15 think it would cost to have a peer review contract going?  
16 We've gotten some ranges on the primary Technical  
17 Consultant; assuming the peer reviewer isn't actually  
18 doing any drawing, just sort of looking at the maps,  
19 deciding whether there are any problems, that may not be  
20 that expensive, but I'm just kind of curious if there is  
21 any sense of what that would cost.

22 MR. CLAYPOOL: I didn't get a sense from, again,  
23 I'm talking to the Executive Director from Arizona, so we  
24 have a case where people can't even remember that the  
25 peer reviewer was there in some cases, so I didn't know

1 or have a sense from him what it would cost. What I just  
2 tentatively placed in the budget was a cost of about 10  
3 percent of what it would cost to have the lines drawn,  
4 thinking that they're not providing equipment, they're  
5 not providing any of the rest of it, they're mainly just  
6 providing that view. Again, I would like to comment on  
7 one of the things you said. If we had a situation where  
8 we had a line drawer and a peer review, and they were  
9 wildly different in their opinion, I think that would be  
10 a very important thing to know.

11 CHAIRMAN BARRABA: If they were wildly - we  
12 would see it. I mean, I'm having a hard time  
13 understanding the value of a peer - there's competency in  
14 this Commission to see if somebody achieved what we asked  
15 them to achieve.

16 COMMISSIONER DI GIULIO: I think the devil is in  
17 the details in terms of it is my understanding that the  
18 actual process will be, and as it is worded in the RFP,  
19 is the Technical Consultant is going to be responsible  
20 for gathering - for getting all this data in terms of the  
21 public input, in addition to the Census, and rolling that  
22 up, and coming to us as a Commission and saying, "This is  
23 where we recommend you put this line." Now, of course,  
24 we have the competency to say, yes, we do, or we don't,  
25 but we don't have access to all the methodology and all

1 the data, it's just not in our - that's not what we're  
2 tasked with doing, so it would appear to me that, if you  
3 had a peer reviewer to do just checks and balance, again,  
4 there are individuals on the Commission who don't feel as  
5 comfortable with technology and may appreciate having two  
6 opinions; if they support each other, I think it gives us  
7 more confidence that maybe we're on the right track, if  
8 there are differences, I think, again, the devil is in  
9 the details, it would be very helpful to know where they  
10 disagree, and then we as a Commission obviously  
11 ultimately make that decision. But the checks and  
12 balances, as we've discussed this with the VRA, legal  
13 counsel, in terms of the benefits of having two  
14 perspectives, but that's just my opinion.

15 CHAIRMAN BARRABA: Michelle, in my mind is I  
16 don't expect the line drawer to - here, take what's been  
17 said at the outreach and then make the decision as to  
18 what to do with it, I expect us to hear what - and based  
19 on what we heard, give directions to the line drawer and  
20 say, "This is what we want to accomplish based on what we  
21 heard from the outreach activity."

22 COMMISSIONER DI GIULIO: Maybe that's a - I  
23 guess I was under the assumption that all this data would  
24 be rolled up, that was part of, I think, the requirements  
25 was that they are responsible for rolling up all this

1 data and then presenting to us initial lines because we  
2 can't - again, it's they do the lines and, then, we  
3 agree, we disagree, or we decide to move that based on  
4 it. I didn't think we presented - that we would  
5 interpret the data and then give them direction on where  
6 to put the lines.

7 CHAIRMAN BARRABA: I didn't say direction, it's  
8 to what we want to accomplish with the drawing of the  
9 lines, and I think that's our responsibility to make that  
10 determination. You know, Commissioner Ontai is here,  
11 maybe he could enlighten us on what he expects to come  
12 out of the outreach.

13 COMMISSIONER ONTAI: Well, certainly the  
14 outreach effort is going to reach out to multiple avenues  
15 and community groups to get their input in terms of what  
16 they feel communities of interest are, where their  
17 neighborhood boundary lines are, all of that, that's the  
18 baseline. That comes in for our Mappers to look at and  
19 try to make some sense and Codify them, and present that  
20 to us. That's the key of the process. But, you know, I  
21 don't see anything wrong with having a peer reviewer take  
22 a look at that, and that's just an additional information  
23 for the Commission to look at, and ultimately, in our  
24 wisdom, we have to make that final decision one way or  
25 another. So, it's just an additional reinforcement,

1 another piece of information for us to analyze and make a  
2 critical decision because ultimately it is our decision.

3 CHAIRMAN BARRABA: Commissioner Ontai, when we  
4 wrap up, or accumulate the comments out of the outreach  
5 program, was it your impression, then, that the line  
6 drawer would actually create a set of lines that  
7 comprehends that? Or do we intervene in between what we  
8 heard and what is drawn?

9 COMMISSIONER ONTAI: You know, I would assume  
10 that, during that process, when the PL 94 data comes out,  
11 and we're having public testimony and we're discussing  
12 the next two months, of what that means, we're getting  
13 public input coming in, my thought has always been that  
14 we're getting feedback from the Mappers saying, you know,  
15 "This is what it's beginning to look like." We may have  
16 three, four, or five, maybe a dozen, or even more  
17 suggestions in the process of taking shape, and we  
18 haven't made a decision, but from that process, I think,  
19 issues are being emerged, concepts that we need to  
20 consider begins to emerge, VRA issues begin to come out,  
21 and so it's going to be a learning process in that two  
22 months of public testimony with the Mapper providing us  
23 visions of how that thing looks like, but we haven't made  
24 a decision yet. And you know, if we have a peer  
25 consultant on the side saying, "Yes, I agree, but have

1 you looked at that," that's just additional information  
2 for us to look at.

3 CHAIRMAN BARRABA: Commissioner Ancheta, did you  
4 want to say something?

5 COMMISSIONER ANCHETA: Yeah, and I think, again,  
6 I would underscore Chairman Barraba's general approach,  
7 which is that - and I think we should bring this up with  
8 the full Commission in terms of - because there may be  
9 different philosophies regarding how much we're  
10 deferring, at least particularly in the draft stage, or  
11 delegating to the consultant because I think there are  
12 going to be a lot of very challenging issues,  
13 particularly when we have various definitions of  
14 neighborhoods and communities of interest, and somebody  
15 ultimately has to decide, well, let's figure out and  
16 reconcile all these things, and then draw the lines in a  
17 certain way. I think that somebody is the Commission,  
18 not the consultant. And I think the consultant has the  
19 obligation to tell us, "Well, here's what we got at the  
20 last meeting, and here's what these neighborhoods seem to  
21 look like." And, again, some of them are fully  
22 consistent, maybe something you want to take into  
23 account, but whether it's right after the meeting, or at  
24 the end when we've sort of compiled as much as we can for  
25 the first draft, we just have to say, "Look, okay, we've

55

1 got the sense from you, Mr. or Ms. Consultant," then we  
2 say, "Do it this way." And I think we have that  
3 prerogative. My feeling is that we have that  
4 prerogative, it's not the consultant's. But, again, I  
5 think there may be different philosophies of how much  
6 we're having the consultant do it for us first, and then  
7 we review, vs. giving directions to the consultant. I  
8 lean more towards more engagement by the Commission in  
9 terms of where those lines are first drawn.

10 CHAIRMAN BARRABA: Gabino, do you have a  
11 comment?

12 COMMISSIONER AGUIRRE: I see that consultant as  
13 advisory, and you know, as was mentioned by Commissioner  
14 Ontai, the value of having an additional advisor to  
15 weigh-in on a particular issue that's put before us  
16 ultimately, as a Commission, we have that decision-making  
17 power, but it just might be that we have our Mapper, we  
18 direct our Mapper to really kind of draft out based on  
19 population, new population information, where districts  
20 may fall, and then it would be up to us to say, "Well, we  
21 don't like that salamander over here and that salamander  
22 over there, so how about - is there a way of kind of  
23 expanding this district so you will bring in those tails,  
24 or legs, or whatever?" But ultimately, we want to -  
25 we're driving that ship, you know? So, to have an

1 additional voice consulting us, advising us, I think it's  
2 not necessarily a bad thing. We know that, in the final  
3 analysis, it is going to be our signature on those plans  
4 and those maps, and so...

5 COMMISSIONER PARVENU: I have a question, not a  
6 question, my comment is, I guess if it's overly cost - if  
7 it's costly and if it's overly time-consuming, I probably  
8 would not want to have an official peer review, keeping  
9 in mind that we're going to be bombarded with information  
10 from public interest groups at our outreach hearings.  
11 We're going to have an overwhelming volume of information  
12 about - they will essentially serve as some degree of  
13 public sector peer review, the citizens of the state.  
14 However, I do see the value of having an official peer  
15 group, advisory group, providing information on a  
16 technical and highly professional level, from a neutral  
17 non-partisan perspective, to give us materials, a second  
18 opinion to take into consideration, as Commissioner Ontai  
19 stated, so I'm sort of neutral in this, it can go either  
20 way.

21 MS. UMFLEET: I had a question, myself, what  
22 this coordination is going to look like. So, we're going  
23 to have two contractors and they're going to be looking  
24 at the same data, and then presenting information to you.  
25 I don't know what kind of constraints the contractor will

1 have and what kind of procedures they're going to want  
2 that peer review contractor to do, and what kind of  
3 deadlines and considerations, just to get them to agree  
4 on how they're going to work together. We don't have any  
5 guidelines for how that's going to happen.

6           COMMISSIONER DI GIULIO: Well, I think there is  
7 something here, I think this goes back to all of our  
8 concerns. I think we're talking about fruit, but maybe  
9 apples and oranges a little bit in terms of there may be  
10 a philosophical approach, maybe Chairman Barraba is  
11 looking - I guess I see this as there is going to be a  
12 massive amount of information that will be coming to the  
13 Technical Consultant in the form of Census, in terms of  
14 all the community outreach, whether it be the meetings,  
15 whether it be online submissions, we have numerous  
16 organizations that are helping the community, there will  
17 be things submitted that we will never even see as a  
18 Commission because we won't be at a meeting, a public  
19 hearing, as many meetings as we try to go to  
20 individually, we probably won't be able to go to every  
21 single outreach meeting that we hold; therefore, all this  
22 data is not for us to interpret and for us to look at, we  
23 have access to it is my understanding, and we can clarify  
24 it, but it's up to the Technical Consultant to filter  
25 that - not to filter it - to consolidate it, to aggregate

1 it, and then to come up with lines for us, and they're  
2 going to be doing that based on the direction that we  
3 give them in terms of what - and a community in the  
4 north, we may have some certain issues, or directions  
5 that we want to give, and it may be different in L.A., it  
6 may be different on the Central Coast, we're going to  
7 give those Technical Consultants the parameters, we will  
8 be the ones to tell them, you know, when you look at this  
9 data, this is what we've heard so far, this is what we  
10 understand, but ultimately it would be the Technical  
11 Consultant who will take all this material and present it  
12 to us in a line format for which we can make a decision  
13 and, if we wanted to have access to the methodology, some  
14 of us that are more technically able, or have VRA  
15 experience, we will be able to say, "I agree with this,"  
16 or, "I don't." And then, I would see a peer reviewer  
17 also presenting similar to maybe a legal - I'm not a  
18 legal person here, but when you present different  
19 opinions to the court, you may have looked at the same  
20 information, and then you present your opinion. I don't  
21 even know if they necessarily would need to work together  
22 to present a unified voice in terms of you're asking your  
23 question, how would they work together. I see it more as  
24 they have - the Technical Consultant would do all the  
25 work and gather the data, and present it in a line, and

1 then that consultant would review that line and either  
2 agree or disagree and, because of their expertise, they  
3 would know whether or not that's a legitimate line. I  
4 don't necessarily think they need to work together in  
5 terms of coming to an agreement, but they would need to  
6 be able to have access to the same material. But, I just  
7 can't imagine in the process that we, as Commissioners,  
8 will be looking at all the data that we get from the  
9 outreach, and everything that is submitted to us, and the  
10 Census Data, and be able to say, "Okay, now we've looked  
11 at all this, we want to give direction to the line  
12 drawer." I see it as a two-way process, is we give an  
13 overview to the line drawer, and then we will review that  
14 based on what they give us. And maybe I'm wrong on that,  
15 but that was my understanding of how this line drawing  
16 would go.

17 CHAIRMAN BARRABA: I don't disagree with that,  
18 but it is the level of detail in which we get involved.  
19 I feel that we would be derelict if we didn't see that  
20 summary and agree to it, and saying, "This is what was  
21 heard, and I want to understand the details of what was  
22 heard," and then say, "Based on what was heard, these are  
23 the directions, given the law that we're working under,  
24 that we want to have accomplished."

25 COMMISSIONER DI GIULIO: So that would be,

1 that's kind of along - so you're saying that they would  
2 provide the technical - because this is important, I  
3 think, in terms of what we're asking of the Technical  
4 Consultant, so in your mind, you see this as the  
5 Technical Consultant would get all that information, and  
6 before they would present a line to us, they would meet  
7 with a summary and say, "This is what we found," and so  
8 it's just a matter of where we're inserting, and I think  
9 that is the issue, and then they would go back, upon our  
10 direction.

11 CHAIRMAN BARRABA: And I can tell you, the  
12 software that is out there now has really improved over  
13 what was there in the past, because if we saw a line and  
14 somehow, for whatever reason the Technical Consultant  
15 took a piece of a county and moved it to another county,  
16 and one of our directions was not to split up counties if  
17 you can help it, what would happen if that piece of line  
18 went back over there? What would be the - you could see  
19 that instantaneously.

20 COMMISSIONER DI GUILIO: Oh, yeah.

21 CHAIRMAN BARRABA: And we could as a group say,  
22 "Now, I understand why you did that because it would be  
23 worth it to try to keep it in the county," and we would  
24 then be in a position to, when somebody challenged us  
25 because we split up a county, to explain why that county

1 was split up. And I think we've got to be involved in  
2 that because we're going to be asked those questions when  
3 we're done and, I mean, I'm sure all of you want to be  
4 confident that, if there is something that is out of line  
5 with what we were expected to accomplish, we need to be  
6 able to explain that. And I'm not sure I need a peer  
7 review person telling me how to do that. And I think  
8 there are other people on this Commission who are also  
9 capable of asking those questions.

10 COMMISSIONER DI GIULIO: I think it is a peer  
11 review based on the interpretation - the summary - that  
12 would be provided from the data because some people might  
13 argue that you could summarize the data from the  
14 community, or in different ways. Is that not the case?

15 CHAIRMAN BARRABA: Well, you could, but then  
16 we've done a very bad job of picking the Technical  
17 Consultant. Maybe the way I would be comfortable is if  
18 we left it in as an option that we could if we saw fit to  
19 retain the services of a process or peer review.

20 COMMISSIONER DI GIULIO: So that would be a  
21 recommendation to the Commission.

22 MR. CLAYPOOL: It's currently - in that  
23 contract, it's currently in there as an option that we  
24 retain the right to do that. The only think I would say  
25 to you is that this would have to - and Carol can tell me

1 - this would have to be either a competitive bid, non-  
2 competitive bid, it's going to have to go on the routes  
3 we talked about, and that takes time, so if it's your  
4 idea to wait until you need it, then you have to tack on  
5 that amount of time necessary to put that function into  
6 place. You know, it's just something that needs to be  
7 considered and we had planned on staggering it behind  
8 this contract so that individuals who might have bid on  
9 the actual line drawing would have the capability of then  
10 reverting to this secondary role. The only thing that -  
11 the main driving force behind going to this consideration  
12 was just the level of scrutiny that our line drawer is  
13 going to have, we've already seen that in Claremont.  
14 We've already seen how quickly the scrutiny goes to a  
15 person that, I believe, we all believe has been fairly  
16 impartial in our eyes, and then all of a sudden we have  
17 that level of scrutiny, and so we say to ourselves, "What  
18 can we do to make sure we create almost a shield for our  
19 line drawer, a way for our line drawer to say, 'Yeah, I'm  
20 fair, and this person can concur, or we can have these  
21 little disagreements.'" That was where it came from.

22 COMMISSIONER PARVENU: In my understanding of  
23 that, if we go through the RFP process, I thought I heard  
24 Ms. Umfleet say this, if we issue the RFP, we don't  
25 necessarily have to grant the award, so in August or

1 July, if we want to bring that person on board, they're  
2 ready to step up immediately to become that peer review  
3 group, correct? So, we can issue our option to actually  
4 execute the award to its fullest extent, or not to,  
5 depending on what our need is.

6 CHAIRMAN BARRABA: Why wouldn't we go ahead and  
7 leave it in as written, as an option? And then, after  
8 the Outreach Committee has the chance to further clarify  
9 what we're going to get from that activity, we could make  
10 a judgment, a better sounding decision as to whether we  
11 think we need additional peer review based on the kind of  
12 input we're going to be getting from the Outreach  
13 Committee?

14 COMMISSIONER DI GIULIO: I would suggest that it  
15 also goes to - I would suggest this as actually an  
16 important issue that we bring to the full Commission for  
17 discussion.

18 CHAIRMAN BARRABA: Yeah, that would be my  
19 intention.

20 COMMISSIONER DI GIULIO: Yeah, okay.

21 COMMISSIONER ONTAI: Can I ask a question to  
22 Dan? So, let's say the Outreach Committee goes through  
23 a process and we come to a point where we realize that we  
24 need some outside opinion, then we notify you and you  
25 need to go through the process of hiring a consultant.

1 How long would it take you?

2 MS. UMFLEET: It depends on the dollar amount,  
3 there are variables. For instance, if we want to issue a  
4 contract that is only up to \$10,000, there's a very short  
5 process, an abbreviated process that is available.

6 Anything up to \$50,000, we can issue without going to DGS  
7 Legal, anything over that, it's a full-blown bid process.

8 COMMISSIONER ONTAI: Well, since this is a 100-  
9 yard sprint, you have to give me some weeks, days, so, as  
10 a short form, how many days is that? Is that a week, two  
11 weeks?

12 MS. UMFLEET: That is probably a month.

13 COMMISSIONER ONTAI: A month?

14 MS. UMFLEET: You know, I don't - I just  
15 literally reviewed the information, but I'm drawing a  
16 blank when it's said "what timeframes?" I'm not sure I  
17 saw that, or I didn't pay attention to it, but it's  
18 absolutely very fast in contrast to a full bid.

19 COMMISSIONER ONTAI: But 30 days is too long for  
20 the Outreach Committee to get that type of response.

21 MS. UMFLEET: Well, exactly what -

22 CHAIRMAN BARRABA: Well, let me ask it this way,  
23 if we went and said we want to hire three people at  
24 \$10,000 a piece, we could just do that, right?

25 MS. UMFLEET: You can only just hire somebody up

1 to \$5,000, and then you can use a short form for up to  
2 \$10,000. Over that, you're in a competitive bid. Now, I  
3 ask you to just go back and take a look at this process  
4 we're doing right now, we're doing a million dollar full-  
5 blown bid, and we're trying to award it in a month. We  
6 may not be able to because of the obstacles that I  
7 outlined, but, you know, this is going to be a much  
8 smaller contract, but still I think you're looking at - I  
9 think the fastest you're going to do a full bid is a  
10 month.

11 COMMISSIONER ONTAI: See, that would be  
12 impossible.

13 CHAIRMAN BARRABA: My feeling is that if we say,  
14 "There's people out there that would be more than happy  
15 to be paid \$5,000 to make a comment on what we have  
16 available," and we could get it, and there would even be  
17 organizations out there that would be happy to do that,  
18 as well, for us to get an assessment of what we found  
19 out.

20 MS. UMFLEET: That is just a service order.

21 CHAIRMAN BARRABA: Yeah, and you get it just  
22 like that.

23 COMMISSIONER DI GIULIO: Are you talking about  
24 what we've done at the final maps, or -

25 CHAIRMAN BARRABA: No, no, this is the interim -

1 COMMISSIONER DI GIULIO: The interim, yeah.

2 COMMISSIONER ONTAI: The interim phase.

3 Something comes up, we need some outside opinion, some  
4 second opinion for the Commissioners to look at, and  
5 we're perplexed. If that event happens and we feel that  
6 we need another opinion, and I don't know what it is,  
7 then we're stuck with this timeframe.

8 COMMISSIONER DI GIULIO: But, I'm sorry,  
9 Commissioner Ontai, when you say "something comes up and  
10 we're stuck," in what aspects are you stuck in terms of  
11 the outreach?

12 COMMISSIONER ONTAI: Let's say during the  
13 outreach process we're getting community groups that are  
14 saying, "Well, this is our neighborhood, this is our  
15 community," and then it evolves into a Voter Rights  
16 issue, and our Mapper and our Voter Rights Consultant  
17 can't really answer for us, and I don't know what it is,  
18 and we don't know it, as well, Vince might know it  
19 because he's the expert, but some of us may not be as  
20 knowledgeable and may want to raise some questions  
21 because we're 14 individuals. So, when that happens, we  
22 need somebody to quickly come on board and give us an  
23 opinion. Could that happen? And if that does happen,  
24 how do we handle the contractual arrangement and have  
25 someone available?

1           COMMISSIONER PARVENU: I like CHAIRMAN BARRABA'S  
2 idea of his \$5,000 notion. Perhaps we may want to  
3 consider having a qualified candidate's pool for these  
4 potentially contentious areas, so that we can have a  
5 qualified Republican, a qualified Democrat, and a  
6 qualified Independent, that may want to work concertedly  
7 to come up with an opinion that they can present to us,  
8 and for these areas that might be extremely contentious,  
9 what if strike teams, for lack of better words, but  
10 people that we can hire for \$5,000, \$15,000, and we can  
11 issue those grants, or those awards - how many days, Ms.  
12 Umfleet?

13           MS. UMFLEET: There isn't a day constraint, you  
14 could also create that contract so that it's an hourly  
15 rate, so you may be able to call back that same party.

16           COMMISSIONER PARVENU: That's a quick fix  
17 approach, we need qualified individuals statewide, ready  
18 and onboard that we can call up quickly for these  
19 potential issues -if they do arise. They may not arise,  
20 but if they do, we'll have that pool of individuals to  
21 consider.

22           MR. CLAYPOOL: Now, one of the things that you  
23 have to think about is, in the establishment of that pool  
24 - and, once again, we've got a situation where we're  
25 talking about establishing a pool that isn't publicly

1 vetted and isn't moved through the competitive bid  
2 process. If we started after this, we could do the same  
3 thing you're talking about, we could vet a pool, we could  
4 make a decision, and I believe we could structure that  
5 contract as an hourly contract, as well, and say, "As we  
6 need you, you need to come aboard, and then we'll pay you  
7 for these decisions." I think the value of this peer  
8 review is in extending our transparency and, if we're  
9 going to do that, then there's value in ensuring that  
10 that person or persons comes from a pool that has been  
11 given a public examination.

12 CHAIRMAN BARRABA: So, I would suggest that, in  
13 this bid, where we mentioned it, that we make that as  
14 open as possible so that we have all these alternatives  
15 in front of us as to how we go about identifying the peer  
16 group. But just alerting the person who bids on this  
17 one, that there may be the need for us to bring in a peer  
18 group. And then we have the option of doing it or not  
19 doing it, depending on how things are going.

20 COMMISSIONER DI GIULIO: I would also like to  
21 suggest that we move to bring the full Commission, the  
22 idea of the peer review, whether it be as an individual  
23 format, or in a pool, but that we would recommend if that  
24 was the wish of the Commission that we move forward on  
25 that, we would direct staff to do that because we have to

1 have that person in - or individual in place, the process  
2 in place.

3 COMMISSIONER ONTAI: And let me just add a point  
4 that Dan just made, and I think that it is very very  
5 important. By having an outside opinion, this may also  
6 be an issue of transparency with the communities that  
7 we're dealing with, and it's important for us to know,  
8 but it's also a message to the communities themselves,  
9 they have to see these perspectives, and I think it will  
10 only help us.

11 CHAIRMAN BARRABA: And I'm sure there are even  
12 organizations out there that would be happy to come and  
13 tell us what they saw.

14 COMMISSIONER PARVENU: Many will be here on  
15 Saturday, actually.

16 COMMISSIONER DI GUILIO: And my only concern,  
17 one thing that I'd like to just put out there for this  
18 subcommittee or Technical Advisory Committee, is that I  
19 like the idea of having a peer reviewer, whether it's an  
20 individual, or maybe it's an organization that has  
21 multiple people, but I'm a little concerned that, if we  
22 have a pool of peer reviewers, because then I think you  
23 get into just additional public comments from, I would  
24 imagine, different interest groups. I think if we get  
25 the Technical Consultant on board, part of the aspect of

1 hiring any type of peer reviewer would be their ability  
2 to work in collaboration with this individual. If we're  
3 looking for a balance, we would know who the Technical  
4 Consultant is, and we would know what the balance would  
5 be that we would need, and I think whoever we're hiring  
6 are going to be professionals, and they understand this  
7 is not a time for bickering, but there has to be some  
8 impartiality between them, as well, too. So, I think it  
9 would negate the need for a pool of peer reviewers  
10 because I would just be concerned that, if we had a pool,  
11 it would be a lot of people and a lot of additional  
12 opinions.

13 CHAIRMAN BARRABA: Well, the intent here would  
14 be to direct staff to come up with a process that allows  
15 us to move expeditiously -

16 COMMISSIONER DI GIULIO: That being the point,  
17 yeah.

18 CHAIRMAN BARRABA: -- when we feel there is a  
19 need to have somebody else come in and give us an  
20 opinion.

21 MR. CLAYPOOL: And that's exactly why we placed  
22 it into this contract and that we were already moving  
23 forward on putting together as a next step an RFP or an  
24 IFB for this function. What I've heard from this  
25 Commission, or from this Advisory Committee, is that we

1 would like to not necessarily bring somebody on board as  
2 a full-time consultant as much as somebody that could  
3 give us an hourly rate for those areas that we might  
4 direct them to, if there was a necessity, so that's a  
5 possibility, or to have them do an entire review. But I  
6 think that the key to this is to start now, to put this  
7 in place, and then know who that person was after we went  
8 through a public review.

9 CHAIRMAN BARRABA: It's been suggested that we  
10 might want to take a break, so the clock is at 10:30, so  
11 let's get back here by a quarter to.

12 COMMISSIONER DI GIULIO: We have - 11:30 is when  
13 we end, so -

14 CHAIRMAN BARRABA: So let's come back at a  
15 quarter to.

16 (Break at 10:33 a.m.)

17 (Reconvene at 10:49 a.m.)

18 CHAIRMAN BARRABA: Okay, are there any other  
19 comments from the public on what's been said so far?  
20 Okay, no one coming to the dais, we'll continue. Our  
21 counsel has a comment he'd like to make to us relative to  
22 the Request for Proposal.

23 MR. MILLER: Yes, this item comes up in  
24 conjunction with the selection of consultants, and I'll  
25 put it under the heading of "clean-up," if you will, as

1 I've tried to serve as the Anthropologist to look at the  
2 historical beginnings of the Commission. And that has to  
3 do with simply clarifying how the Commission will treat  
4 conflicts issues with respect to retention of these  
5 important consultants and the staff in place, in going  
6 forward.

7 This is a bit of a detailed document to read,  
8 maybe it would be best just to give you a moment to read  
9 through it, and then I'll discuss it with you further.

10 CHAIRMAN BARRABA: Do we have copies for the  
11 public to look at?

12 MR. MILLER: Yes, we do.

13 CHAIRMAN BARRABA: Did the Commissioners have  
14 enough time to review the document for a discussion?  
15 Angelo has got that lawyer look on his face.

16 COMMISSIONER ANCHETA: The language in the last  
17 sentence is a little unclear to me. I think I get what  
18 you're saying, but maybe this is just a syntactical  
19 thing, dropping the last period.

20 MR. MILLER: I think one period would be enough  
21 to conclude the sentence, rather than two.

22 CHAIRMAN BARRABA: Oh, I thought you were going  
23 to go on.

24 MR. MILLER: So we didn't want to try to  
25 recreate the statute in the regulations in this, but

1 rather confirm in a somewhat more formal way an  
2 appropriate way to operate going forward, which actually  
3 is a continuation of what you have done with selection so  
4 far, but this formalizes it. Much of the language -  
5 indeed, all of the language of the statute except for a  
6 few words, is directed to the Commission, itself, as are  
7 the Regulations, except that it provides some flexibility  
8 to the Commission in how it wishes to apply what are very  
9 strict conflicts for the Commissioners, themselves, to  
10 others that work for the Commission. So, this policy  
11 requires, as you've done a very thorough disclosure by  
12 any Applicants as to where they've been, the work that  
13 they've done previously, and then, following that  
14 disclosure, gives the Commission the flexibility to  
15 determine those that it chooses to hire.

16 CHAIRMAN BARRABA: Peter.

17 COMMISSIONER YAO: Mr. Miller, does the  
18 Commission have the authority to apply this conflict of  
19 interest to the key consultants that we hire?

20 MR. MILLER: It does, and it should, yes. It  
21 actually - yes is the short answer to your question.

22 CHAIRMAN BARRABA: And I assume that was the  
23 intent of bringing it up here, right?

24 MR. MILLER: That is correct. As we're moving  
25 to another wave, if you will, of people who will be

1 supporting the Commission, we thought it was an  
2 appropriate time to confirm the policy.

3 CHAIRMAN BARRABA: And so, the question to me  
4 is, does the invitation for bids capture sufficiently  
5 this document? Okay, good. Is there anything else you  
6 need from us to get this bid out? The one change we had  
7 is to take that one sentence out, and the other one is to  
8 make sure the option language is sufficient to capture  
9 what was discussed.

10 COMMISSIONER ANCHETA: A couple of suggestions  
11 just on the language, and they're minor ones if I can  
12 bring them up. So, this is Section 6, Subsection 8, so I  
13 think just for clarity, we're calling them "Public Input  
14 Meetings" now, is that how we're going with the language  
15 of the second - we're doing Education Meetings first, and  
16 then we're doing Public Input - could we use the term  
17 "Public Input," rather than "Public Outreach" for  
18 consistency? It seems clearer in terms of what we're  
19 actually asking.

20 MR. CLAYPOOL: Okay, and I need to take a look  
21 over Carol's shoulder to make sure that, because if we  
22 make that differentiation between those outreach  
23 educational meetings where we have already approved nine,  
24 but this is -

25 COMMISSIONER ANCHETA: So I think these are

1 referring to what we're generally calling "Input  
2 Meetings." Is that correct?

3 COMMISSIONER DI GIULIO: Actually, it does have  
4 - yeah, I -

5 COMMISSIONER ANCHETA: Or is it both?

6 COMMISSIONER DI GIULIO: If he puts it under the  
7 title of "Public Outreach Meetings," would that  
8 incorporate both the educational and the input meetings,  
9 then?

10 COMMISSIONER ANCHETA: Well, it's a question, I  
11 guess, if we are. I have no problem asking the  
12 consultant to do all of it, but -

13 MR. CLAYPOOL: These are clearly, just by the  
14 language where it says "providing coding for all public  
15 testimony," and so forth, these are clearly referring to  
16 our Input Meetings and not the Educational Outreach  
17 Meetings. So, in this section, we should just change  
18 that to Input Meeting only.

19 COMMISSIONER ANCHETA: Yeah.

20 COMMISSIONER ONTAI: Commissioner Ancheta is  
21 correct, we've got to clean up the semantics here and be  
22 consistent about the language. In the Outreach  
23 Committee, we've made a distinction and, from here on,  
24 we're calling it as such. "Educational Workshops" are  
25 strictly that, it's educational, and we should try to use

1 that language so it's clear not only to ourselves, but to  
2 the public, as well. And then, the other one is "Input  
3 Hearings," clearly that is for testimony. So, that's the  
4 language that we're using at the Outreach Committee.

5 COMMISSIONER DI GIULIO: Then it should be  
6 Public Input Hearings on number 8.

7 COMMISSIONER ANCHETA: That's fine, whatever  
8 we're using for input, we should use consistently within  
9 the contract. And then, I had a question, and this goes  
10 to what actually we're asking the consultant to do, which  
11 is, are we asking the consultant to be at all the  
12 meetings, and are we asking them to actually draw a map  
13 live when, let's say, someone says, "Here's my  
14 neighborhood, I'd like you to keep it intact," is the  
15 consultant expected to do sort of a live drawing at that  
16 meeting? Or are we asking them to sort of take that, you  
17 know, gather altogether, and at some point later sort of  
18 pull it together for us to consider?

19 COMMISSIONER DI GIULIO: I think, if you look on  
20 the bottom where it says "producing digitally, storing,  
21 and projecting on screen for audience viewing," and I  
22 think there's an element, as I understand it, is that a  
23 good Technical Consultant would have the ability to have  
24 that mapping software there, so the public could see -  
25 they could define their neighborhoods if they say, you

1 know, this area, they could capture it while they're  
2 talking.

3 COMMISSIONER ANCHETA: No, I have no problem  
4 asking the consultant to do that, I'm just wondering what  
5 that's going to look like in practice. I mean, let's say  
6 someone is not too specific - I think we forgot, and this  
7 is one of the things I want to raise for the Commission,  
8 is to make sure we have pretty specific guidelines on  
9 what we're asking the public to give us - but let's just  
10 say someone comes in and says, "Well, keep the outer  
11 Mission District in San Francisco intact. Thank you." I  
12 have a certain definition of the outer Mission because I  
13 grew up there, but when we don't have the level of  
14 specificity, whether it's some street boundaries, or  
15 Census tracts, whatever we sort of need to actually input  
16 into the computer, that's tough for the consultant to  
17 figure out then and there, and I'm -

18 COMMISSIONER DI GIULIO: Well, maybe I should  
19 answer this because I've been working with Gil a little  
20 bit -

21 CHAIRMAN BARRABA: I think Dan has a comment,  
22 let's get that comment.

23 MR. CLAYPOOL: And the only reason I wanted to  
24 kind of segue in was, my understanding early on, talking  
25 with Karin and the way that it had worked for her in San

1 Diego, as well as San Francisco, was that when the person  
2 came up and said, "I want to keep the outer Mission  
3 District intact," and started to walk away, that the line  
4 drawer would go, "Wait a minute, so help me up here,  
5 define what the outer Mission District is so that we can  
6 record this and have your information." So I envisioned,  
7 although I've never been to one of the meetings, I  
8 envisioned that there was that interplay that the line  
9 drawer could have to ensure that they captured the  
10 information correctly.

11 COMMISSIONER ANCHETA: Okay.

12 COMMISSIONER DI GULIO: And I think, also, with  
13 the contract with CCP, the benefit of that, my  
14 understanding, is that the Technical Consultant with work  
15 with CCP and they would develop forms and material for  
16 the public so that, when they come up to give their  
17 presentation, they'd have their paperwork, or they'd have  
18 everything in place so that we could highly utilize any  
19 public input.

20 COMMISSIONER ANCHETA: Yeah, that's fine, I just  
21 wanted to be clear that's what we're going to ask them to  
22 do eventually.

23 COMMISSIONER AGUIRRE: And I would add that it's  
24 more descriptive than actual drawing, whereas an  
25 individual comes up and says, you know, "the outer

1 Mission District," that we will project the map, and on  
2 that map, then, all of us would know what you already  
3 know, which is that the outer Mission District - that's  
4 kind of what we're looking at. So, I know if we go down  
5 to my neighborhood that I have an idea of what's up, and  
6 certainly by looking at a map, then we would be able to  
7 draw on the expertise not only of Commissioners, but also  
8 individuals in the public that might say, "No, no, no,  
9 no, no, this is what we're really talking about." So  
10 it's a descriptive tool that I think would be very  
11 valuable.

12           COMMISSIONER ANCHETA: And then, the other thing  
13 that - just a point of clarification - is Section 9,  
14 where it talks about meetings and discussions with the  
15 Commission, and I'm assuming this is not a comprehensive  
16 list of everything they might bring up, but I want to  
17 make sure that the language gives us the flexibility to  
18 say, well, we need a lot of stuff and it's covered here  
19 because one of the things, the first bullet is sort of  
20 communities of interest, and I don't think that's the  
21 only thing they're going to be talking about, which we  
22 certainly want them to cover that base, but I'd go for  
23 more wider language, or more general language, to make  
24 sure the contractors know - the bidders know - that we're  
25 expecting a fair amount of information in their

1 presentations to the Commission.

2 COMMISSIONER AGUIRRE: What would you add to -

3 COMMISSIONER ANCHETA: Well, I don't know, it  
4 could include a lot of stuff, or you just give some very  
5 general language, maybe the second bullet which covers  
6 all - presents all relevant criteria that covers all.

7 COMMISSIONER DI GIULIO: [Inaudible] the first  
8 bullet?

9 COMMISSIONER ANCHETA: Yeah, because maybe the  
10 first bullet suggests that it's narrower than it should  
11 be. Maybe that's the only thing enumerated there for  
12 "there's a lot of stuff I don't have to present" vs. "all  
13 relevant criteria," which can cover several things - we  
14 could - the alternative, of course, is to try to bullet  
15 everything, which I prefer not to do, but if we could set  
16 up some sort of comprehensive language, that would give  
17 us sufficient room to -

18 CHAIRMAN BARRABA: What if we said something  
19 along the lines of an agreed to set of - I know it's  
20 going to be hard for them to bid, not knowing what's  
21 going to be agreed to, but I guess that's the kind of  
22 dilemma you're -

23 MR. CLAYPOOL: Well, the first thing I would  
24 think is that the people that are going to be the  
25 frontrunners in your contracting are going to know what

1 we're saying here, but I agree that we could open it up  
2 to something like "present all relative findings and  
3 related maps," or something like that "such as," we might  
4 just give it as an example rather than making it the  
5 primary heading.

6 CHAIRMAN BARRABA: Peter.

7 COMMISSIONER YAO: When we draw up the contract  
8 after the contract has been awarded, will there be a  
9 definitive Statement of Work document associated with  
10 that? So it can go in at that point in time as compared  
11 to going into this document?

12 MS. UMFLEET: Well, you're not going to want -  
13 the requirements in this document are going to be what is  
14 in that contract. It's very defined. I mean, we don't  
15 make an award and then decide we want to throw in some  
16 other -

17 COMMISSIONER YAO: No, no, no. The Statement of  
18 Work has to be agreed upon by both sides, but usually  
19 it's -- my experience is that, usually there is a lot  
20 more detail than the bidding document.

21 MS. UMFLEET: This is going to be the Statement  
22 of Work in the contract. There isn't another level of  
23 detail. If we develop another level of detail, it needs  
24 to be in this bid document because they're pricing, you  
25 know, we've got requirements and they're going to price,

1 providing, and meeting those requirements. So,  
2 everything we want has to be in this bid document so that  
3 they can price it.

4 COMMISSIONER YAO: All right, so you're saying  
5 that the bid document, by definition, is the statement of  
6 work, and there's no other document that spells out  
7 exactly what it is -

8 MS. UMFLEET: There will be a contract that  
9 results after an award is made, the award will be a  
10 standard agreement. That standard agreement will include  
11 what we have asked them to bid on and provide a price  
12 for, so they should be a mirror of each other.

13 COMMISSIONER YAO: Yes, they should be, right.  
14 Okay. Thank you.

15 CHAIRMAN BARRABA: Andre.

16 COMMISSIONER PARVENU: Yeah, I'd like to briefly  
17 turn back to the conflicts policy statement and  
18 particularly the last line where it says - the very last  
19 sentence where it says, "While also assuring the  
20 impartiality of staff and consultants," now,  
21 specifically, and I don't know if this question is  
22 directed to you, Mrs. Umfleet, or you, Mr. Miller, but  
23 I'll throw it out there and it's a suggestion, not a -  
24 it's just a question out of curiosity. In the selection  
25 process of the contract - or consultants, rather - do we

1 have the capability of considering a clause or an option  
2 in terms of neutrality of having that - let's say we find  
3 one highly qualified consultant that we all agree upon,  
4 and that consultant may be perceived as being overly  
5 Democratic, or overly Republican, and public perception  
6 means a lot, as we all know, with this mission we're on.  
7 Can we insert a rider, or a clause, or a statement, or a  
8 request, that that consultant also include personnel on  
9 staff of the other party? Is that something that we want  
10 to keep away from? We want to respond to the public's  
11 concern the best we possibly can in terms of being non-  
12 partisan and neutral throughout this process, so how do  
13 we fix that or address that issue?

14 MR. MILLER: I'll take a crack at it if -

15 MS. UMFLEET: Okay, then I have a comment.

16 MR. MILLER: First of all, the purpose of this  
17 is to give you the clear discretion to choose that  
18 contractor, even if they've had some partisan  
19 relationship in the past because you think the totality  
20 of their experience and their ability to be impartial  
21 makes them the best person. I would be cautious about a  
22 requirement that they include somebody else because, I  
23 mean, I have that person on staff, couldn't recruit them  
24 in order to do this project, it would be awkward to -  
25 probably if the concern persists because of a prior

1 relationship, that would be a reason to hire someone else  
2 in a similar, but different vein, to balance that for the  
3 perception issue that you articulated.

4 COMMISSIONER PARVENU: We eliminate that by the  
5 vetting process and the selection process, we eliminate  
6 that at the front end.

7 MR. MILLER: Well, that would be the hope, by  
8 demonstrating to yourselves, hopefully you demonstrate to  
9 the public, notwithstanding a prior relationship, that  
10 they're the best firm or person for the job.

11 MS UMFLEET: There are some firms that actually  
12 require their employees to sign a contract that they  
13 can't even work for competitors, so I don't know if that  
14 would be an issue here, but it could be. We don't get to  
15 just kind of decide who is going to win, we've spelled  
16 out in this bid exactly how we're going to score these  
17 bids, and notwithstanding how happy we are, if we're  
18 looking at a response, and they clearly are the best  
19 response, we are obligated under the conditions of this  
20 evaluation section to award accordingly. And, in fact,  
21 if we don't, it could be grounds for a protest. And  
22 what's interesting is, this award or this scoring and  
23 points provides us some ability to make a subjective  
24 decision, it's not like a bid where it's just a low price  
25 and it's objective and clear. So, even this, what we're

1 doing, I think, is subjective, but we do have to follow  
2 these guidelines and the amount of points and weight that  
3 we've said we're going to attribute to each response or  
4 category, that is what we have to do. And then, we're  
5 going to end up with a winner.

6 COMMISSIONER PARVENU: Okay, thank you.

7 CHAIRMAN BARRABA: We want 'em to be a winner.

8 MS. UMFLEET: Let's hope. We're hopeful.

9 COMMISSIONER DI GUILIO: I know we're kind of  
10 getting close to the end of our time, but I was wondering  
11 if my fellow Commissioners would think it might be useful  
12 to have a brief discussion about the timeframe for us,  
13 what we could bring to the full Commission in terms of  
14 our timeframe for the next couple of weeks. It's my  
15 understanding in talking with Mr. Claypool that there  
16 were some dates set aside, potentially set aside, for the  
17 full Commission to do some review of these potential  
18 contractors, as well as the opportunity maybe if we  
19 wanted to actually open them, which I think there is a  
20 lot of merit to physically open them in a public setting  
21 so that they can be presented in a live stream. Maybe  
22 I'll have Mr. Claypool talk about that.

23 MR. CLAYPOOL: Okay, so originally when we were  
24 looking at this document, we were thinking about some  
25 dates that have been put in, the 15<sup>th</sup> being a time when we

1 would receive them, and then the 18<sup>th</sup> being a time when we  
2 could award them. Now, talking with Carol, because it's  
3 gone back to DGS and they're looking at it, and now  
4 they're talking about possibly not having it until next  
5 week, I don't know what that's going to do to that  
6 timeframe. So, what we have to do is we have to decide  
7 whether we're going to have our meeting on the 9<sup>th</sup>, 10<sup>th</sup>,  
8 or 11<sup>th</sup>, or some configuration there, or push it back, and  
9 my thought when I spoke originally with Commissioner Di  
10 Guilio was it made more sense, and I also, by the way,  
11 discussed this with Commissioners Blanco and Filkins-  
12 Weber because they will be the Chair and the Vice Chair  
13 of that meeting, that it made more sense to postpone the  
14 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>, and then push the dates back to the  
15 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>, Thursday, Friday, and Saturday, so  
16 that we could have the opportunity to publicly review  
17 these bids after we had put them online for the - we can  
18 open them, they will all be sealed, and then the idea was  
19 we would open them on the 15<sup>th</sup>, put them online, everybody  
20 could see them, we could publicly review them, publicly  
21 score them, and then announce the award. At this point,  
22 that timeframe may be in jeopardy just based on DGS'  
23 review. So, tomorrow is our deadline for posting 14-day  
24 notice for the 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>, and so I just need to  
25 see how that plays out. I hate to string you along like

1 this, but our problem is not knowing when we'll get the  
2 review back from DGS, it may push us into having an early  
3 meeting beyond like the 19<sup>th</sup>, maybe the 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>,  
4 but it's imperative that, once we get these bids in, we  
5 move as quickly as possible to that review and that  
6 scoring because that's what keeps it on track.

7 MS. UMFLEET: I need to be clear about how the  
8 Commission is going to be involved in the evaluation, I'm  
9 not sure I am. Understand that the whole process is very  
10 confidential, from the time we start talking about the  
11 specifications, we're signing confidentiality statements,  
12 and the bids are confidential until we complete our  
13 score. After we complete our scoring, then they become  
14 public, the contractors can look at the bids, they can  
15 look at our scoring evaluation sheets.

16 COMMISSIONER DI GIULIO: And when you say "we,"  
17 who is the "we" you are referring to?

18 MS. UMFLEET: The evaluation team. And, again,  
19 the whole process is considered very confidential and we  
20 should not be divulging any aspect of one bidder's  
21 response to the other, or anybody, outside of the group  
22 of evaluators. So, my question is, we receive the bids,  
23 the few of us that have been working, is the points and  
24 the scoring going to be accomplished, and then you're  
25 going to look at it before we issue an intent to award?

1 Is that how the schedule works?

2 MR. CLAYPOOL: Well, and so this is actually --  
3 we're planning this out as we're talking about it right  
4 here -- I was under the impression that, once we actually  
5 open the bids that they could be made public for a  
6 review. Can we write the contract subject to a public  
7 review?

8 MS. UMFLEET: Now, when you say "public," do you  
9 mean the Commission?

10 MR. CLAYPOOL: I mean post it online for  
11 everyone to see who bid, and what their bid is.

12 MS. UMFLEET: No.

13 MR. CLAYPOOL: Okay.

14 MS. UMFLEET: And I say that - do I need to go  
15 back and read the Code and find out if we can do that?  
16 Maybe. But I say no, based on my experience, is that we  
17 want to make a determination of who we think is the most  
18 qualified to meet our best interest. Now, if you're  
19 involved in that, but I don't know that we want the  
20 public involved in that, I mean, I don't know how the  
21 public is qualified to make a best interest about - I  
22 don't know, so it was not my thought at all that the  
23 public is going to have any bearing whatsoever in how we  
24 score these bids, and the ultimate intent to award. Now,  
25 I would guess we could open that up to this whole

1 committee and you can all sign the evaluation sheets, but  
2 here's the other problem. I don't know how all of you  
3 are going to be involved in this and we're going to be  
4 able to timely open these bids, score them, publish an  
5 Intent to Award, and then a five-day protest period  
6 occurs. We're in the last week of March, so I'm not sure  
7 how I'm envisioning all of this group and how we're going  
8 to get together. It can be done because there are  
9 evaluation committees this big, but the larger we make  
10 this evaluation committee, I would propose - do I get to  
11 propose?

12 MR. CLAYPOOL: Certainly, go ahead.

13 MS. UMFLEET: He's getting used to it.

14 MR. CLAYPOOL: Go ahead and suggest.

15 MS. UMFLEET: I would suggest we do the  
16 evaluation and we share it with you. And so, you see  
17 what we've got. If you've got any concerns or any  
18 questions, then get back to us and we'll redraft or re-do  
19 something, but before we post an Intent to Award.

20 COMMISSIONER DI GUILIO: Who would be the  
21 individuals, the "we" that would be scoring them, if it  
22 is not us, the Commission?

23 MS. UMFLEET: Dan and Raul. Who else?

24 MR. CLAYPOOL: Well, actually, and we need to  
25 have a discussion about this, and clearly we need to come

1 back to you tomorrow and look at the Code, but we had a  
2 discussion early on among staff that, just for  
3 transparency purposes, it didn't make a lot of sense for  
4 staff that had not been vetted to make these  
5 considerations, it made more sense for the Commission to  
6 do it, realizing that it makes for a long day, but let us  
7 get together and find out what the Code says, and come  
8 back to you and propose - suggest a venue for this to  
9 occur in. But, I do believe that it is very important  
10 that this commission is selecting - you know, we're going  
11 to be selecting the two most important components of your  
12 consultants and I think it's important that it be done by  
13 you, in a place where it can be viewed, and where the  
14 discussion can -

15 CHAIRMAN BARRABA: Do we have time for comments  
16 from the public on this issue, as well? Yes, Mr. Quinn.

17 MR. QUINN: Yes, if could, I just think I do  
18 reflect maybe a little bit of what you'll hear from the  
19 public. First of all, the Act says that you are supposed  
20 to establish protocols regarding your hiring of staff.  
21 Secondly, the Act says that all documents have to be  
22 public. I realize that's a little different than  
23 elsewhere in State service, and I was in State service,  
24 I've gone through this process when I worked on that. I  
25 have one quick suggestion, perhaps you might ask for a

1 very fast opinion from the Attorney General's Office as  
2 to whether you can go public because of the fact that  
3 you're established not through the regular Code, but  
4 you're established via an initiative that the purpose of  
5 the initiative was to have an entirely public process. I  
6 must say that I do hope you can open the bids in the  
7 public, that I can see that there are people that are  
8 paranoid, as we all are, about this process. So I do  
9 hope there is some way you can figure out to make the  
10 process public.

11 CHAIRMAN BARRABA: I think we have one other  
12 person from the public coming up.

13 MS. SCHAFFER: Thank you, Mr. Chairman and  
14 members. I'm Trudy Schaffer representing the League of  
15 Women Voters of California and I would echo what Mr.  
16 Quinn has said, to the extent you can possibly open the  
17 process up. I recognize that does mean getting opinions  
18 and consulting the statute, but to the extent possible, I  
19 would hope that you would make it public. And I would  
20 also suggest that in these next day or two that you make  
21 provision for getting input from the public who may not  
22 be here in Sacramento. I think you are likely to receive  
23 e-mails, and I hope you will make sure that those can be  
24 distributed to all of the members of the Commission so  
25 that you can hear from people who have had a little more

1 time to think about the ramifications of this, and who  
2 may know more about the possibilities and about the way  
3 that the Act was constructed. And I certainly want to  
4 thank you for distributing the draft of the RFP at this  
5 point and hope that, as the meeting goes on, you can  
6 think ahead and have as many of those sorts of documents  
7 available to us early. Thank you.

8 CHAIRMAN BARRABA: Thank you. Anyone else?  
9 Yes, sir.

10 MR. WALTON: Good morning. My name is Sam  
11 Walton and I'm representing the NAACP, and I would echo  
12 the comments by the other two presenters. I know it's  
13 difficult, I mean, this is an unusual process, and I'm  
14 impressed with the fact that once the door is open and  
15 the public is viewing all of it, and how we behave in  
16 public, I guess, is something that the public is going to  
17 see. How we have behaved historically behind the closed  
18 doors, the public is now going to see. And I think this  
19 transparency is absolutely important and I do think, if  
20 you opened the bid publicly, you don't have to take  
21 anymore - no one should be able to change their proposal  
22 after they've submitted it, so I don't know why the  
23 public can't also see whatever it is the evaluators are  
24 actually going to be going over. And I think having the  
25 process open, opening the bids in public, is really a

1 change in the way we've operated and I think this  
2 initiative is bringing us all to a change in the way  
3 we've done business. Thank you.

4 CHAIRMAN BARRABA: Thank you very much. Any  
5 other comments? Yes, Carol.

6 MS. UMFLEET: I need to clarify. Absolutely,  
7 the bids, our scoring, our evaluation methods, all of  
8 that is public. It's a question of when. What occurs,  
9 if you've got an invitation for a bid and you've got a  
10 requirement for X, Y, Z, and you're going to award based  
11 on low price, that's real easy. The bids are due at  
12 2:00, the public can be there, everybody can see it, you  
13 open the bid, you put them on a board, and everybody  
14 knows there's a low price, and then there's an  
15 opportunity for the public to look at every aspect of the  
16 bid, of the bid response, of the evaluation sheets, all  
17 of that is public. That is true with this bid, also.  
18 But the difference is, because we have requirements that  
19 are going to be scored, and we're going to have to  
20 dissect that information and then weigh how many points  
21 we give this bid vs. that bid, there's no way when the  
22 bid is due that we're going to be able to open it and  
23 have any conclusion or result about the outcome of that  
24 scoring process. So, therein is my dilemma about at what  
25 point. So, in this process, what we do is, once we

1 finish that scoring and we're ready to make an Intent to  
2 Bid, we make all that information public. But you will  
3 have all that information. But it's not going to be  
4 computed at the time the bid is due because we've got to  
5 assess the input and assign scores and weights, and come  
6 up with a final and highest point. And, I don't see any  
7 problem with the Commission being the evaluation  
8 commission, absolutely, you can join in on that scoring.  
9 That, if all of us join in on that scoring, consider the  
10 time that's going to take, and then, if you consider that  
11 you open up that evaluation and scoring to the whole  
12 public, we will not award a contract by April 1, that's  
13 not possible.

14 COMMISSIONER DI GIULIO: Is it something where  
15 we can do kind of a hybrid of what we've done in the past  
16 to some degree, where if we as the Commission serve as  
17 the scoring, similar to other staff hires where we've  
18 been given their application material, we were given the  
19 parameters based on what they were asked, and in this  
20 case we would have clearly set out parameters with actual  
21 scored points associated, then we as Commissioners would  
22 review all those bids, put our scores, and then maybe, as  
23 a hybrid, we could come into the public, similar as we  
24 were presenting our findings for the replacement for  
25 Commissioner Kuo, we could have something projected up to

1 the public, they could see each one of our individual  
2 scores, or I'm not sure to what level, maybe this is  
3 something for Mr. Claypool to work out, but I didn't know  
4 if there was a hybrid from what we've done in the past in  
5 incorporating this and making it public.

6 MS. UMFLEET: It's really timing.

7 MR. CLAYPOOL: I think that we have a  
8 misconception. We're not inviting the public to  
9 participate in the scoring, we are inviting the public to  
10 witness the scoring. That's the first thing. So, it's  
11 not going to be a, "What does everybody think about a 44  
12 for this one?" It is more of a "this is the process in  
13 public," and then we would go through and make the award,  
14 but we need to come up with this process. It was  
15 originally - I knew what Carol has just told you, that  
16 traditionally staff does this for you, but in this  
17 particular case, there have been comments, as you've just  
18 heard, that they would like to see the individuals scored  
19 by the people who are put on the Commission. Will it  
20 make for a long day? Yes. Do we need to find out what  
21 we can legally post and what we can't? Yes, but I don't  
22 see a way around it.

23 MS. UMFLEET: Well, we have no legal authority  
24 to keep this information from the public, so understand,  
25 absolutely, our scoring sheets, our weights, all of the

1 bid submittals, all of that is public information. But,  
2 again, we, on this type of bid where we've got  
3 evaluations to make and weights to make, that does not  
4 become public until we're finished with that scoring.  
5 Once we finish our scoring, we're going to have to come  
6 to a position where we've got an Intent to Bid, we've  
7 picked a supplier. The five-day protest doesn't start  
8 until we've come to that conclusion. As it stands, the  
9 timeframe is too short, so when we look at whatever we  
10 decide to do, you have to understand that it may mean  
11 that we can't award this contract by April 1, we just  
12 need to look very closely.

13 MR. CLAYPOOL: I think, if I can make another  
14 suggestion, I think we need to find out what's legally  
15 possible, and come back to you with a suggestion for how  
16 we might do this in public, as you've heard the public  
17 wants.

18 CHAIRMAN BARRABA: That is pretty much where I  
19 am and I think, as we've heard from the public comments,  
20 we should make it as transparent as possible and still  
21 get the job done, and with the time constraint that we're  
22 facing. And I think it's also a good observation, if  
23 there are ways of altering the - getting permission to  
24 alter the current law, we ought to look into that, as  
25 well. It would expedite things for us.

1 MS. UMFLEET: We can't release this bid until we  
2 clarify how this is going to work.

3 CHAIRMAN BARRABA: And that's why we'd like to  
4 hear pretty quick on that one.

5 MR. CLAYPOOL: Right.

6 MS. UMFLEET: Because it has to be spelled out.

7 CHAIRMAN BARRABA: Yeah.

8 MR. CLAYPOOL: And we'll work on that this  
9 afternoon.

10 CHAIRMAN BARRABA: And, given the comments that  
11 were made by the public, I would just like to - I think I  
12 speak for the Technical Advisory Group - we share that  
13 policy and that philosophy, but you also have to  
14 understand, we're under the gun relative to get the job  
15 done, and so we're going to try to get as much out as we  
16 can within the confines and the rules that we are working  
17 with, and we'll do the best that we can to get the job  
18 done in time. Would any of my colleagues like to  
19 comment? Gabino?

20 COMMISSIONER AGUIRRE: Yes, I agree with  
21 speakers that have argued for transparency, and certainly  
22 that is why we're citizens, because we want to relate to  
23 all our brother and sister citizens out there and try to  
24 make sure not only that we are transparent, but I think  
25 this is an educational endeavor where the public gets to

1 see how the Commission is conducting its business. And I  
2 agree that there are rules that constrain public  
3 participation, rules regarding public comment being one  
4 of those, and that, really, we need to be deliberate and  
5 engage the citizen. I think this is a very Democratic  
6 process.

7 CHAIRMAN BARRABA: Any other comments?

8 COMMISSIONER PARVENU: I just ditto that  
9 statement.

10 CHAIRMAN BARRABA: Dan, I think we've covered  
11 our agenda. Is there anything else you want to add from  
12 the Executive Director's point of view?

13 MR. CLAYPOOL: I believe our Chief Counsel  
14 wanted a motion on the conflicts policy, yes, if you're  
15 satisfied with it, or if we need to adjust it. It takes  
16 away our options for future additions, but okay.

17 COMMISSIONER ANCHETA: On the last sentence for  
18 the Conflicts Policy, I would, just for clarity delete  
19 the comma on the second to last line after "authorize."

20 COMMISSIONER DI GUILIO: And the word "and" next  
21 to it?

22 COMMISSIONER ANCHETA: I think what he's trying  
23 to capture in this one sentence, there is authorization,  
24 one, and two, the Commission therefore will apply its  
25 conflict provision for discretion, comma, while also

1 assuring the partiality of staff and consultants. I'm  
2 assuming that's the reading of it, but that's why the  
3 language is a bit -

4 COMMISSIONER PARVENU: I assumed it to be to  
5 take the comma off of "authorize," to remove the "and,"  
6 the Commission "to" apply its conflict provisions with  
7 discretion, comma, while also assuring the partiality of  
8 staff and consultants, is how I read that sentence.

9 COMMISSIONER ANCHETA: That's fine, too, as long  
10 as we're clear that is authorization, and it naturally  
11 follows that we will exercise our authority in doing so.  
12 I think he's trying to capture both authority and you  
13 will do it, but if we simply say "authority," that will  
14 imply that we will engage in the processes.

15 COMMISSIONER AGUIRRE: Actually, I would argue  
16 that those are two independent clauses.

17 COMMISSIONER ANCHETA: That's fine, too.

18 MR. CLAYPOOL: Okay, so we need one change if  
19 somebody will give it to us, and we'll put it together.

20 COMMISSIONER ANCHETA: Well, I don't know, it  
21 depends, again, actually if other Commissioners feel it's  
22 sufficient simply to say that we have the authority to do  
23 so and, by implication, we will, therefore exercise that  
24 authority and exercise our discretion because, if it's  
25 both, this is basically correct, it just needs to be

1 cleaned up in terms of the punctuation.

2 COMMISSIONER AGUIRRE: I would move that we  
3 treat those as two independent actions and that we would  
4 follow Mr. Ancheta's suggestion that we strike the common  
5 after "authorize," add a comma after "discretion," and  
6 remove one of the periods after "consultant."

7 COMMISSIONER ANCHETA: Assuming that is the  
8 intent of the language, yeah.

9 CHAIRMAN BARRABA: Can you put that in the form  
10 of a motion?

11 COMMISSIONER AGUIRRE: I would make that motion.

12 CHAIRMAN BARRABA: Okay, is there a second?

13 COMMISSIONER ANCHETA: Second.

14 CHAIRMAN BARRABA: Any further discussion? Any  
15 comment from the public? Okay, if not, then Peter.

16 COMMISSIONER YAO: If you read this sentence in  
17 its entirety, in order to permit a broad base pool from  
18 which highly qualified applicants may be accepted, the  
19 Act and Regulation authorize the Commission to apply? Or  
20 will apply? I guess this question is directed at  
21 Commissioner Aguirre.

22 COMMISSIONER AGUIRRE: Yeah, I see that as two  
23 independent activities, separate activities, so I  
24 wouldn't strike the "and" and I wouldn't change the  
25 "will."

1           COMMISSIONER DI GIULIO: So would it be, then,  
2 to act and the regulations authorize, comma, and the  
3 Commission will apply, comma, its conflict provisions  
4 with discretion? Is that where the two commas go?

5           COMMISSIONER ANCHETA: That's another way we  
6 could punctuate it, yeah, you can either take them out or  
7 put the two in.

8           COMMISSIONER YAO: Okay, thank you.

9           COMMISSIONER AGUIRRE: I will accept the  
10 punctuation amendment.

11          CHAIRMAN BARRABA: All in favor of that, you can  
12 say "aye" and raise your hand.

13           (Ayes.) Any opposed? Abstentions? So passed.

14          Any comments from the public before we close?  
15 Dan?

16          MR. CLAYPOOL: No, actually we were working over  
17 some of these issues, but, no, I have no further  
18 comments.

19          CHAIRMAN BARRABA: Okay, so let's bring this  
20 session of the - oh, excuse me, I didn't see your hand.  
21 You have to come up to the microphone.

22          MS. VALENTINE: Sorry, Zabrae Valentine with  
23 California Forward. I just wanted to double-check, will  
24 there be - since the RFI wasn't available until the  
25 meeting, and we understand you've been working really

1 really hard to pull this all together very very quickly,  
2 will there be 24 hours or something for people who  
3 weren't able to be at this meeting to review it and  
4 provide comment to you? I know it was discussed, but the  
5 folks that I talked to weren't sure what the response  
6 was.

7 MS. UMFLEET: Are you talking about an RFI for  
8 legal services?

9 MS. VALENTINE: For the Technical Assistance and  
10 line drawers, and legal.

11 MS. UMFLEET: It's probably going to be an  
12 invitation for a bid. It hasn't been published, so it's  
13 not available yet.

14 MR. CLAYPOOL: We made a draft available so that  
15 individuals could see it -

16 MS. UMFLEET: It's a Statement of Work.

17 MR. CLAYPOOL: And you can comment on the  
18 Statement of Work because the other one - because it  
19 won't be completed with DGS for -

20 MS. UMFLEET: It's currently being processed.

21 MR. CLAYPOOL: It's currently being processed.

22 MS. UMFLEET: The formal bid, itself.

23 MS. VALENTINE: Okay.

24 MS. UMFLEET: And it will be published and  
25 released online at the Department of General Services'

1 website, it's contract advertising opportunities. All  
2 bids are published out there, so -

3 MS. VALENTINE: So, then, I apologize coming at  
4 the end of this, so the material that you've been  
5 discussing at today's meeting -

6 MS. UMFLEET: Is the Statement of Work and  
7 Statement of Requirements that will be the primary -

8 MS. VALENTINE: And is there an opportunity to  
9 comment on that?

10 MR. CLAYPOOL: Yes, if you wish to submit  
11 comments on that, you can. And then we can take a look  
12 at them and -

13 MS. VALENTINE: And what's the timeframe that  
14 suits you? When do you need comments by?

15 MR. CLAYPOOL: Preferably it would be within the  
16 next 24 hours.

17 MS. VALENTINE: Okay, great, super. Thank you.

18 CHAIRMAN BARRABA: Anyone else wanting to make a  
19 comment? All right, with that, then let's call this  
20 meeting to an end. Thank you all very much for your  
21 interest, and the public as well.

22 [Adjourned at 11:35 a.m.]

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P R O C E E D I N G S

FEBRUARY 23, 2011 12:15 P.M.

**FINANCE AND ADMINISTRATION ADVISORY COMMITTEE**

COMMISSIONER DAI: I think we're live, okay.

So, just a reminder to the Commissioners that you have to push the mic button to make sure that our stenographer can hear us. So, the time is 12:15. I call the Finance and Administration Advisory Committee meeting to order, it's our second meeting. And I wanted to announce that Commissioner Mike Ward has decided to join this Advisory Committee, officially, so we'll add him to the roster, and Commissioner Blanco is unofficially joining us for this meeting. Okay, if someone else wants to chair, I'm happy to turn that over. No one.

COMMISSIONER YAO: You're doing a great job.

MR. CLAYPOOL: Roll call.

MS. SARGIS: Commissioner Dai - Here;

Commissioner Galambos Malloy - Here; Commissioner Yao - Here; and Commissioner Ward - Here.

CHAIRMAN DAI: That reminds me that we forgot to do that in the Public Information meeting, but I think everyone could see us, so... Great, we have a couple of members of the public here before we begin with the agenda for the committee. Would anyone like to make an opening statement? Okay, seeing no one approach the

1 podium, we will look for input from you at a later stage  
2 in our meeting.

3           So, I thought we would begin with our Executive  
4 Director, who has just passed out a couple of handouts, I  
5 believe they were made available to the public, as well,  
6 if you don't have a copy you can come up and get one so  
7 you can follow along, but why don't we start with the  
8 Executive Director on our budget.

9           COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,  
10 actually, I have a friendly suggestion. Given that the  
11 bulk of our time here today, I think, will be spent on  
12 budget and budget augmentation, the other agenda items  
13 seem like we can hit them fairly quickly, so perhaps we  
14 could look at starting with Agenda Item 2 and that way we  
15 end on the budget items. Is that -

16           CHAIRMAN DAI: Sure.

17           COMMISSIONER GALAMBOS MALLOY: Great.

18           MR. CLAYPOOL: Okay, starting with staff and  
19 personnel, since the end of our term or session 11 days  
20 ago, we're still in the hunt for our Budget Officer. It  
21 was republished and they are at the higher rate and, by  
22 the Secretary of State's Office, we also sent it out  
23 through our Persons of Interest List, we've done  
24 everything, we have received no viable candidates at this  
25 time. We found a lot of people who would like to work at

1 that level, but none of whom are qualified to do the work  
2 at that level, so we're still pursuing that.

3 I think I had mentioned in the message that I  
4 sent out, as was suggested I believe originally by  
5 Chairman Dai, and it was an excellent suggestion, so that  
6 you got an update five days ago of what we've been doing.  
7 I'm going to ask during this session that you allow us to  
8 do four short-term hires. By short-term, we have three  
9 individuals who are strictly contract specialists, one of  
10 them you will meet later or tomorrow if you hadn't had a  
11 chance to meet her, is Carol Umfleet. She was  
12 recommended to us by the Department of General Services.  
13 She has more than 25 years of experience in General  
14 Service Contracts and she was one of the originators of  
15 the now famous C-MAS contracts, which will be important  
16 to us when we finally get our contracts in place, we'll  
17 go to C-MAS and she knows exactly how it works. We are  
18 hoping, as I've been saying for three weeks, I've been  
19 saying we're hoping next week we will have our IT  
20 contract finally approved. There is reason to believe  
21 that next week might actually be the week that it gets  
22 approved because we've had some breakthroughs on that  
23 just having DGS kind of push us to the head of the table.  
24 I should say on the other staffing, I should mention  
25 besides Carol Umfleet, we have a gentleman, Oral

1 Washington, who has been working with us in the past  
2 week, he retired in 1997, but he was responsible for all  
3 facilities and procurement on a statewide basis for the  
4 Department of General Services, and he's working to  
5 develop guides for procurement for us and to work to our  
6 procurement issues. And we also, starting today, have  
7 William Rich, and he has a background in procurement  
8 software and data security in small business development  
9 with DGS, and that's what he's going to be doing for us.  
10 When I talk about bringing him in on a part time basis,  
11 we secured their services initially with a Personal  
12 Services Procurement contract, which is under \$5,000  
13 while we work to, a) get your permission because we have  
14 to do it within the Commission to actually hire them, and  
15 then 2) to create a job description for them with the  
16 SCO, State Controller's Office in Finance, which will  
17 then allow us to bring them on. I don't anticipate that  
18 they would be with us longer than two months, we just  
19 need them to help us get all these contracts through  
20 because, as I said in my letter, we pretty much have  
21 given up on trying to get delegated authority, it's just  
22 - it will be one of the things that this Commission can  
23 pass on as a gift to your predecessors, or you can pass  
24 on as a gift to yourself if you return for a second  
25 round, but we need to have someone sponsor a change in

1 the - I think the change would actually have to go to the  
2 Constitution, but allowing this Commission to be exempt  
3 not from the State rules of contracting, but from the  
4 delegated authority cause.

5           So, the last person, I said there were four, so  
6 the three procurement specialists, and then Kirk has  
7 identified a person that he wants to bring on as a half-  
8 time position to help him with the legal work, we would  
9 bring this individual on for six months, they would be at  
10 a Senior Counsel 4 pay, which is a fairly high pay, but  
11 would be at half time and would just work the hours that  
12 we needed her to. She is extraordinarily qualified,  
13 worked for the Legislature, has worked for a lot of  
14 nonprofits, she has government experience, she has non-  
15 government experience. I don't have her name, we'll have  
16 it tomorrow, but I'm hoping that we can get her approved  
17 in that half-time slot. In the mean time, we are also  
18 going to use a Personal Services Procurement contract for  
19 her so that we can put her in place to help Kirk do the  
20 training and so forth that needs to be done for the  
21 Commission.

22           The other issue, as far as - well, I guess we  
23 are clear down into Management of Personnel and Equipment  
24 Contracts, aren't we, but the only other issue that we  
25 have is that we're planning on providing the training

1 online to the Commissioners for Sexual Harassment and  
2 Ethics, and we'll be sending out that flyer. Those are  
3 fairly small contracts; in fact, I think one of them  
4 isn't even a contract, I think we can get the ethics for  
5 free. But we will be sending that out at the - before  
6 you leave, and before the session is over. So, I think  
7 that pretty much nails down what I've been doing. Does  
8 anybody have any questions?

9 COMMISSIONER YAO: Question on the staffing and  
10 personnel. What is the equivalent full-time heads that  
11 you're working to at this point in time?

12 MR. CLAYPOOL: Okay, so the equivalent actual  
13 position for Ms. Umfleet would be the same position that  
14 we would have for the Budget Officer -

15 COMMISSIONER YAO: No, the question is how many  
16 equivalent full-time heads will be working for the CRC?

17 MR. CLAYPOOL: Oh, well, really only two, two  
18 equivalent, because - or maybe not even two, maybe one  
19 and a half equivalent positions because we have one  
20 person at half time for half the year, so that's a  
21 quarter PY, and then we have three people working for two  
22 months, so that's a half, so we're really only looking at  
23 three-quarters of a personnel year, but they're spread  
24 across three different job classifications.

25 CHAIRMAN DAI: So, one of the questions I have

1 is, do we still need a Budget Officer? Or are we filling  
2 in a short-term gap until we get a Budget Officer?

3 MR. CLAYPOOL: No, we need a Budget Officer.  
4 Trust me, we need a Budget Officer desperately and we  
5 desperately have been looking for one, but it's just the  
6 process of what the process is. But you will need as a  
7 Commission a Budget Officer to probably carry on for some  
8 period after you make your Map selection because that  
9 person is going to have to put into place the different  
10 budgets for the three-year fiscal period after 2012. So,  
11 yeah, we need that person.

12 COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,  
13 have you looked into the option of loaning staff from  
14 other - so Budget Officers that are already serving the  
15 State?

16 MR. CLAYPOOL: And I was asked on the last one  
17 to look into that. We're just in a period of time in  
18 State Government where no one has anybody left to loan.  
19 There are no shortage of State agencies who might loan us  
20 somebody if we wanted to pick up the full cost for them,  
21 but it could be - most of them are going to want us to  
22 pick it up for possibly a year or longer. There was  
23 nobody at the Bureau of State Audits, they're in a hiring  
24 mode, they're not in a loaning mode. So, its' a  
25 difficult time right now to look to other agencies to

1 give us staff. First of all, there are no agencies that  
2 will give us staff and pay for them, as had originally  
3 been thought. And there might be some agencies that  
4 would loan us staff if we paid for them, but the contract  
5 might not be appealing to us, as a Commission, and to be  
6 quite honest, the individual might not be the right  
7 qualified person for us. I still believe that the person  
8 we find will be a retired Annuitant.

9 COMMISSIONER GALAMBOS MALLOY: So, let me  
10 follow-up on that question. Do you believe that we need  
11 a full-time Budget Officer because what you're saying  
12 about the loaning, I'm wondering, might there be a  
13 configuration where we pick up the cost for half time,  
14 say, from a Budget Officer that's currently serving  
15 somewhere else, if that would be enough to meet our  
16 needs?

17 MR. CLAYPOOL: You know, that's an intriguing  
18 question and that's one that, you know, I hadn't really  
19 gone out and looked for someone in that capacity. I kept  
20 thinking we would find someone like Ms. Umfleet, who was  
21 willing to work for far less than she had been working  
22 before, just to come in and do some quick work for us.  
23 But we could certainly investigate that possibility, see  
24 if there's an agency or agency list that might have  
25 somebody that they were willing to share with us.

1           COMMISSIONER GALAMBOS MALLOY: Yeah, I think we  
2 should be working on multiple tracts given the tight  
3 timeline we're on, so if you could look into that for our  
4 next meeting, that would be appreciated.

5           MR. CLAYPOOL: Okay.

6           COMMISSIONER BLANCO: So, can you just go  
7 through, again, because there were two different phrases  
8 - short time hires and part-time hires, so which are the  
9 short-time? And which are the part-time?

10          MR. CLAYPOOL: They're all short time and  
11 they're all part-time, and I shouldn't have used the  
12 terms interchangeably. They would all be hired for -  
13 they all know that they're hired for very specific tasks.  
14 The person that we're thinking about for Kirk would be  
15 hired for approximately six months at half time. The  
16 other individuals are for two months at full-time, so  
17 they are - I shouldn't say they're part-time, should I,  
18 if they're going to be full-time.

19          COMMISSIONER BLANCO: That's why I'm sort of  
20 confused.

21          MR. CLAYPOOL: And let me eliminate the  
22 confusion. Three full-time for two months, one half-time  
23 for six months.

24          COMMISSIONER BLANCO: And that would be which  
25 person - the latter would be?

1           MR. CLAYPOOL: The legal person that would work  
2 with Kirk.

3           COMMISSIONER WARD: Kirk, do you have that name  
4 available?

5           MR. MILLER: Marian Johnston.

6           COMMISSIONER YAO: If I were to ask you how much  
7 money have we spent and how much money have we committed,  
8 do you think we know?

9           MR. CLAYPOOL: I can - there's an agenda item on  
10 Burn Rate and I can tell you that you have, and the  
11 public has, a document, as well -

12           COMMISSIONER YAO: Let's don't go into that at  
13 this point. I'm concerned, I don't have a feel as to how  
14 much money we have spent, and I don't have a feel as to  
15 how much money we have committed, and other than  
16 compilation of a number of estimates. What I'm thinking  
17 at this point is, we've got to stay on top of our, at  
18 least, expenditures even though we don't have [quote  
19 unquote] "Officers" to manage the budget, to manage the  
20 expenditures. But, at the minimum, I think we need  
21 somebody immediately and not yesterday to stay on top of  
22 what we have spent and what we have committed.

23           MR. CLAYPOOL: If I could direct you to this  
24 document that I handed out, it came from DGS as of  
25 February 22<sup>nd</sup>. It reflects that we have contracts in

1 place for, and encumbrances for, \$81,212, reducing the  
2 \$2,500,000 to \$2,343,611, as of that date. Now, that  
3 date does not reflect all of your travel, all of your  
4 payments, and all the rest of it that comes with moving  
5 this Commission around, nor does it reflect staff  
6 salaries through this last month. But what I would be  
7 able to tell you is I do not believe that figure could go  
8 beyond \$100,000 to \$150,000, which means that I'm  
9 confident that you have remaining \$2,200,000. But that's  
10 the best I can do because -

11 COMMISSIONER YAO: My thinking at this point is  
12 can we just get somebody to stay on top of the numbers as  
13 compared to constantly being a month or so behind in  
14 terms of an estimate, that we probably have another  
15 \$100,000 of liability associated with the number that  
16 you're giving to us.

17 MR. CLAYPOOL: Well, first of all, even when we  
18 get a full time Budget Officer, you're only going to get  
19 an estimate in time because you're always going to have  
20 travel expensing claims that are outstanding, that  
21 they're not going to know about. So, we're never going  
22 to be able to give you an exact dollar amount at an exact  
23 moment, but we can be closer, certainly, than the  
24 estimate I gave you. But during this last 11 days, it  
25 was with only six staff, it was far more important to

1 work on getting these contracts in place for our line  
2 drawers, for our VRA attorneys, all the things that we  
3 had, than it was to worry about a budget that we were  
4 confident we were well above.

5 CHAIRMAN DAI: Thank you, Mr. Claypool. I have  
6 a question for Mr. Miller. The half-time senior counsel  
7 that you're planning to bring in, what specifically will  
8 she be doing?

9 MR. MILLER: Well, a good example would be the  
10 experience we had this morning, where it was helpful to  
11 have a lawyer in two committees at the same time, and I  
12 expect that will be an ongoing challenge for us. Another  
13 is that we are calendaring, as you know, an unspecified  
14 but a large number of Commission meetings around the  
15 state; I'm concerned about coverage there. A third area  
16 is Public Records Act requests, of which we received our  
17 first one this week, which can balloon into a voluminous  
18 staff process to respond in the statutory time that's  
19 required for those. Along with that, I believe strongly,  
20 as I think I expressed in the interview and up here, that  
21 the legal process is greatly enhanced when one can  
22 discuss an issue with another individual. I've never  
23 found that that didn't improve the outcome for what in  
24 this case are very sensitive decisions, in a very public  
25 forum.

1           CHAIRMAN DAI: Great, thank you.

2           COMMISSIONER BLANCO: So, this is not,  
3 obviously, the Voting Rights attorney position, it's just  
4 to help us staff - help you staff our legal needs?

5           MR. MILLER: This is a retired Annuitant.  
6 First, we identified he's unusually talented to be  
7 available, she was nominated to be a Federal Court Judge,  
8 not confirmed, through the political process, and is  
9 willing to work at what is called a Staff 3 level, so is  
10 not a VRA, and it would be essentially an on-call type of  
11 arrangement.

12           CHAIRMAN DAI: So the half-time is just an  
13 estimate?

14           MR. MILLER: That is correct.

15           CHAIRMAN DAI: All right, are there any other  
16 questions from the Commission on the staffing personnel,  
17 IT services?

18           COMMISSIONER GALAMBOS MALLOY: It's a staffing  
19 question bleeding into IT. I believe we had one  
20 additional position to fill, and it was an IT position.  
21 Is that correct?

22           MR. CLAYPOOL: We actually did away with that  
23 position in favor of trying to put somebody in place, or  
24 a series of contracts in place, for a Web Designer, that  
25 would be a one-time cost, a Web Master, that would be a

1 three-quarters position, and on-call, and then a half-  
2 time person that would do our desktop support, including  
3 our Blackberries. And it was considered a more cost-  
4 effective way to go because we end up eliminating the  
5 PERS expenses and the expenses that go along with a State  
6 employee.

7 COMMISSIONER GALAMBOS MALLOY: Thank you.

8 COMMISSIONER YAO: You know, again, the website  
9 is lagging very very far behind. A case in point is Mr.  
10 Ancheta's bio is not up, he's not been acknowledged as  
11 being part of this Commission, based on the website. And  
12 I don't know what else we can do to correct that from the  
13 public's standpoint, that's not a very good indication of  
14 transparency.

15 CHAIRMAN DAI: Let me address that since we had  
16 this discussion in the Public Information Advisory  
17 Committee and I made a suggestion with Mr. Wilcox  
18 yesterday. And we are moving ahead on it, which is to  
19 basically do an alternative Facebook presence because we  
20 will have full control of that and can post anything, but  
21 will not have to be in queue for the Secretary of State  
22 to put things up. So that's what we're doing -

23 COMMISSIONER YAO: So basically it's no longer a  
24 staffing issue, say, with the IT?

25 CHAIRMAN DAI: Correct.

1           MR. CLAYPOOL: There is one other important  
2 thing to note. Common Cause has also given us a way to  
3 instantly post the things that we need to, so we have  
4 that going up, as well.

5           COMMISSIONER GALAMBOS MALLOY: So, can you  
6 clarify for me, Mr. Claypool, when we will have this Web  
7 capacity in place in terms of our website, the CRC  
8 website?

9           MR. CLAYPOOL: I can clarify it as close as I  
10 can tell you that we have been given promising assurance  
11 that, next week, the Department of General Services will  
12 okay our contracts. As soon as they okay our contracts,  
13 we can go on to C-MAS, which is just a giant list of  
14 people who have qualified for contracts with the State,  
15 and we can select our Web Designer, well, we can select a  
16 Web Designer, a Web Master, and desktop support from  
17 those individuals who are on that list, and that's why I  
18 say it may not be the Web Designer we want, but if  
19 they're not on C-MAS, we're not going to be able to take  
20 them because we don't have time to cut a different  
21 contract with them, but that's our fastest route to  
22 winning over our own website, and then taking care of it  
23 and doing the things that Commissioner Yao has asked for.  
24 I also want to say that, yes, it's been difficult with  
25 our website, and the down time we had with it last week

1 was attributed to the elections in Southern California,  
2 the Secretary of State's Office continues to work as well  
3 as they can with us, given that they didn't hire their  
4 Web Master to be our Web Master, and they continue to be  
5 very supportive of us, so I don't want this to fall on  
6 them. Our biggest problem has just been getting through  
7 this contracting issue with DGS.

8           CHAIRMAN DAI: Could you clarify for us and the  
9 public about what C-MAS is and it sounds like it's a pre-  
10 qualified list of vendors?

11           MR. CLAYPOOL: It is. And I wish we had Carol  
12 here because Carol Umfleet actually was one of the people  
13 who invented C-MAS, that's how well qualified she is.  
14 But it's basically a large list of vendors who, for all  
15 the services that the State can ask for, in virtually any  
16 arena, they've applied to be on the list, and it takes -  
17 you have to get three competitive vendors in any one  
18 area, as I understand it, in order for you to have a C-  
19 MAS list there, and there are certainly plenty of Web  
20 Masters and Web Designers available on it. But, once  
21 they're on it, they're pre-cleared by the State to offer  
22 their services to a particular standard and to know all  
23 the different contracting procedures, and also, I think  
24 in some cases, to provide a specified rate - and I could  
25 be wrong on that. But, at any rate, if you select from

1 C-MAS, then everything goes very quickly.

2 CHAIRMAN DAI: Thank you. So, I just want to  
3 double-check that we've covered all the four items on the  
4 agenda, Staffing and Personnel, Information Technology, I  
5 don't know that we had anything on Facilities and  
6 Management of Personnel and Equipment Contracts -

7 COMMISSIONER WARD: I just had a question. Did  
8 reducing IT to those three different positions, did the  
9 Technical Committee meet on that yet? Did they have  
10 input into that?

11 MR. CLAYPOOL: That was actually a decision  
12 that was made fairly early on, when we were talking about  
13 staffing, I think it was our second meeting together, it  
14 seems like it was about a year ago, but it was actually  
15 about three weeks ago -

16 CHAIRMAN DAI: Yeah.

17 MR. CLAYPOOL: And we just made the decision  
18 that it was more cost-effective to do it that way and it  
19 was a recommendation that came out of the Secretary of  
20 State's Office because they said it would just save us  
21 money and save us time.

22 CHAIRMAN DAI: And it was the last week of  
23 January.

24 COMMISSIONER BLANCO: And so the IT person that  
25 we're hiring short-term is who, that you referred to

1 earlier?

2 MR. CLAYPOOL: Oh, no, I apologize, we have a  
3 contract specialist in IT Services and that individual is  
4 William Rich, and what William has been working on is  
5 pushing that IT contract through DGS.

6 COMMISSIONER BLANCO: What's his last name  
7 again?

8 MR. CLAYPOOL: Rich, R-i-c-h.

9 COMMISSIONER BLANCO: I see, so he's an expert  
10 in how to get these IT contractors, yes, got it.

11 MR. CLAYPOOL: He's our DGS guy.

12 COMMISSIONER GALAMBOS MALLOY: And, Mr.  
13 Claypool, I know everything we give you is priority, but  
14 as I'm thinking about the timeline for when we're going  
15 to begin our meetings, our educational meetings in March,  
16 to me, it seems pretty urgent that our website is  
17 functional and current at that point in time. And  
18 without being on the technical committee, I'm just hoping  
19 that we can aim for that, that we'll be able to advertise  
20 through our website and be able to kind of keep updated  
21 information there, and if not that we have a really  
22 strong back-up mechanism in place until we get to that  
23 point with our own website.

24 MR. CLAYPOOL: As all of you are becoming  
25 profoundly aware, we can aim at a lot of things, but DGS

1 has pushed us to the front of their process, but it's  
2 still a very cumbersome process, it's a process that  
3 looks in terms of months and years, it doesn't look in  
4 terms of days and weeks. What we have done, and I wish -  
5 I don't know if Rob is here -

6 CHAIRMAN DAI: I can speak for Mr. Wilcox, but,  
7 I mean, we basically are not going to rely on the  
8 website, I think you should assume the website is dead  
9 and that we're going to switch to a Facebook presence  
10 that we have control of, that does not require an IT  
11 specialist to post simple things, and rely on our network  
12 of partners to get information because they can put  
13 things up in seconds, and all we'll need is to put a  
14 disclaimer on the website saying, "For the latest  
15 information, please check out..." And, you know, we need  
16 to go around this because we're not going to solve the  
17 state contracting problems.

18 COMMISSIONER GALAMBOS MALLOY: So, a follow-up  
19 question on that - I'm on Facebook, however, if I was  
20 not, if I did not have an account on Facebook, would I be  
21 able, as a member of the public without an account, be  
22 able to view -

23 CHAIRMAN DAI: Absolutely, in fact, many  
24 nonprofit organizations have switched to Facebook as  
25 their primary websites.

1 COMMISSIONER GALAMBOS MALLOY: Great.

2 COMMISSIONER WARD: I think that was a great  
3 example of Kirk's need to bring on some help because I  
4 know, on the Communications subcommittee, and I don't  
5 want to participate in steering this dialogue to a  
6 communications issue, but we actually had a question  
7 about legal sufficiency and the ability to do that with  
8 Facebook and partner websites that I don't know has been  
9 resolved, so that's something we'll have to take up in  
10 full subcommittee.

11 COMMISSIONER GALAMBOS MALLOY: I remember  
12 earlier on, and I will look for it back in our meeting  
13 archives, that it was recommended to us, there were two  
14 documents, and one was a legal guide to using social  
15 networking tools for State efforts. And, Kirk, I can  
16 pull it up and send it to you to see, but it was  
17 recommended to us as we were considering using things  
18 like Facebook, that there were some considerations we  
19 needed to have on our radar.

20 MR. CLAYPOOL: The one thing, and I know that  
21 we have to get proactive and move around this thing, I  
22 wouldn't call our website "dead," but it is on life  
23 support, and what I would say, however, is as soon as  
24 these contracts are put in place, we have every intention  
25 of making a robust - having a robust website of our own,

1 so I think that we have to look at things like Facebook  
2 and so forth as brilliant augmentations, but we will have  
3 that presentation at some point.

4           CHAIRMAN DAI: On the other hand, I just want  
5 to state that we need to not get totally focused on the  
6 fact that we need to have our own specially designed  
7 website. I mean, we need to communicate with the public  
8 and, if the most efficient way of communicating with the  
9 public is to use existing infrastructure, which is free,  
10 and does not require technical expertise to update, then  
11 we should use it. It may turn out that it is more  
12 effective and expeditious to go ahead and use that as an  
13 alternative. You know, that's something we'll have to  
14 check. Right now, it's a short term solution. It may  
15 actually end up being a better long term solution. Like  
16 I said, there are many organizations that have stopped  
17 hosting their own websites and have gone strictly to a  
18 Facebook presence because it's so easy to change the  
19 content, and it's all maintained by somebody else, and  
20 there are no fees involved in it. So, I'm not advocating  
21 that specifically, you know, I think we need to try it  
22 out and see how it works, but the fact that it is  
23 available to people who are not on Facebook, I think,  
24 makes it a very reasonable solution. In fact, you know,  
25 I just talked to Mr. Wilcox yesterday, late afternoon,

1 and already they started working on it, so that's how  
2 fast you can do it.

3 COMMISSIONER YAO: So, this is a recommendation  
4 by the Communications Advisory Group to the full  
5 Commission for consideration late tomorrow?

6 CHAIRMAN DAI: I don't think it needs to be  
7 considered, I mean, Mr. Wilcox is already implementing  
8 it. I mean, the point is we need to - and we have basic  
9 information that is not getting out, like our 14<sup>th</sup>  
10 Commissioner, I mean, really basic information is not  
11 getting out and is just completely inaccurate on the  
12 existing website, so we need to fix that.

13 COMMISSIONER YAO: If I can continue, last time  
14 this Advisory Committee met, we brought up a number of  
15 issues like getting software for PCs and so on. Can you  
16 comment on the status of that?

17 MR. CLAYPOOL: We actually had one of our  
18 contracts go through, so we actually have procured basic  
19 office supplies. We do not have, however, IT, we  
20 supplement it with Open Office and other types of  
21 freeware, and we've had to because IT, no matter what  
22 level you buy it at in the State, has to run through DGS,  
23 and that's the contract we're hoping to free up with Mr.  
24 Rich's help.

25 COMMISSIONER YAO: And what happened to the

1 memo that Chair Malloy wrote to the Governor? Any  
2 feedback on that?

3 MR. CLAYPOOL: We have no feedback from the  
4 Governor's letter. We do know from the Secretary of  
5 State's Office that we are exempt from the Executive  
6 Order on the freeze because we don't report to the  
7 Governor, that was her statement, Dora Mejia's, and she  
8 is about 99 percent right, so I'm going to go with that  
9 one. Having said that, the freeze is problematic in some  
10 regards because we have to go to an extra step of showing  
11 that we are exempt from the freeze, and that we are a  
12 legitimate Commission, and so it adds another step to the  
13 process. That's why we went ahead and used the personal  
14 services, the procurement contracts, to bring people on  
15 board so that we could get them working while we resolve  
16 those issues.

17 COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,  
18 can you clarify one more time, who do we have to prove  
19 our exemption to?

20 MR. CLAYPOOL: You have several players. You  
21 have the Department of Finance, who has to weigh-in on  
22 approval of money coming from our budget, you have the  
23 State Controller's Office, who has to key in our  
24 position, so we have to give them proof that we have a  
25 position that is justified, that the job description that

1 we give them justifies the amount that we're paying them,  
2 and the position that we have for them, and that all  
3 flows through the Secretary of State's Office because  
4 their HR is still handling a lot of that for us,  
5 although, I think as of March 1<sup>st</sup>, that will transfer over  
6 to the Department of General Services, who we have an HR  
7 contract with. So, you have three agencies, really, who  
8 are involved in taking care of our hires and putting  
9 people in place.

10 COMMISSIONER GALAMBOS MALLOY: I would like to  
11 - and I'm looking at the agenda, and I'm not sure where  
12 we'll put it in, but for us to take a walk over the  
13 Governor's Office while we're here in Sacramento, to  
14 follow-up on the letter if possible. So, let's talk  
15 about that later after the meeting.

16 COMMISSIONER BLANCO: Commissioner, yeah, I  
17 agree and I think this has gotten to - there was no way  
18 that we could sort of know this going in, if we had been  
19 Sacramento people, we would have known, but the whole  
20 point of this Commission was that we were not insiders  
21 and I think that this is not acceptable that we're  
22 functioning like this, and I don't mean that in terms of  
23 our staff, I mean, it's unacceptable to us as a  
24 Commission that was set up by the voters that we're  
25 operating as if we were a long term agency with all these

1 restrictions. You know, this is not a long-term  
2 government agency, this is the Citizens Redistricting  
3 Commission. I don't think we should just take a walk over  
4 the Governor's Office for our letter, I actually think we  
5 should meet with the Chief of Staff, with the Governor's  
6 Chief of Staff immediately, and perhaps while we're here,  
7 set up a meeting, and explain the nature of this  
8 situation where we are having to do our business as if we  
9 were an agency of the State, and everything that that  
10 implies, with an August deadline, which is a deadline to  
11 the voters. And we need to get some high level waivers,  
12 we need to have high level intervention in this  
13 situation, it's admirable what our staff is doing, but we  
14 should not have to be dealing with this piecemeal way  
15 we're doing. I think if we had known as a Commission or  
16 as Commissioners everything we were facing, we would have  
17 probably realized this two months ago, but we're just  
18 getting acquainted with what probably the rest of the  
19 world knows about State Bureaucracies. But I don't think  
20 it's acceptable, I don't think we can keep working around  
21 it by getting half-time - hiring somebody to help us go  
22 navigate the process of DGS, that's not what we should be  
23 doing, we should be actually having some exemptions  
24 permanently in place so that we can do our business, and  
25 we should be able to talk to the Chief of Staff, and to

1 the Governor if that's necessary, about what are we going  
2 to do to make this work.

3 COMMISSIONER GALAMBOS MALLOY: So, Mr.  
4 Claypool, could I ask you to work on scheduling a time in  
5 the next two days, see if we could meet with the Chief of  
6 Staff at the Governor's Office, or at least the Chair and  
7 the Vice Chair, and potentially the full Commission,  
8 depending on who is available from their end?

9 MR. CLAYPOOL: I'll go over there during our  
10 break.

11 CHAIRMAN DAI: Yeah, I mean, I think the fact  
12 that we have to hire a short-term contract procurement  
13 specialist in IT contracts to hire our IT Contractor just  
14 kind of illustrates the ridiculousness of the levels of  
15 bureaucracy that we're having to deal with, and that, you  
16 know, even if there are plenty of Web Masters on the C-  
17 MAS list, you know, the fact that we're restricted on who  
18 we can hire, I mean, that just seems like the kind of  
19 flexibility and freedom that we need as essentially a  
20 start-up organization, you know, has completely been  
21 taken away from us.

22 MR. CLAYPOOL: When the Initiative was drafted,  
23 and there's a lot of variance in the Initiative, when I  
24 first read it, it seemed rather circuitous to me, but it  
25 has turned out to be a rather remarkable process. But

1 that was the place, when they exempted us from the  
2 hiring, they needed to exempt us from the contracting, as  
3 well, give us that delegated authority. The one thing I  
4 will say is, what we ask for from the Governor's Office  
5 was assistance in doing exactly what Commissioner Blanco  
6 has asked, to help us move through the process. The one  
7 thing that they won't be able to do in the Governor's  
8 Office is to actually exempt us from anything because  
9 most of that is written into the Constitution and so that  
10 is where the change is going to have to occur, as I  
11 understand it. So, I will go over and ask for this  
12 meeting and see what we can facilitate while the  
13 Commission is in town, but...

14 COMMISSIONER BLANCO: I think that, in addition  
15 to the Governor's Office, it occurs to me that since  
16 these are, as you say, perhaps Constitutional issues,  
17 that another person we should speak to is the AG because  
18 this is potentially a legal matter, and we might be able  
19 to get some kind of AG opinion that expedites the  
20 process, that sort of interprets our standing vis a vis  
21 these traditional Constitutional requirements, and having  
22 that AG opinion could potentially expedite things. I  
23 would be more than glad to work on - I would go, I would  
24 attend, but I think we should do a two-pronged approach  
25 and also reach out to the AG's office about this.

1           CHAIRMAN DAI: Maybe Mr. Miller can -

2           MR. MILLER: Yes, I was just thinking we also  
3 may want to talk with the leadership of the Assembly and  
4 the Senate, they have been gracious in talking to us thus  
5 far.

6           COMMISSIONER GALAMBOS MALLOY: Just a reminder,  
7 we do actually have through Sunday blocked for Commission  
8 business and, so, more than happy to rearrange the agenda  
9 if we need to spend a part of the day, or all day, doing  
10 these business meetings with the various players here in  
11 Sacramento. We could always bump some of our other  
12 business over into Sunday.

13          MR. CLAYPOOL: I think the first thing is to  
14 see what's possible, and then we can work on that agenda.

15          CHAIRMAN DAI: Yeah, I mean, I think our  
16 challenge at the Commission is, so many of our tasks that  
17 we have to do everything in parallel when we need to have  
18 multiple prongs because we can't afford for us to have  
19 things fail serially. Okay, great, so I think we have a  
20 couple of good suggestions that Mr. Claypool will follow-  
21 up on, and see what we can try to do while we're in town.  
22 Unless there are any other questions on any of the last  
23 four agenda items, I'd like to move to the primary one,  
24 which is discussion of the proposed budget.

25          COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,

1 did you have anything else on the facilities?

2 MR. CLAYPOOL: No, that's actually the one  
3 thing that we've wrapped up, so we're pretty set on that,  
4 and that was provided for us by the Governor, and that's  
5 required for the Governor to provide to us in the  
6 Initiative.

7 CHAIRMAN DAI: Okay, so -

8 COMMISSIONER YAO: Before we leave the subject  
9 of Facilities, is it our plan, then, between now and the  
10 end of our work in August, to continue the meeting in  
11 Sacramento and continue to basically meet right here in  
12 the these rooms?

13 MR. CLAYPOOL: We have, actually, it's a good  
14 point, and what I did - and this isn't actually a  
15 schedule for you, it is my budgeting schedule, but this  
16 is the way our months are starting to shape up, and the  
17 red is all the places where we're going to start having  
18 Input meetings, and we're going to have the blue, our  
19 Educational Input. Now, I apologize for not providing  
20 this to the public and everyone else, but like I said, I  
21 only used this to budget with. When you start looking at  
22 our schedule coming up, we're looking at 39 meetings  
23 besides our regular business meetings. And I'm  
24 estimating that we will also be looking at about 36 days  
25 worth of business meetings in the same - in this fiscal

1 year, and about 12 or about 11 business meetings in this  
2 next fiscal year before we actually have the maps in to  
3 the Secretary of State. So, we're looking at a lot of  
4 meetings in a lot of places. If we were going to start  
5 moving the business meeting venues, that's fine, but  
6 logistically, it starts putting on some miles and we'll  
7 make it more difficult for us.

8           Now, fortunately for us, the Alliance that is  
9 primarily associated with the Irvine Foundation, very  
10 graciously offered to help us with venues, and so that's  
11 a great deal of help, but for the business meetings, I  
12 would suggest one of two things, either have them in  
13 Sacramento where the leadership has also graciously  
14 offered us this, which is wonderful, or, if someone had  
15 another venue similar to Claremont where someone was  
16 willing to just step up and set it up for us, that would  
17 work, too. But, in the absence of that, and I know that  
18 Commissioner Galambos Malloy was looking into a venue  
19 over in Oakland, and so that's the only thing, if we're  
20 going to make that move, it has to be something that  
21 requires very little planning because you're going to be  
22 on the road as a Commission a lot and there's also  
23 discussion about those 30 Input meetings, and I think  
24 we've heard a variety of different speakers talk about  
25 either splitting up, but then we've also heard a lot of

1 people say you can't really split up because you need to  
2 hear the same information. I don't know how this  
3 Commission is going to make that determination, but if  
4 you don't split up, then it makes it even more  
5 problematic to have it in a lot of different places.

6 CHAIRMAN DAI: Yeah, I personally think that  
7 we're going to have to split up, it's just logistically  
8 impossible for all of us to go everywhere, not to  
9 mention, you know, continue - I mean, this is the  
10 Citizens Commission, all of us have other work  
11 obligations, and personal lives, as well, so I think we  
12 need to stick with the assumption that we'll try to make  
13 as many as we can, but we ought to be willing to proceed  
14 with as many Commissioners who can show, so long as we  
15 have the minimum number.

16 MR. CLAYPOOL: Well, given those restrictions,  
17 I would strongly suggest that, at least for the business  
18 meetings, you have them in a place that you're familiar  
19 with and you're all getting very familiar with  
20 Sacramento, and it makes that part of the planning fairly  
21 pro form so that we don't have to do a lot of shifting -  
22 unless we get a great venue in Oakland, which I would  
23 strongly suggest.

24 COMMISSIONER GALAMBOS MALLOY: I know we have a  
25 great venue in Oakland, however, I am also cognizant of

1 the fact - look at now, this meeting, and the meetings  
2 we're going to need to set up to try to deal with some of  
3 the issues that have arisen, and we could not do that if  
4 we were not in Sacramento, and so that is something that  
5 I think we'll discuss with the full Commission when we  
6 get to the schedule and location of future meetings.

7 CHAIRMAN DAI: All right, I think we're ready  
8 to talk about the Big Kahuna, which is our Budget, and  
9 the assumptions that went into that and how we're going  
10 to ask for the necessary resources for us to complete our  
11 mission here.

12 MR. CLAYPOOL: Okay, so the first thing, I  
13 believe that Commissioner Yao had also put together some  
14 documents, I'm not sure, would you like to have them  
15 distributed at the same time, or do you want to go  
16 through this one first?

17 COMMISSIONER YAO: Let me explain to my  
18 Commission members on this Advisory Group, independent to  
19 what Mr. Claypool has done, what I have done is taking  
20 the information that I absorbed over the last many  
21 meetings and tried to put together a projection as to  
22 where I think we will be obviously making a lot of  
23 assumptions on the way, and one of the major differences  
24 between what I did and what Mr. Claypool did in the  
25 document that he handed out, is I assume that our

1 necessary budget is to see us through August 15<sup>th</sup>, when we  
2 release the maps; or, as Mr. Claypool's forecast at this  
3 point is anticipating that we probably will continue to  
4 have a lot of work to do, especially the necessity to  
5 keep the staff together and to keep the facility  
6 together, in order to address those kinds of issues, so  
7 his budget forecast goes beyond August 15<sup>th</sup>. Is that a  
8 reasonable statement?

9 MR. CLAYPOOL: That is an absolutely accurate  
10 statement.

11 COMMISSIONER YAO: Okay, so there are some  
12 slight differences between the two ways of looking at it  
13 and there are some minor differences in terms of  
14 estimating the number of meetings and the cost for the  
15 reimbursement, or the travel expenses and on and on, but  
16 those are relatively minor compared to the other  
17 differences.

18 COMMISSIONER GALAMBOS MALLOY: Commissioner  
19 Yao, do you have a separate document that we should be  
20 looking at?

21 COMMISSIONER YAO: Yes, I do, but I would  
22 recommend that we go through Mr. Claypool's presentation  
23 first because I think, to some extent, his is a lot more  
24 detailed because he has a lot more information to work  
25 with, especially during the section toward the tail end

1 of his package, called Contracts, because my exposure to  
2 [quote unquote] "contracts" is based on what we have  
3 discussed, but in fact there is certainly a lot more  
4 things to be done than those that come before the  
5 Commission. So, let's go through his numbers, and then  
6 afterward, if you are interested, I can certainly kind of  
7 show where I agree with it and where I have some  
8 disagreement.

9           CHAIRMAN DAI: Yeah, it might be more useful  
10 for you to just point out where there are discrepancies.

11           COMMISSIONER YAO: Right.

12           MR. CLAYPOOL: Okay, so one of the things that,  
13 when I spoke with the Department of Finance, and this is  
14 what this budget is built up to do, it's built up to  
15 accomplish two ends, the first one is to go out, I had  
16 hoped, tomorrow with a letter to the Department of  
17 Finance, asking them to release the million dollars that  
18 is in the current year's budget, and that requires that  
19 we give them justification, and this is going to be the  
20 basis of my justification for what we need, and then,  
21 after that, they have allowed us to have considerable  
22 leeway, leeway that's given to us because of our special  
23 mission and because they recognize that we have a very  
24 short timeframe to come back with the Finance letter  
25 after this, that would ask for additional money. Now,

1 the need to get the letter into the Department of Finance  
2 this week is because there's a 30-day clock that runs,  
3 that has to run before they will release the million  
4 dollars. That's not - as long as they accept our  
5 rationale for needing the money, that's not really an  
6 issue because we have enough money, as I'll show at the  
7 bottom, as we start parsing it out, to get through the  
8 fiscal year. And that money would certainly come in  
9 before that, that million. Having said that -- or with  
10 that million, I should say, we have enough to get through  
11 the fiscal year. After that, we will need the  
12 augmentation in order to get through the time after June  
13 30<sup>th</sup>, so if we follow the first two lines, or the first  
14 line, there's only one thing in Fiscal Year 2009-2010,  
15 and that was the initial transfer of the \$500,000 to  
16 cover the Bureau of State Audits' expenses. Now, I can  
17 tell you that \$500,000 didn't cover their expenses and  
18 they ended up absorbing a substantial amount of the cost  
19 of selecting you. It would be important to gather that  
20 cost at some point, to give everyone an idea of the true  
21 cost of doing this, and we will do that, but that's the  
22 \$500,000. Now, when you slip over into 2010-2011, we had  
23 just an \$1,140.00 initial transfer, moving costs, that  
24 were associated with transferring things over from the  
25 Bureau to the Secretary of State's Office, and we have

1 the \$81,212 that I pointed out in the encumbrances as far  
2 as the February 22<sup>nd</sup> document that we handed out to  
3 everyone, so that's where that number comes from, so, our  
4 subtotal with the Secretary of State and the Bureau of  
5 State Audits at this point reflected in that \$582,000  
6 number. Now, we start dropping down. I told you that we  
7 had been given rent or space by the Governor's Office,  
8 and this expense amount reflects the cost of the rent of  
9 our space. I think that, in reflection as I was sitting  
10 here, I put this in because I wasn't entirely certain  
11 from the conversation that we had had with Building  
12 Management that we weren't being charged for that amount.  
13 If we are being charged for that amount, then we need it  
14 in our budget; if we aren't, then we will be able to  
15 eliminate \$180,000 across the next year and a half.

16 CHAIRMAN DAI: Yeah, because originally I  
17 thought you said that we were getting our facilities  
18 rent-free, but it sounds like we're not sure?

19 MR. CLAYPOOL: Well, and this came out of a  
20 document as I was gathering everything together and  
21 asking for people, I got a document from Raul saying that  
22 the rent on our facility was \$10,000. I don't know if  
23 that meant \$10,000 a month, I don't know if that meant  
24 that was an estimate of what it would cost us, or not, I  
25 just didn't have time to pin that number down, so I put

1 it in just in case. So, that's the first number that is  
2 a soft number.

3 CHAIRMAN DAI: Okay.

4 MR. CLAYPOOL: The telephone is - the two  
5 telephone expenses are just estimates on the cost of all  
6 Commission, and I'll just be honest with you, I just  
7 asked what seems reasonable to one of our staffers, and  
8 they said this looks like a reasonable amount, again, a  
9 soft number, but we know we are going to have that  
10 expense. Office supplies, same thing. The \$13,500, by  
11 the way, reflects office supplies all the way through the  
12 fiscal year '11-'12, and I think it's a very reasonable  
13 number. Dropping down into salary costs -

14 CHAIRMAN DAI: Mr. Claypool?

15 MR. CLAYPOOL: Go ahead.

16 CHAIRMAN DAI: Before you go on, I noticed that  
17 you were pretty good about calling out some assumptions  
18 for the other ones, so even though it's a soft number, it  
19 would be helpful, for example, "This is telephone lines,  
20 you know, fifty bucks a month times - and staff." You  
21 know, just so we know kind of - it might in fact be a  
22 totally reasonable number, we just want to know how you  
23 derived it, so if you could just call out your assumption  
24 for that, for the future.

25 MR. CLAYPOOL: Okay, well, on the telephones,

1 to be quite honest with you, I just looked at the number  
2 of staff we have and I just estimated.

3 CHAIRMAN DAI: Yeah, so staff times whatever,  
4 just so we kind of know how the number was derived, and  
5 if it turns out it's something else, then it's very easy  
6 to change later.

7 MR. CLAYPOOL: Right.

8 COMMISSIONER GALAMBOS MALLOY: And does this  
9 amount under telephones, does that include the cellular  
10 phones, the Blackberries?

11 MR. CLAYPOOL: No, that's actually a different  
12 cost. When we look at this, this is the -

13 CHAIRMAN DAI: Hard line -

14 MR. CLAYPOOL: -- hard line cost and also, I  
15 believe those are our data costs, as well, I put  
16 telephone and data.

17 CHAIRMAN DAI: Yes, just because, you know,  
18 particularly when we are putting pro forma budgets  
19 together, it's helpful just to have another sheet that  
20 has whatever we're multiplying.

21 MR. CLAYPOOL: Right and, again, I was more  
22 concerned with Finance, but I also should be concerned  
23 with my Commissioners. So, staff salary costs, these are  
24 pretty hard numbers, these aren't "pretty hard numbers,"  
25 they're hard numbers. This is times 1.4 for benefits,

1 and the reason we use 1.4 up from 1.3 is because this  
2 number also includes holidays and leave and sick leave  
3 balances and vacation balances, and it's just kind of a  
4 fast and dirty way to make that calculation. You will  
5 see for my costs and the Chief Counsel's costs, those are  
6 at the salaries that you hired us at, plus the benefit  
7 package. The leave balance carried forward, fortunately  
8 for the Commission, you only purchased the leave balances  
9 of Kirk and myself, and no one else really brought a  
10 leave balance with them because of the way we hired them.  
11 So, that's part of what you purchased.

12 CHAIRMAN DAI: Can you explain that to us that  
13 don't understand what that means?

14 MR. CLAYPOOL: Oh, yes, I can. So, I came over  
15 with 260 hours of leave. Kirk came over with about 400  
16 hours of leave. And so, when we come over, you assume  
17 the liability for our leave balances.

18 CHAIRMAN DAI: Got it.

19 MR. CLAYPOOL: So, the Communications  
20 Directors, those are numbers that I'm estimating you  
21 would maintain a Communications Director probably through  
22 the end of the year because they're going to be things  
23 that we're going to do after this is over, and some of  
24 them are going to be making recommendations for changes  
25 to the Initiative, and it will be archiving, archiving

1 all of our data and all the things that we did, the State  
2 Auditor has already been asking us if we will come over  
3 and attend an Archive session to make sure that all of  
4 this is captured. So, there is going to be a lot of work  
5 after August that has to be done. Budget Officer, again,  
6 estimating through the first of the year, just to put the  
7 upcoming budgets together and, if you make a decision,  
8 and this is something it would probably be a good time to  
9 talk about this. This Commission is going to have to  
10 decide what kind of representation it wants through the  
11 years. You are Commissioners for 10 years, and so - and  
12 there are things that you don't need a full staff for,  
13 certainly, and certain staff you've got now, but there  
14 will be things that staff will be able to do for you if  
15 you choose to be a more active Commission. And by "more  
16 active Commission," I'm talking about making the changes  
17 to the Constitution, to the Regulations, it will make it  
18 easier next time, gathering data as to the success of  
19 your endeavor, and so forth, and how many different  
20 Districts we see change hands, and so on and so forth,  
21 there are a lot of things that you may want to do. If  
22 you want to do them, you're going to have to carry some  
23 staff, you're not going to have to carry all staff, and  
24 then there is the possibility of litigation, and so  
25 you're going to have to carry staff through that. So,

1 I'm assuming these numbers right now that you wouldn't  
2 necessarily need to keep a budget officer after the first  
3 of the year, we could go ahead and either have an  
4 Executive Director take that load, or something, because  
5 we won't be dealing with all the other things, we'll just  
6 be dealing with the litigation. But you need, as a  
7 Commission, to start thinking about how you went ahead  
8 with that as we go on.

9 COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,  
10 when we look from the Communications Director down  
11 through the Program Analyst, is the assumption that all  
12 of these are going through January?

13 MR. CLAYPOOL: I'm going to give you some dates  
14 and, actually, before I give you the dates, I think  
15 Commissioner Yao was getting ready to have a question?

16 COMMISSIONER YAO: When you brought up the term  
17 "litigation," I thought litigation is not at all part of  
18 our budget.

19 MR. CLAYPOOL: You are absolutely right,  
20 litigation would be covered under a separate - would be  
21 covered under a separate provision in the Initiative that  
22 requires that the Legislature fund any litigation that  
23 occurs after the maps are published, but you would still  
24 - you're going to have staff that will have been key in  
25 decisions for you and you either maintain them - Kirk

1 will certainly have been key in some of the decisions  
2 that were made, and we will have Public Records Acts  
3 requests, we'll have a lot of things that will have to  
4 come out of your staff.

5           COMMISSIONER YAO: No, I certainly do  
6 understand what work is necessary that would go into  
7 defending a litigation, but I think maybe this Commission  
8 needs to decide as to how we want to forecast our budget,  
9 as to what obviously the State would have to defend  
10 itself, and that would include paying our costs, staff  
11 costs, and everything else. Should we include that as  
12 part of our current operating budget? Or, should we kind  
13 of make an assumption and then saying, all right, if they  
14 want our help in defending the State's position, then  
15 they pay for it? So, I think we probably need to give  
16 staff a set of guidelines so that we keep the budget  
17 forecast consistent.

18           COMMISSIONER BLANCO: I think that's right,  
19 Commissioner. Perhaps in the Legal Advisory Committee,  
20 which meets today at 3:00, we could talk about this  
21 because I think it's, I mean, it's tricky. The AG is  
22 supposed to represent us and they will have, you know,  
23 but it is true that, to the extent that staff has to go  
24 through records, to the extent that we are asked to - we  
25 will have to prepare a report, obviously, that goes along

1 with the Map, but to the extent that we are asked to  
2 compile information from our own files, that the staff is  
3 asked to do all that, is that really Commission staff  
4 budget, and our budget? Or is that defensive litigation  
5 budget? And I would argue that that's - anything  
6 associated with the defense of the litigation is no  
7 longer our business of drawing maps, or of making  
8 recommendations as to changes in the legislation for the  
9 next round, that really all relates to litigation. We  
10 wouldn't be doing it, but for litigation. So, I think  
11 that's a really good point. There may be reasons we want  
12 to keep minimal staffing that's not related to  
13 litigation, and we should identify those and have those  
14 in a budget, but I think that you're correct, that  
15 everything else is really the result of somebody suing,  
16 and that's why we'll be having to do whatever it is that  
17 we have to do.

18 MR. CLAYPOOL: The only caveat I would make on  
19 this is, if there - you've seen the transition and what  
20 it's taken to get this Commission up and running. If  
21 there's any discussion whatsoever between who is going to  
22 pick up the cost, all your staff will move on to new jobs  
23 because they need to be employed, and then you have to  
24 start trying to recreate them, trying to borrow them  
25 back, I'm only scheduling these - running the schedule

1 through this fiscal year because we will have a very good  
2 idea of what we're handling, and then we can start  
3 working a budget for '12-'13. That's all. I would just  
4 say we need to keep staff in place until you know.

5           COMMISSIONER YAO: Maybe we need to keep two  
6 sets of folks in the forecast, one is to organize it  
7 properly, based on the way we see the job, not just  
8 finish drawing the Map, but in the time period beyond  
9 that; and then, the other one is to basically keep the  
10 finance straight, up until we deliver this other Map.  
11 So, I don't know how else to handle it because  
12 organization and planning certainly is appropriate. If  
13 we don't budget it, staff is going to leave and you  
14 really don't have any choices at that point in time, but  
15 at the same time, our task based on the way I understand  
16 it is drawing the Map.

17           CHAIRMAN DAI: Yeah, well, we have a budget  
18 that this proposal goes through Fiscal 2012, so, I mean,  
19 I think we're covered for the year.

20           MR. CLAYPOOL: Right, this is what's required.  
21 The reason I ran this, this is what Finance wants to see.  
22 Finance doesn't want to see us stopping in August because  
23 they're going to say, "So you just are all disappearing  
24 on us." They want to see it run out as though we're  
25 going to be an ongoing entity, that's why I said to you,

1 you're absolutely correct, sir, you have to decide what  
2 kind of an ongoing entity you wish to be. But, for the  
3 purposes of going to Finance and getting a release of  
4 money and an augmentation, this is the level of  
5 documentation I need.

6 CHAIRMAN DAI: Okay, so you said you were going  
7 to give us some -

8 MR. CLAYPOOL: Dates.

9 CHAIRMAN DAI: -- dates for your position.

10 MR. CLAYPOOL: So, for Communications Director,  
11 Budget Officer, and Office Manager, these estimates go  
12 through January 1<sup>st</sup>, 2012. For the Commission Assistant,  
13 this estimate goes through October 30<sup>th</sup>, 2011. And then,  
14 for the Program Analyst, this estimates goes for the  
15 entire Fiscal Year. It runs out the same as with the  
16 Executive Director and the Chief Counsel. And the reason  
17 we differentiate between the two is because, right now,  
18 we have Janeece, who is working with the Commission, and  
19 that's her primary function, she has only about 150 other  
20 functions when she's not working with the Commission, but  
21 they're primarily things that we would see ending after  
22 we've archived everything and did the work. The other  
23 person we have working, Christina, and I don't know if it  
24 would necessarily be Christina or someone like her, would  
25 be maintaining at that point, I would think, our website,

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1 the one that we're finally going to get, and our  
2 Facebook, and so forth, so that's the differentiation  
3 between the two positions.

4           So, the estimates on overtime are just based on  
5 the months that we're working, and at about a 10 percent  
6 rate, so you can put that in for the two of them, and I  
7 think that those estimates are actually a little bit low,  
8 and I would tell you that all your staff has been working  
9 every day, and so - but they'll spread out a little bit  
10 as we get into the meetings and go on. So, you see your  
11 balances, your subtotals, and those are your salary costs  
12 for staff. Below that, you see the contract, the retired  
13 Annuitants, the amount that we anticipate, and so going  
14 back to they are full time, Commissioner Blanco, and  
15 that's their full time for two months, for the one, two,  
16 and three, and those are our Contract Specialists. And  
17 then, the Legal retired Annuitant - and I had actually  
18 based this on Staff Counsel 4, rated half-time for six  
19 months. I know that Kirk had mentioned at a 3 level, but  
20 I think the individual had actually been working as a 4.

21           MR. MILLER: That's correct. It would be  
22 preferable in that it's a very senior person and that is  
23 the rate at which she has been working.

24           COMMISSIONER BLANCO: Can you tell me again,  
25 what is her name?

1 MR. MILLER: Marian Johnston.

2 COMMISSIONER BLANCO: Okay, Marian Johnson -  
3 okay, not Johnston?

4 MR. MILLER: It may be, let me -

5 COMMISSIONER BLANCO: I'm just wondering if  
6 it's Marian Johnston.

7 MR. MILLER: Yes, there is a "T" in her name.  
8 Do you know her?

9 COMMISSIONER BLANCO: Uh huh, yeah. She's very  
10 very good.

11 MR. MILLER: So, Kirk is probably listening in,  
12 so -

13 MR. CLAYPOOL: So we're going to see these  
14 people again and we're going to see their names under the  
15 procurement contracts when we get in the contracts  
16 session. If we hire them on before those contracts run  
17 out, there will be a savings; if we run it out and then  
18 we bring them on, there will be a savings here, I just  
19 can't tell you which place the savings is going to be, or  
20 how much. And, again, I'm working on the theory that the  
21 government - if we get approval for our full budget,  
22 they're not going to care if we give some of it back.  
23 So, that's how these numbers were, so these are - for the  
24 first three are full pay, two months. For the first one,  
25 it's at an SSN 1 level for Ms. Umfleet, and for the next

1 two, those are at the AGPA level, and those are just  
2 State Government designations. And then, for the retired  
3 Annuitant, that is at a Staff Counsel 4 level, half-time,  
4 six months.

5 Now, we get to Commission per diem per day. I  
6 calculated this on, for business meetings, I have to  
7 assume all 14 Commissioners, I can't run an average. So,  
8 the first number, the \$151,000, is for 36 days' worth of  
9 Commission meetings, including the days we're in right  
10 now. The Educational Outreach is for three Commissioners  
11 at each of the nine meetings. And then, the Public Input  
12 Meetings, I have to schedule for 14 per for the full 30,  
13 even though you may decide not to do that. I don't know  
14 where that decision will get made, but we have to have  
15 the money in place in case that's the decision that is  
16 made.

17 CHAIRMAN DAI: Mr. Claypool?

18 MR. CLAYPOOL: Yes.

19 CHAIRMAN DAI: Wasn't there some discussion at  
20 the last meeting that Commissioners would not actually be  
21 attending the Educational Outreach Meetings? Can you  
22 guys refresh my memory on that?

23 COMMISSIONER GALAMBOS MALLOY: My memory was we  
24 landed on potentially one Commissioner doing some  
25 introductory remarks and that there might be some media

1 ways to do that, that we were still exploring options on  
2 that.

3 MR. CLAYPOOL: Right, and I also know that, at  
4 some point, there was a discussion about having one from  
5 each party attend, and that's how we got to the three, so  
6 I just said, until we know exactly what we're going to  
7 do, we need to have the money in place.

8 COMMISSIONER GALAMBOS MALLOY: Right.

9 CHAIRMAN DAI: I think the assumption was we  
10 were not - that we were not going to attend the  
11 Educational Outreach one, that that's something we are  
12 going to leave to our consultants to do, so I would  
13 actually guess that that would be lined out, but you  
14 might want to just make a note and we can check with the  
15 Outreach Committee on that.

16 MR. CLAYPOOL: Okay, on the '11-'12 business  
17 meetings, that's for meetings after - let me grab the  
18 thing that I won't share with anyone -

19 COMMISSIONER GALAMBOS MALLOY: I'm sorry you  
20 said '11-'12, I'm not seeing those numbers.

21 MR. CLAYPOOL: I'm sorry, it's Fiscal Year '11-  
22 '12, and it's Business Meetings, second column, \$63,000.  
23 So, as I just look through this, I considered that, in  
24 July, you would have seven - 10 business meetings  
25 following the - or, in July, before we had the August 15<sup>th</sup>

1 submission, and those business meetings I considered  
2 would probably be at wherever our contractor's location  
3 was, as you went through the final steps of looking at  
4 what the public input was, and the maps, it would be kind  
5 of an intense time, and then I figured four quarterly  
6 meetings for the remainder of the year, and this again is  
7 budgeting for you deciding that that's the type of  
8 Commission you want to be. Again, if during this session  
9 you decide you don't want those quarterly meetings, we  
10 can take that money out. The only thing I will say is,  
11 if you take the money out, you'll never get it back, so  
12 that's how I budgeted. So, that assumes 10 meetings  
13 ahead of August 10<sup>th</sup>, and four more for a total of 14.

14 I'm dropping down to the public input meetings.  
15 Again, as I said, I'm assuming 14 no matter what we do,  
16 and that first number is for 20 meetings in that fiscal  
17 year, and the second is for 10 meetings in the following  
18 fiscal year. Reading to move on to travel?

19 COMMISSIONER YAO: Let me just make a comment  
20 before you move off the topic. When I did my projection,  
21 if you just take the number of Commissioners times the  
22 number of meetings, Mr. Claypool has 714 Commission  
23 meeting days, and when I did my projection, I came up  
24 with close to 1,040, so again, it's just based on what  
25 kind of assumption you want to make in terms of how often

1 we're going to meet. There's close to 30 percent  
2 differences there, so -

3 CHAIRMAN DAI: Yeah, and I guess one other  
4 question I would have is, this doesn't include other days  
5 that - this is something - maybe it's late, or in the  
6 budget, but I would ask Mr. Wilcox whether it included  
7 the additional time and travel for Commissioners to do  
8 media outreach, too, so those would not be actual  
9 Commission meetings, but speaking engagements, meeting  
10 with editorial boards, etc. I don't see that in here.

11 MR. CLAYPOOL: And you're absolutely right, it  
12 isn't in there because I didn't think of that as I was  
13 constructing this. And partially the reason I didn't  
14 think of it is because it's kind of a hard number to get  
15 a hold of, it's a hard number to know how many we're  
16 going to do, and how many - however, this kind of  
17 illustrates a very important fact, we have to come to a  
18 conclusion, and I'll make a note right now to include  
19 that, and we have to come to a decision in this meeting  
20 because we're going to ask them for money.

21 CHAIRMAN DAI: Yeah, I think we need to include  
22 an augmentation to assume, because it's his plan to  
23 deploy us widely and broadly in the community and to meet  
24 with - he identified 30 different media outlets, so some  
25 of it we can do, you know, while we're in Commission

1 meetings, so those would be extra, but I would imagine a  
2 number of them would be separate.

3 MR. CLAYPOOL: And going back to Commissioner  
4 Forbes and his belief that we needed to go out to further  
5 places, some of them are going to be a long ways to get  
6 to.

7 CHAIRMAN DAI: Exactly.

8 MR. CLAYPOOL: Would you propose to put that in  
9 the Communication budget? Or, would you rather see it in  
10 just the line item? I think it makes more sense to put  
11 it in the Communication budget.

12 CHAIRMAN DAI: I think so, too. To just have a  
13 line item that has Commissioner per diems and travel, and  
14 then, you know, make a reasonable assumption of  
15 approximately how many per Commission, you know, for how  
16 many months while we're doing this public awareness  
17 building, and I would see if we can grab Mr. Wilcox at  
18 some point and get an estimate on that, just so we have a  
19 line item for -

20 MR. CLAYPOOL: Let it in.

21 COMMISSIONER DI GIULIO: Could I ask just  
22 something on the per diem real fast? Does this take into  
23 consideration - I know there are probably other  
24 Commissioners who have been in similar positions, but we  
25 had the discussion about if you do up to six hours of

1 work outside, and I think a lot of us have done that, and  
2 I know even a couple of Commissioners have done extra  
3 traveling. Is that included in here in terms of us  
4 requesting our per diems?

5 CHAIRMAN DAI: That's probably where Peter's  
6 number is different, too.

7 COMMISSIONER DI GIULIO: Okay.

8 CHAIRMAN DAI: Because Peter had some  
9 visibility over the first couple months over what actual  
10 per diem reimbursements were, and there was some  
11 variation among -

12 COMMISSIONER YAO: Yeah, let me ask a question  
13 before we get down to that kind of detail. Is this the  
14 last meeting, last Advisory Committee Meeting, before we  
15 submit the budget request?

16 MR. CLAYPOOL: No, I thought this would  
17 actually roll forward to tomorrow when there would be a  
18 recommendation as to whether or not to accept this as a  
19 budgeting tool, to release the \$3 million. And then, we  
20 can augment it because we have to get another letter out  
21 by the end of the month - well, we're very close, aren't  
22 we - and the first of this next month, we have to get the  
23 second letter out for the finance letter, to get that  
24 forward, so we would have some time. But if we're going  
25 to add into this budget, there has to be a rationale for

1 it.

2 COMMISSIONER GALAMBOS MALLOY: But this is the  
3 last Advisory Committee before it, so --

4 COMMISSIONER YAO: I think, on that basis, if  
5 we don't do anything else, we need to basically put the  
6 estimates to bed in terms of how many times we're going  
7 to meet, instead of the full 14 Commissioners, do we want  
8 to factor that to some extent? And then, all the  
9 communication trips that we're anticipating to make, I  
10 think we need to - because the staffing cost is one of  
11 the big drivers.

12 CHAIRMAN DAI: It is, and my suggestion, Mr.  
13 Claypool, is to get a quick estimate from Mr. Wilcox for  
14 the Commissioner time and travel, and I think we can make  
15 some reasonable assumptions that we already made in the  
16 Public Information Advisory Committee, you know, we're  
17 going to deploy people locally whenever we can, but I'm  
18 sure he can give you an average number of what he is  
19 envisioning.

20 MR. CLAYPOOL: Well, and I think we can take  
21 care of that this afternoon, that's not an issue -

22 CHAIRMAN DAI: Absolutely.

23 MR. CLAYPOOL: The one thing that I would  
24 suggest, however, and we keep circling back to wanting to  
25 make a definitive decision on whether or not how many of

1 the Commissioners would travel, possibly, with the  
2 Outreach, and how many of them would travel to the Input  
3 Meetings. The one thing I would say is, if there is any  
4 doubt in your mind that you might - that we might go to a  
5 14-member Commission just because there's a belief that  
6 it should be that way, we should keep these numbers in,  
7 and then return the money if we don't need it.

8 CHAIRMAN DAI: I agree you should keep the 14  
9 for the Public Input meetings because I think we should  
10 probably agree as a Commission that we'll do a college  
11 try to get as many people as possible, but assume that  
12 we're going to get some people who are not going to be  
13 able to make every one. So, I think it's fine to use 14  
14 for that one. My understanding it is going to be zero  
15 for Educational Outreach, but we can re-visit that one  
16 with the Outreach Committee in the full Commission  
17 meeting. The other thing I would add is just a  
18 multiplier, this would be my suggestion, is to take a  
19 look at last month's per diem claims because I believe  
20 most of those have been processed now, to see kind of  
21 what the overage was beyond the actual Commission  
22 business meetings. I don't know if it's 50 percent or 30  
23 percent, or whatever, over the actual number of days we  
24 meet for and Commissioners prepare, travel time to the  
25 Commission meetings, and we have a lot of extra reading

1 that I know people have been doing, so that we just use a  
2 multiplier just like you did for the benefits, so  
3 whatever that multiplier is, and you can look a little  
4 bit at the track record -

5 MR. CLAYPOOL: I'll see if I can get access to  
6 that, and I only say that because DGS, again, handles our  
7 accounting for us, and we don't have a Budget Officer, so  
8 -

9 COMMISSIONER YAO: Because I signed the per  
10 diem tickets for the month of January, I had that data,  
11 so I factored into my number which ended up to be higher  
12 than Mr. Claypool's number.

13 CHAIRMAN DAI: Was it like 50 percent or 30  
14 percent, 35, something like that?

15 COMMISSIONER YAO: Without comparing my formula  
16 with his formula, let me not try to calculate it on the  
17 dais, but clearly that is one of the factors that we need  
18 to include because, again, on a three-day, two-day  
19 meeting, when you add an extra travel date to it, it's a  
20 big driver.

21 CHAIRMAN DAI: Yeah, so I would guess it's 50  
22 percent, that would be my personal guess, that if you  
23 take the actual number of Commission days, that you'll  
24 probably need a multiplier of 50 percent if you add a  
25 travel day for each separate meeting on either side, and

1 then there's prep time. I would guess that's what it  
2 comes out to.

3 MR. CLAYPOOL: Okay, I mean -

4 CHAIRMAN DAI: If you have actual data there.

5 MR. CLAYPOOL: -- and the thing is, before this  
6 session, I can't tell you that I'm going to get access to  
7 that actual data, so if Commissioner Yao has done some  
8 work here, then it would probably behoove us to just take  
9 advantage of it and work it in.

10 CHAIRMAN DAI: Okay.

11 MR. CLAYPOOL: So, we go to page 2 - are we  
12 finished with page 2? Are we finished with page 1?  
13 Actually, at the end of page 1, I'll work with  
14 Commissioner Yao on this -

15 COMMISSIONER YAO: Well, while we're on page 1,  
16 the expense for travel, for the total reimbursable  
17 expense, it looks like I did a quick calculation of your  
18 number and you are about \$450.00 per day, and I was using  
19 closer to about \$250.00 per day, so somehow you and I  
20 probably need to sit down and resolve that difference,  
21 that's a big driver, as well, when you're looking at -

22 MR. CLAYPOOL: I mean, we can, I just took mine  
23 straight off of the reimbursable rate allowed by the  
24 State, and that's just a roll-up of the cost categories  
25 allowed for incidentals, breakfast.

1           COMMISSIONER YAO: Right. For those of us that  
2 live close to what we need, we don't get anything, so,  
3 for example, in Claremont, I'm not eligible for any of  
4 the expenses, period. So, those are the things we need  
5 to factor.

6           MR. CLAYPOOL: But I don't know where everyone  
7 is going to be given time, so I factored it high.

8           COMMISSIONER YAO: I know, I understand that.  
9 Because it is a driver to the total number -

10          CHAIRMAN DAI: I would just, again, annotate  
11 this for the travel that you're taking the per diem, you  
12 know, hotel per diem, whatever, at whatever per day times  
13 14 Commissioners, and just indicate that that's what  
14 you're using there because that's a completely reasonable  
15 assumption, because we may move these meetings around, so  
16 the assumption is all 14 of us are traveling and, to the  
17 degree that some of us are not, it will save us money.

18          MR. CLAYPOOL: Right. I'll annotate it and I'm  
19 going to annotate it for the travel, for the staff, as  
20 well, because these were constructed the same way.  
21 Again, we may not have anybody going to the Educational  
22 Meetings, but I just added two staff, don't know, at  
23 times you might want someone, whether it's a Commissioner  
24 or a staff member to be there just to see what we're  
25 getting and how it's progressing. The Business Meetings

1 -

2                   COMMISSIONER YAO: Commissioner Dai? In the  
3 interest of time, because we have to be finished by 2:30,  
4 I would suggest that we skip the following categories,  
5 the Business Meeting expenses, and the Commission  
6 Communication Budget, those are very small numbers, and  
7 jump onto the contracts because the contract, in total,  
8 adds up to about \$2.7 million; otherwise, we're going to  
9 run out of time talking about the contracts.

10                  CHAIRMAN DAI: That's a good suggestion and,  
11 so, simply with a note here that, Mr. Claypool, you'll  
12 meet with Mr. Wilcox to add in a line item under the  
13 Communications Budget -

14                  MR. CLAYPOOL: I already have that note on my  
15 sheet. Okay, contracts. The first contracts that you  
16 see for Fiscal services, accounting, and DGS personnel  
17 services, Human Resources, and CalStars, are actually the  
18 first 30, those are just set, we've put them in. To just  
19 let you know what CalStars is, it's the payment system,  
20 it's the way you get paid. Then, we have Translation. I  
21 just took two translators, contingency at all meetings,  
22 it's a contingency fee. I worked it on the \$750.00, I'll  
23 annotate that, \$750.00 a day figure that was given to us  
24 by CCP, and I just said I don't know where we're going to  
25 need translators, but when we need them, we're going to

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1 need to be able to pay for them. Line Drawer --  
2 \$750,000. And where did I get that number? Well, I  
3 heard one of our consultants last week say, "Oh, they'll  
4 do it for \$300,000, \$600,000 or \$700,000, or a million."  
5 And then I heard somebody else say \$700,000, so I'm just  
6 assuming we're talking about a number in and around that  
7 range.

8 COMMISSIONER YAO: You and I are in absolute  
9 agreement. I used \$750,000, as well.

10 MR. CLAYPOOL: Yeah, so -

11 CHAIRMAN DAI: And the assumption is we're  
12 going to negotiate, but, yeah. We need to put a number  
13 in there. Moving on.

14 MR. CLAYPOOL: Here we go -

15 COMMISSIONER BLANCO: Just a question on that?

16 MR. CLAYPOOL: Yes.

17 COMMISSIONER BLANCO: This is through June?

18 CHAIRMAN DAI: For which columns through June  
19 30th?

20 COMMISSIONER BLANCO: The first column.

21 CHAIRMAN DAI: Yeah.

22 COMMISSIONER BLANCO: But the \$750,000 takes us  
23 through June 30<sup>th</sup>, 2012.

24 MR. CLAYPOOL: Well, really, the \$750,000 takes  
25 us through August 15<sup>th</sup>. It's going to be an all-inclusive

1 contract. I just spread it between two fiscal years for  
2 Finance.

3 COMMISSIONER BLANCO: Yeah, I think, though,  
4 that - I mean, I don't know how closely they will look at  
5 this, but there won't be line drawing after August, so  
6 technically we should put it where it is, which is - it's  
7 going to be in this fiscal -

8 CHAIRMAN DAI: No -

9 COMMISSIONER BLANCO: -- I mean, in the next  
10 fiscal year, but not in the following, you know -

11 MR. CLAYPOOL: Well, actually, if we're going  
12 to - I think the way our - and you're right, it needs to  
13 go in the next fiscal year because I believe we have the  
14 payments scheduled as completion of contract.

15 COMMISSIONER BLANCO: Okay.

16 MR. CLAYPOOL: So it will all be - so I will  
17 move it and it will be \$750,000 in 2012, and there will  
18 be no expense -

19 COMMISSIONER YAO: They bill it, and we take 90  
20 days to pay?

21 CHAIRMAN DAI: Right.

22 COMMISSIONER BLANCO: It buys us some cash  
23 flow!

24 MR. MILLER: That assumes a State Budget in  
25 place.

1           MR. CLAYPOOL: The next one, I'm sure, is the  
2 same, or the next two lines, I'm sure, are the same way.  
3 We're looking at the VRA attorneys, and the \$150,000 was  
4 taken from an estimate that we received and Kirk kind of  
5 worked with, and all I did below that, and I'm going to,  
6 by the way, put the whole \$150,000 over for the same  
7 reason we just did it, because we're going to pay upon  
8 completion, and then you're going to see a second one in  
9 there, and that's just contingency.

10           CHAIRMAN DAI: I think that's wise.

11           MR. CLAYPOOL: Okay. Peer Review for line  
12 drawing, we had a rather robust discussion and I actually  
13 here have 15 percent of the line drawing contract, and I  
14 said earlier that I'd worked it on 10, but that was  
15 incorrect. The Commission has to decide whether they  
16 want this function and, in the Technical Committee, this  
17 was a big discussion. It has been suggested, and we've  
18 already seen this, actually, we've already seen how  
19 quickly I think a very credible person, or an entity in  
20 Q2 that I do not believe is nearly as political as they  
21 were portrayed, yet we saw how quickly they were  
22 portrayed as being political. I think that, no matter  
23 who we get, there is going to either be baggage or the  
24 perception of baggage, or even the illusion of baggage,  
25 if you will. And the Peer Review function was a way that

1 they used in Arizona, although nobody could remember  
2 exactly who did it, or how much they got paid for it, but  
3 it was a way for someone to look at the final product and  
4 say, you know, "Before you look at it, I've looked at the  
5 data that was used to draw this Map, and I concur that  
6 all the things that you wanted in it, that you required  
7 in it, are there, and it's drawn in the right place."  
8 Or, you get somebody who says, "I don't concur. I think  
9 that they're not considering this point, or this point,  
10 or this point." Commissioner Ancheta brought up a very  
11 good point, he said, "Well, we might get wildly different  
12 shaded opinions," and so I said, "You know, that's where  
13 you need to be nervous. If somebody looks at it and  
14 there's a wildly different opinion about what's being  
15 presented in the Map, maybe that's some information you  
16 need to have before you review the map. But it's mainly  
17 - the object of the peer review is mainly to provide  
18 balance, the perception of balance, transparency to the  
19 process. It's going to add a layer to it and a cost to  
20 it, but I think that we've heard from a lot of people in  
21 the public who have said we need to have some confidence  
22 that the person who is drawing these maps is impartial  
23 and that this was an idea for trying to get us there.

24 COMMISSIONER BLANCO: I guess this isn't the  
25 place to - I don't know, but let's put it in the budget

1 and then we can have a content discussion about that  
2 issue, but we can put it in. But I think that opens up a  
3 whole other can of worms.

4 MR. CLAYPOOL: You bet, and I just want to  
5 explain why it's here and I also want to explain why I'll  
6 move the entire map over into the fiscal year because  
7 they'll get paid like everybody else.

8 COMMISSIONER ANCHETA: This is an additional  
9 contract, correct?

10 MR. CLAYPOOL: Yes, it would have to be an  
11 additional contract and, as it was envisioned, it would  
12 have to be an RFP so that we would get candidates for it,  
13 but it can happen at a later date, it doesn't have to  
14 happen as rapidly as the line drawers. So, we had the  
15 line drawing expertise at the Outreach meetings, this was  
16 for Karin or another provider. This is probably going to  
17 come out because I don't believe at this point we have  
18 enough time to go to a competitive bid and pay somebody -  
19 or a non-competitive bid - and get this done, nor can we  
20 do it through interagency. I am looking into other  
21 individuals who may be able to supply a person at the  
22 Outreach Meetings to get a general overview of the  
23 technical aspects of line drawing and do it under \$5,000,  
24 which is our threshold to just be able to write a check  
25 for. But what was considered here was somebody at the

1 Outreach Meeting that would say, "Now that you're all  
2 here, you're probably wondering how these maps get  
3 constructed, and this is what happens, and this is a  
4 process, it's an educational process." And that's why we  
5 had originally envisioned Karin presenting it, but I just  
6 don't think it can happen at this point, it will probably  
7 happen under a procurement contract. Commissioner.

8           COMMISSIONER BLANCO: So we would hire through  
9 the process we've been using to find a line drawer? To  
10 do this at the Outreach Meetings?

11           MR. CLAYPOOL: You know, when we originally  
12 thought we were going with an interagency agreement, the  
13 original thought was always that, then, that person would  
14 supply this person for our outreach with CCP to give this  
15 overview. When we went into the arena of having a  
16 competitive bid, then we talked; in fact, at the last  
17 meeting, we okayed going into allowing CCP to subcontract  
18 the process with Karin, to have it happen. The problem  
19 is that there are contracting rules that don't allow that  
20 level of subcontracting, so we didn't have that vehicle  
21 available to us, and it's too much for us to place under  
22 the only quick contract we have, which is up to  
23 \$4,999.00. So, we're caught in a time crunch here and,  
24 so, that's it, it's going to have to come out.  
25 Now, that isn't to say that we won't have a technical

1 expert there to explain line drawing, but it may come  
2 from a different contractor who has that expertise. And  
3 quite honestly, there are two places that are interested  
4 in doing that, that would be interested in supplying a  
5 person and that might do it for under the cost that we  
6 need it to happen at.

7 COMMISSIONER GALAMBOS MALLOY: So, Mr.  
8 Claypool, just to clarify, what I'm hearing you saying is  
9 not that it's coming out of the budget, but that it will  
10 be appearing in the budget in a different form?

11 MR. CLAYPOOL: Right, it will come out of the  
12 budget in this spot, but I've made an amount of  
13 contingent funding for these \$5,000 procurements that  
14 we're using because of our contracting problem, and it  
15 would come out of that fund, so there is already a fund  
16 there that we could use to augment or to pay for the  
17 service if it were below \$5,000.

18 COMMISSIONER GALAMBOS MALLOY: And where is  
19 that fund reflected in this budget?

20 MR. CLAYPOOL: It's actually right down below  
21 when you see "Personal Services Contract Contingency  
22 \$35,000 and \$25,000."

23 COMMISSIONER GALAMBOS MALLOY: Thank you.

24 MR. CLAYPOOL: And this was actually something  
25 that developed today, so that's why the \$20,000 was still

1 there.

2 COMMISSIONER GALAMBOS MALLOY: Got it.

3 MR. CLAYPOOL: These next contracts are already  
4 contracts that we've paid for, so Q2, Sue Patterson,  
5 these are all different things that are just paid, I  
6 don't think we need to go through them. We have the  
7 harassment training that I put in there, I talked earlier  
8 about that. We have the specialist. Now, here is where  
9 I said you'd see the three of them again, these are the  
10 \$5,000 numbers - Umfleet, Washington, and Rich, where  
11 we're contracting for their services. Now, we have the  
12 retired Annuitant, the legal retired Annuitant, same  
13 issue, we're going to secure her services the same way  
14 until we can put her in place. Then, we have the  
15 personal services contingency. Now, these are the web  
16 design - the next three are web design, web support, and  
17 desktop support that are in at DGS for those services.  
18 And then we have the telephone costs and the monthly  
19 commission costs which were \$1,029 times the months that  
20 we have left. Okay? If you want to annotate that with  
21 \$1,029 X the remaining months in this year, and then  
22 \$1,029 X 12, that's how we arrive at those numbers.

23 Now, we go to interagency agreements on page 3.  
24 Kirk and I discussed this and the first one, the Attorney  
25 General pre-litigation support, we just put a number

1 there as assuming we were going to have to pick up part  
2 of the costs for just talking with the attorney general  
3 and getting their opinion, I don't know that that would  
4 come to us for free.

5 MR. MILLER: Well, no, they do work on an  
6 hourly basis in the same manner as other lawyers.  
7 Fortunately, they do work at a substantially reduced rate  
8 as compared with private practice lawyers, but they do  
9 charge for their time.

10 CHAIRMAN DAI: Mr. Claypool, before we go into  
11 the interagency agreements in more detail, Commissioner  
12 Ancheta brought this up before, and I'm wondering if we  
13 need to put some kind of contingency in here for  
14 potential social services - not social services, but that  
15 we would need maybe political scientists who could advise  
16 us on communities of interest and information we would  
17 need for Voting Rights Act compliance. I don't know that  
18 we have - I don't know that we can get that for free, and  
19 it seems to me we would need some kind of number. I  
20 mean, I don't know, do we normally go to Academics for  
21 this kind of work?

22 COMMISSIONER ANCHETA: That's probably the  
23 largest pool of people, I think, you'd be looking at.  
24 There are probably some consultants with comparable  
25 expertise, but it's probably going to be somebody who is

1 probably the political science or the social science  
2 professor would be ideal.

3 CHAIRMAN DAI: Right. So -

4 COMMISSIONER BLANCO: I'm so glad you  
5 remembered, Cynthia - Commissioner. The thing is,  
6 there's probably not just a - there are going to be some  
7 experts, I think, beyond the attorneys and the line  
8 drawers that will be - that we will need for some of our  
9 work, and usually they come in the area of being able to  
10 do almost - some of them is statistical.

11 CHAIRMAN DAI: Yes.

12 COMMISSIONER BLANCO: You have experts that  
13 have to do actually what's called voter retrogression  
14 analysis to find out if - in order to decide whether this  
15 is a place where there was ritually polarized voting, you  
16 have to actually work backwards to find out what was the  
17 cause for this candidate being defeated, is it more  
18 likely than not due to his or her race? And that kind of  
19 retrogression analysis is part of what goes into the  
20 analysis of racially polarized voting, so you have the  
21 expert that actually does like history and etcetera, and  
22 then you have the statistician, actually, that has to do  
23 the retrogression analysis, which is fairly costly.

24 CHAIRMAN DAI: Yeah, I think we need to have -

25 COMMISSIONER BLANCO: So we are probably

1 talking about - I don't know if we want to put a precise  
2 name, but there are going to be other consultants that -

3 CHAIRMAN DAI: Yeah, there are social  
4 scientists, political scientists, statisticians, Voting  
5 Rights Act Studies, I don't know how you want to call  
6 that -

7 COMMISSIONER ANCHETA: Right. I had asked the  
8 Chair to put some element of this on the agenda for  
9 tomorrow, but it comes up obviously as a budget question  
10 because we're going to have to budget some consultants in  
11 here. It's an important set of decisions because we have  
12 to decide how much we want this data - how much data we  
13 want to feel comfortable, in particular with the Section  
14 2 criteria, simply because I think, as I mentioned  
15 before, typically this data are not generated outside of  
16 litigation, typically. And because we're in a  
17 redistricting context, we're trying to preempt  
18 litigation. There's some data out there, there's some  
19 statewide data that can be relied upon, there's some  
20 history based on previous litigation, but we may not have  
21 as much data as we would like, and it's a big question  
22 because, if you want to get more data and actually want  
23 somebody to do it for you, it's pretty time-consuming and  
24 could be pretty expensive. Now, I don't think we  
25 necessary have to act without the data, but to the extent

1 that we are trying to stay within the letter of the law,  
2 and there are some - and we'll have a training on this in  
3 upcoming meetings - but it's very - you have to be very  
4 careful about just looking at race data and just  
5 population numbers, we really need to have some  
6 additional data that would lead us if we're going to say  
7 it's a potential Section 2 problem, we need that data.

8 CHAIRMAN DAI: Right, and there's quite - about  
9 voting age population, and there are a whole set of  
10 questions.

11 COMMISSIONER ANCHETA: Right.

12 CHAIRMAN DAI: But we are limited, so I'm  
13 asking for your expertise now because we are limited on  
14 time.

15 MR. CLAYPOOL: Can I just ask a quick question?  
16 In your experience, Commissioner, is when they do this  
17 type of study for you, is it a one-day process? Or,  
18 okay, is it something that would be more expensive than,  
19 say, \$5,000?

20 COMMISSIONER ANCHETA: Yes.

21 MR. CLAYPOOL: Okay.

22 COMMISSIONER ANCHETA: And I'll defer to  
23 Commissioner Blanco because I know she was - and she  
24 might be able - specific figures because I know she was  
25 co-counsel on a VRA case that was filed in the post - in

1 the 2000 redistricting cycle, and I know that at least  
2 there was one - I forget, I think you had Morgan Kousser,  
3 who was one of your expert witnesses, there may have been  
4 some others, too. And because this is State level, as  
5 opposed - typically Section 2 cases involve cities or  
6 counties, and we're going to be looking at multiple  
7 districts where, again, there might be potential Section  
8 2 violations. It's a lot to have to work with. I don't  
9 have figures off the top of my head, but it's a pretty  
10 sizeable figure.

11 CHAIRMAN DAI: So let me ask the question this  
12 way because we need to come up with a number.

13 COMMISSIONER BLANCO: Yeah, it is a big ticket  
14 item.

15 CHAIRMAN DAI: I mean, is it \$100,000,  
16 \$200,000?

17 COMMISSIONER BLANCO: They charge on an hourly  
18 basis, and statisticians in this area will often charge  
19 \$400 to \$500 an hour.

20 CHAIRMAN DAI: So, given that we have a limited  
21 time, so we can't do exhaustive studies, so given that  
22 we'll probably want some studies that can be done within  
23 the timeframe that the Commission could actually consume  
24 data -

25 COMMISSIONER ANCHETA: Right, and we certainly

1 want - one of the reasons I brought it up is because I  
2 think we want as much as possible, even though we need to  
3 verify data that comes from the public, to the extent  
4 there is data that can be generated by groups that are  
5 putting down the statewide maps, those are maybe  
6 advocating for particular Voting Rights Act compliance  
7 districts, we share the burden in that sense because,  
8 again, I think the data is just generally hard to come  
9 by.

10 COMMISSIONER BLANCO: I think that we should -  
11 I think we would be safe if we put in \$50? Really, I'm  
12 serious, \$50,000, and then at Legal Committee, as part of  
13 its ongoing process, and the whole Commission, will have  
14 to make these decisions about how much we want to have  
15 done for us ahead of time. I don't think we have to have  
16 the discussion here, but it is true that, in order to be  
17 able to - I mean, let me just put it this way - it  
18 doesn't just come up in litigation, when you're an  
19 advocacy group that is advocating for certain lines,  
20 Section 2 majority/minority districts, you actually go  
21 out ahead of time and you do your voter polarization  
22 analysis before so that you can propose some lines based  
23 on that analysis. So, actually, people do hire these  
24 folks even not just to defend, but actually to draw,  
25 which is in essence what we are doing is drawing, so

1 people do hire these people in order to be able to draw  
2 Section 2 maps. So, it is usually a built-in cost for  
3 people that are doing this, and \$50,000 is not at all  
4 unexpected.

5 CHAIRMAN DAI: Okay, let's put \$50,000 in and I  
6 would just say other expert, you know -

7 MR. CLAYPOOL: May I suggest that, actually,  
8 because when we are in that realm, we're talking about  
9 having to go to a bid, or making a non-competitive bid,  
10 perhaps I just put an asterisk there and you counsel  
11 among yourselves and come back with a number because,  
12 once we put it in, rather than guess at one here.

13 CHAIRMAN DAI: Okay.

14 MR. CLAYPOOL: And I've got the asterisk, so  
15 I'm going to be coming back and asking.

16 COMMISSIONER GALAMBOS MALLOY: Dan, I have -  
17 Mr. Claypool, I'm sorry, Dan -

18 MR. CLAYPOOL: That's okay.

19 COMMISSIONER GALAMBOS MALLOY: -- a question  
20 regarding when we have trainers come in and guest  
21 speakers, I think of the presentations we've been trying  
22 to arrange this week for this meeting, where would those  
23 fall? Would those be under personal services?

24 MR. CLAYPOOL: Those are going to be personal  
25 service contracts unless -- that's why that number is

1 large, and I was going to make it even larger, but it's  
2 the catchall, it's the easiest way for us to move people  
3 in and out when we need to pay for travel, or pay for a  
4 small fee for their services, and so forth.

5 COMMISSIONER GALAMBOS MALLOY: I'd actually  
6 recommend increasing this number, especially we had  
7 talked about the line drawing expertise at the Outreach  
8 Meetings being somehow subsumed, then, you know,  
9 effectively what is that? \$30 -- \$60 - a third of that  
10 is already accounted for, so in order to have greater  
11 flexibility, I'd say upping it to, right now at \$60,000 -  
12 - \$80,000? Or \$100,000?

13 CHAIRMAN DAI: Are we going to take out the  
14 other line, then?

15 COMMISSIONER GALAMBOS MALLOY: Dan was going to  
16 remove the other one, it just didn't get done in time for  
17 this meeting.

18 MR. CLAYPOOL: Right, yeah, the \$20,000 is  
19 struck.

20 CHAIRMAN DAI: Okay, then add it back into  
21 Personal Services, contingent.

22 COMMISSIONER GALAMBOS MALLOY: And we'll make  
23 that \$80,000?

24 MR. CLAYPOOL: Sure.

25 COMMISSIONER GALAMBOS MALLOY: Spread across

1 the two fiscal years.

2 MR. CLAYPOOL: Okay.

3 COMMISSIONER GALAMBOS MALLOY: Thank you.

4 MR. CLAYPOOL: Actually, what might make more  
5 sense is to - I'll work it out, but forty-five/thirty-  
6 five, you're going to have more stuff in this fiscal  
7 year, you've got more of this fiscal year left than  
8 you're going to have on the other side. But for the  
9 great scheme of things, it doesn't matter.

10 So, interagency agreements, we're back to the  
11 pre-litigation support, explain that, now we get down  
12 into the Center for Collaborative Policy, the initial  
13 eight hours was what we had awarded to them, our 50  
14 hours, then we have the civic engagement which we are  
15 doing on Sundays, so those are sunk costs. The total  
16 base costs are the costs of all materials that they've  
17 generated, that will be used in both the Outreach  
18 Meetings and the Public Input Meetings. And then we go  
19 to the cost of the actual public input meetings, they are  
20 30, total. It's a 20/10 split, like everything else that  
21 we talked about. And below that are other labor, and  
22 there is the CCE logistics, so the cost above in the  
23 Public Input meetings is the actual cost of their  
24 professional services in getting everyone there, through  
25 the door, in the evening doing whatever they have to do

1 for a line drawer to roll up the data, and so forth. The  
2 cost below that is the cost of the people who are going  
3 to find the venue, although we're hoping to get a break  
4 on that with the Alliance's help, and the cost of  
5 microphones, the cost of this room is what CCE Logistics  
6 is going to cover. Hopefully that will be less, I just  
7 budgeted if we had to take it all for ourselves.

8           The last item before we get to the bottom line  
9 is External Outreach per Initiative and Legislation. We  
10 have had discussions with members from the leadership who  
11 have suggested that we could provide, when we start  
12 talking about the requirement to provide public access  
13 and to line draw and materials, and so forth, it's in the  
14 Initiative, that we could provide it, or that they could  
15 provide it, and we could possibly wrap it under a line  
16 item from them. I put it in our budget because I just  
17 knew we needed to account for it. What we're looking at,  
18 the Regional Outreach Center's augmentation was suggested  
19 by Karin, it's not written in stone, we can have anything  
20 we want, but that's basically the cost of site licenses,  
21 expanded hours, and helping cover the cost of keeping  
22 those centers open through the entire process. The  
23 second line, online redistricting public access, and  
24 that's people like district builders and the DSR  
25 providers, and I believe Commissioner Ancheta had a

1 person that we needed to check with and we're checking  
2 with now, the Maptitude was - you had -

3 COMMISSIONER ANCHETA: And, again, I think I  
4 got this on the meeting for tomorrow, as well, was there  
5 are a couple options we might want to look at, and I  
6 think Karin MacDonald had raised, one option is to look  
7 at online software that is available, and the Caliper  
8 Corporation, for example, has an online program. I think  
9 it's pretty pricey and I asked staff to kind of check  
10 into what those ballpark figures are. It's a question in  
11 terms of if and how we want to provide software to the  
12 public. There are some open source packages that are out  
13 there, there is, of course, in the statewide database and  
14 those regional centers that are flowing out of that,  
15 maybe that's sufficient. If you want to go full blown,  
16 it's maybe having a package like the Maptitude online  
17 program, but that's quite an investment, you know,  
18 getting the package online and getting support for it.  
19 I'm not sure how many users can use that kind of  
20 software. A lot of questions around that.

21 MR. CLAYPOOL: There are a lot of questions  
22 and, as we build this budget, it's important that we  
23 remember that this is also, besides our responsibility to  
24 provide robust outreach, the Legislature has recognized  
25 their responsibility in the Initiative to provide access,

1 and so they're looking for our suggestions, kind of our  
2 guidance in what we think would be a good approach, and  
3 so I think we should look into that and say what a good  
4 approach is, and if it's too pricey, then we can  
5 negotiate from there, but I think if you have a thought  
6 as to what you thought would be an approach that met the  
7 spirit of the Initiative that we should forward that.

8 CHAIRMAN DAI: And this is over and above what  
9 the Irvine Foundation is providing, the -

10 MR. CLAYPOOL: Oh, on the Regional Centers?  
11 Yes. This is - right now, as I understood it from Karin,  
12 they had originally wanted eight, they went down to six,  
13 they are open at kind of odd hours, they're scraping by  
14 was her description. So, when we had originally talked,  
15 and this was a month ago, this was just seen as one in  
16 our portfolio of things that we might do to ensure that  
17 there was public access. So, that's what that line item  
18 is intended for, those two line items.

19 COMMISSIONER GALAMBOS MALLOY: And, Mr.  
20 Claypool, are you able to give more detail on the  
21 assumptions for that? Is it assuming they're going back  
22 up to eight sites? Is it extending hours?

23 MR. CLAYPOOL: You know, I don't. And I have  
24 to tell you, I had the post-it note that I wrote all my  
25 assumptions on when I spoke with her and she said that

1 she thought that it could work with this amount, the  
2 \$200,000 spread across it. Now, clearly, as I was  
3 constructing this last night, I knew I needed to place  
4 something in here. I also knew that it was something  
5 that we would have some support from the leadership on, I  
6 believe, to help make sure that it happens, so I put it  
7 in here and I intended to have this conversation that  
8 we're having right now, and I can place a call certainly  
9 to Karin and ask her whether this still applies, but  
10 that's why it's in here, and that's the amount that was  
11 given to me at the time.

12           COMMISSIONER YAO: You know, I would recommend  
13 we move that from our budgeting process. It's too soft  
14 for us to put in because it is interpreted as just as  
15 important as the rest of the budget items, and at this  
16 point, I'm not sure it really is our responsibility in  
17 terms of that \$400,000 over the two year activity. We  
18 can certainly make a recommendation that they should  
19 seriously consider it, but let's don't put it as part of  
20 our requirement because it feels too spongy to me.

21           COMMISSIONER GALAMBOS MALLOY: My response to  
22 that would be to ask for the detailed assumptions. I  
23 think - I don't feel that this is any spongier than some  
24 of the other numbers that we've been looking at here, so  
25 I agree we need those assumptions. I don't feel like

1 it's necessary to take it out at this point based on what  
2 I've seen.

3 COMMISSIONER YAO: Well, if the Legislators can  
4 fund them separately from the CRC activity is really what  
5 I'm talking about. If they feel it's a good thing to do,  
6 if they feel it's of value, they can fund it, we really  
7 don't add any value to it by putting it into our own  
8 budget.

9 COMMISSIONER GALAMBOS MALLOY: I disagree  
10 because, by putting it into our budget, we are saying  
11 that we think it's important, that we think it's a  
12 valuable and necessary function in order for this to be a  
13 broad public process. So, whether it ends up staying in  
14 here and being funded through this mechanism, or through  
15 another, I think we need to establish that this is a  
16 priority for executing our work.

17 COMMISSIONER YAO: Well, when I look at it in  
18 terms of total dollars, we're paying CPC \$800,000 if you  
19 add up the year, and here it is increasing it by 50  
20 percent, and I don't have a feel that this additional 50  
21 percent is going to give me the same value as my original  
22 \$800,000. It's on that basis I used the term "spongy,"  
23 it's not that I don't value it or anything else, it's  
24 just a fact that - and what is this Commission's  
25 contribution to it? As I said, we can express our intent

1 through a letter of recommendation, as compared to being  
2 part of the process is my suggestion.

3 MR. CLAYPOOL: This money isn't for CCP,  
4 they're not involved. This is Q2 and money if the  
5 Regional Outreach Data Centers are Karin's group, CCP is  
6 Sac State when we look up above. So, I mean, just a  
7 differentiation.

8 COMMISSIONER ANCHETA: Just to interject, and  
9 I'm looking at the language of the Act, which - and this  
10 I pretty clear that it's the Legislature's prerogative,  
11 so I think Peter makes a good point, which is that the  
12 Legislature under the Section has a responsibility to get  
13 the data, the statewide database, which exists already  
14 and then, you know, and put in place procedures to  
15 provide the public ready access to redistricting data and  
16 computer software for drawing maps. So, I think Peter is  
17 right, that's their responsibility. We should make  
18 recommendations, but I think it is a correct  
19 interpretation of the law to say the Legislature should  
20 budget that, and the Legislature should pay for that,  
21 because that is what the Act says. That's my  
22 interpretation.

23 COMMISSIONER WARD: I think, though, just  
24 counter to that, that the spirit of the Act and what  
25 we're supposed to be doing as a Commission is ensuring

1 that. I can't help what the Legislator does, I certainly  
2 don't know what they're going to do, but we as a  
3 Commission need to - kind of like the Chair is saying,  
4 determine what we think needs to be done, and then ask  
5 for it. And then see what we have and go from there,  
6 there's always a Plan B and a Plan C, but certainly it's  
7 important that we make sure that the public has every  
8 opportunity to provide that input and I think, having a  
9 budgetary item as listed is a very reasonable and  
10 appropriate way to try to ensure that.

11 COMMISSIONER GALAMBOS MALLOY: Mr. Claypool,  
12 what is the likelihood that this budget would have  
13 assumptions in it by the time it goes to the full  
14 Commission?

15 MR. CLAYPOOL: Okay, so many of the numbers  
16 that you said, well, we're dealing with some soft  
17 numbers, they're going to remain soft until we know  
18 what's going on. I can certainly - we're already going  
19 out to the - and I always say their name wrong, but the  
20 people with Maptitude, and we're trying to get an idea of  
21 what that would cost. On Karin, I can call and say, you  
22 know, "What's a solid number here?"

23 CHAIRMAN DAI: Well, more importantly, what are  
24 the assumptions behind the numbers. We know it's \$100,  
25 but how did we come up with that.

1                   MR. CLAYPOOL: Well, and like I said,  
2 originally when she told me on the post-it note, it was  
3 for attorney funds, administrative fees, and increased  
4 site hours. So, that's what we would be doing. If we're  
5 going to need a detailed analysis of where the money is  
6 going to go to, then I would say we don't have time for  
7 that. And, again, I just placed it in here because the  
8 offer had been made to fund it through us if we decided  
9 it was something that we wanted to suggest, otherwise,  
10 you know, it can go back and be placed with the  
11 Legislature.

12                   COMMISSIONER GALAMBOS MALLOY: Well, given that  
13 this needs to move forward between now and the next  
14 Commission meeting, which is looking like it might not  
15 happen until the second or third week of March, correct?  
16 The reason I'm saying this is because, if this budget is  
17 going to go to the full Commission, we're going to  
18 recreate this discussion. I have so many notes on my  
19 budget and had so many questions in reviewing this  
20 document, I think some past, just sharing the information  
21 you shared with us here -

22                   MR. CLAYPOOL: Right.

23                   COMMISSIONER GALAMBOS MALLOY: -- putting it in  
24 parentheses next to your line item, or having some sort  
25 of an appendix that shares that information, is really

1 going to help us move it through the full Commission.

2 MR. CLAYPOOL: Okay, and we need - I need these  
3 numbers to move a letter that has to occur in the next  
4 couple of days.

5 CHAIRMAN DAI: Right, which is why we need you  
6 to document the assumptions.

7 MR. CLAYPOOL: And so, if we need that level of  
8 documentation for these numbers, then I don't know that  
9 we're going to have them. I can put documentation behind  
10 the numbers that I calculated, I can't put numbers behind  
11 the ones that are given to me.

12 COMMISSIONER GALAMBOS MALLOY: The ones that  
13 you have.

14 MR. CLAYPOOL: Okay.

15 CHAIRMAN DAI: Yeah, I mean, just what you've  
16 been telling us, this is full time at two months, this is  
17 through 1/1/2012, you know? You know, 15 staff lines at  
18 \$100.00 a month, whatever you used to calculate them.

19 MR. CLAYPOOL: Now, the bottom line, going  
20 through here, is going to change because of the things  
21 that we're talking about.

22 COMMISSIONER DI GIULIO: Mr. Claypool, can I  
23 just - I wanted to address the issue for consideration  
24 for the Financial Committee, just in terms of the  
25 external Outreach per Initiative and Legislation, I just

1 wanted to echo what Commissioner Ward had said, in terms  
2 of the legislation may say that - or the Initiative may  
3 say the Legislators could do it, but I think in terms of  
4 our Commission, I think it's our full time job to make  
5 sure we reach the public and the public has an  
6 opportunity to access us, as well, too. So, in terms of  
7 removing that and giving it strictly to the Legislature,  
8 we won't have the control over how they do it, what they  
9 do, I think, because this is what we are here to do, that  
10 it would really behoove us to consider keeping that in  
11 our budget and we will have the context with any groups,  
12 and particularly the online redistricting, all those  
13 options, the partners, the advocacy groups, whoever is  
14 soliciting public input and needs assistance, financial  
15 assistance from the Commission to do so, we will have the  
16 ability to do that. We will have the connections with  
17 those group and organizations. I don't expect the  
18 Legislature to go out there and do that, and I think it's  
19 important for us to be able to keep that control over  
20 those resources, that was just something I wanted the  
21 Advisory Committee to consider.

22 CHAIRMAN DAI: Yeah, and we're just giving the  
23 Legislature an option to fund it through us.

24 COMMISSIONER BLANCO: I would really agree with  
25 that. When you consider the fact that the ones that are

1 sort of skating by, or whatever the phrase was, the six  
2 Centers, are funded through a foundation, so that's not  
3 legislative finance - you know, that's not State  
4 financing, somebody went to the private charitable,  
5 philanthropic sector and said, "We need to involve  
6 citizens." If we don't build it into this budget and do  
7 it, next time around there will be no recognition of the  
8 fact that this is part of a good redistricting process,  
9 is to train people on how to do this so that they can  
10 fully participate in the redistricting process. It will  
11 be left up to, again, to a charitable foundation, to the  
12 whims of the Legislature. And I think one of the things  
13 we will want is to recommend in the future that this  
14 public input portion of this process be actually included  
15 in both the Financing and the way that we do this  
16 business, so I would really urge us to keep this in here.  
17 And if the Legislature comes through, wonderful. But, to  
18 leave it up to the philanthropic sector and then maybe,  
19 maybe not, to the Legislature just doesn't feel like it's  
20 in the spirit of the Act, to me.

21 COMMISSIONER YAO: You know, this being a  
22 Finance Advisory Committee, I have a problem with that.  
23 Take the Regional Outreach Center augmentation, if we  
24 spend \$200,000 and were 10 people might be spending an  
25 hour a piece in there, that's \$20,000 an hour, you know,

1 is that a good way to spend the money? I don't have  
2 enough information to say "that's what I'm recommending."  
3 If money is not an issue, then I don't have any issue  
4 with the item. But when I go through this document, if I  
5 add up the two years on those two items, that's a  
6 \$400,000 expenditure, it's 70 percent of our total budget  
7 that we're going forward and asking for. Is that  
8 something that we want to really say, "Yeah, it's so  
9 important, it really does all these great things that I  
10 expect it to do," to move forward with it? That's what  
11 I'm having a problem with, it's not that I disagree with  
12 the concept of providing as much tools, as much  
13 accessibility, it's just - if it's a \$20,000 item, I  
14 wouldn't worry about it.

15 CHAIRMAN DAI: You question the utilization?

16 COMMISSIONER YAO: Yeah, but it's one of these  
17 things that I simply have not heard enough, and  
18 therefore, I have a concern, saying wow, you know, that's  
19 a lot of commitment.

20 COMMISSIONER BLANCO: What if we had a line  
21 item that is about the intent of this, you know? We  
22 don't know if it's going to take the form of X number of  
23 Regional Centers, or what hours, but that we have a line  
24 item and we can maybe, you know, estimate what it would  
25 be, that a really is about augmenting the ability of the

1 public to participate in this process, not just through  
2 going to hearings where people tell us this is our  
3 community of interest, but where you actually are giving  
4 tools to people, because you have organizations that have  
5 that, and then you have us, and then you have a vast  
6 number of people that aren't plugged into either the  
7 organizations that are doing this, or to us. And we kind  
8 of leave it as a less - we don't define it as the  
9 Centers, but that we realize we need an item in the  
10 budget that increases the public's ability to do this.  
11 Does that make sense? I don't know what we would call it  
12 or how we would put a figure on it, but we would do that  
13 instead?

14           COMMISSIONER YAO: As I said, I absolutely do  
15 not disagree with the intent, or the concept. If I just  
16 put myself saying that, okay, how much time am I willing  
17 to spend at one of these centers? Okay? I would say, in  
18 the next four or five months, if I spent a day in that  
19 center, that would be a major commitment, okay? Now, how  
20 many other people in the state are interested in spending  
21 a day at the center in order to get, let's say, somewhat  
22 proficient, to gain enough proficiency to make a  
23 difference? Those are the type of questions that I have  
24 and I don't have any answers to it. And, as such, are we  
25 really ready to put that into our budget and say, "Yeah,

1 we need that, we want that." And that's where I have  
2 concern, yeah.

3 CHAIRMAN DAI: So you're concerned about the  
4 potential utilization that it might actually be quite  
5 low? And I don't know if, you know, Ms. MacDonald, who  
6 gave you this number, gave you any basis for believing  
7 that the six Centers are skating because, as far as I  
8 know, they haven't even opened yet. So, you know, I  
9 think that would be helpful to the full Commission to  
10 kind of figure out what to do on this because I can see  
11 the justification for having more Centers, just from a  
12 geographic thing, but then the question is how many hours  
13 do you really need at each Center, and that's, I think,  
14 the question.

15 COMMISSIONER WARD: It seems that we're very  
16 narrowly defining this line item already and we're going  
17 into areas that don't even - that haven't even really  
18 been addressed by our Outreach Plan. The bottom line is  
19 we agree on the principle, and that we have to take some  
20 responsibility for assuring online redistricting public  
21 access, that's a fair line item. Our Regional Outreach  
22 Center augmentation - we agree that's important. And  
23 Commissioner Yao's statement of "I don't know" is a very  
24 fair statement, "I don't know." So, we have to plan,  
25 though. I don't want to plan that we have poor

1 participation, I want to plan that we have great  
2 participation. I want to plan that we're successful and  
3 that we have the ability to meet the demand. So, what  
4 we're looking at obviously, as we all know, is a request  
5 for what we believe we will need. Whether or not we get  
6 it, that's all different stuff. How we spend it, where  
7 we're going right now, that's different. We're just  
8 saying we believe this is a need that we will have, can  
9 we fund it?

10 CHAIRMAN DAI: Well, and the question is, how  
11 do we arrive at this number. So, back again to what the  
12 assumptions were would be very helpful.

13 MR. CLAYPOOL: I'm just wondering whether  
14 Commissioner Blanco hasn't, however, just given us the  
15 perfect vehicle at this moment, and that is simply to put  
16 in a contingency fund for a certain amount of funds to do  
17 this. And then decide afterwards. Because, with all the  
18 things I have to do between tomorrow, I won't have those  
19 figures for you.

20 COMMISSIONER WARD: In your experience with  
21 budgeting, though, is a line item labeled "contingency  
22 fund" as likely to get funded as a - I mean, when I read  
23 this, there's purpose in this. When I see something that  
24 says "contingency fund," I think, well -

25 MR. CLAYPOOL: Well, at this point, I need this

1 to get me past the letter for the release of the money  
2 that's in our budget already. We have time between now  
3 and, say, the first of next week to decide what are those  
4 things that this Commission wants to do. And then we can  
5 take a look at those figures. The one thing I would say,  
6 however, is this is a once every 10 year thing, so trying  
7 to decide how many people are going to go to a center may  
8 not be in our best interest because we have nothing to  
9 base it on. So, we have to - some of these are going to  
10 be acts of faith. If we invest in a center and nobody  
11 uses it, that's going to be unfortunate. If, on the  
12 other hand, we don't invest in something and everybody  
13 needed to use it, it's going to be perceived as though  
14 there wasn't an effort in that area, and that's the only  
15 thing I worry about.

16 CHAIRMAN DAI: So, again, just in the interest  
17 of time, I think you just need to provide a couple of  
18 basic assumptions, this is, you know, for increasing the  
19 number of centers to eight, and expanding the hours,  
20 because it's just not clear what it's for right now, so  
21 if you can make a quick phone call and just get a little  
22 more definition around it so that we can -

23 MR. CLAYPOOL: If somebody answers the phone,  
24 I'll put the definition behind it, but that's the best  
25 I'm going to be able to do.

1                   COMMISSIONER YAO: Can I make a general comment  
2 about this whole package? I think everything ahead of  
3 the contract category is very nicely grouped, and I would  
4 like to see the content of everything under the contract  
5 be broken back into the above categories. For example,  
6 all the contracts that are associated with staffing,  
7 okay, include that as a subcategory under Staffing, so  
8 that we don't have one of these catchall categories.  
9 That's very confusing. I don't know whether you guys  
10 feel the same way or not. For example, all the Outreach  
11 activities shall be somehow moved back into the previous  
12 category that talks about the Outreach and -

13                   CHAIRMAN DAI: I think we're probably more  
14 concerned about the actual line items right now, just so  
15 we have a total, so we can ask for the money. I mean, I  
16 think reorganizing the spreadsheet to make it easier to  
17 understand is probably useful, but probably not something  
18 we need to do in the next few days.

19                   COMMISSIONER YAO: Okay.

20                   CHAIRMAN DAI: But the main thing is that we  
21 capture all the assumptions and agree on the line items  
22 so we can go ahead and get that letter kicked off.

23                   COMMISSIONER YAO: All right.

24                   CHAIRMAN DAI: But I don't disagree with you, I  
25 just would like to give Mr. Claypool a little more time

1 to rearrange this in a logical order. Do you want to  
2 just quickly finish off and -

3 MR. CLAYPOOL: Sure. It's pretty self-  
4 explanatory. As we drop down, you see the original funds  
5 available through Prop. 11 was \$3 million, we have to  
6 take out the \$500,000 from the State Auditor, so the  
7 remaining \$2.5. We are, I believe, going to be able to  
8 un-encumber our funds in the budget and add them into our  
9 funds for a total of \$3.5 million. If we take - and  
10 these numbers are going to change - if we take the  
11 \$3,273,000 that was projected in this fiscal year, it  
12 will leave us with \$226,000 remaining, and that means  
13 that we're going to have to - and then we go to the last  
14 2011-2012, we add that in, means we're going to have a  
15 shortfall of about \$2,100,000. And that's - when we add  
16 the rest of the numbers in, that's what we're going to  
17 ask for in augmentation.

18 CHAIRMAN DAI: Okay, so quickly, can you review  
19 what the plan is in terms of - there's a letter that's  
20 going to go out for the \$1 million augmentation, there's  
21 going to be some refining here, so some numbers are going  
22 to change based on our discussion today that will go into  
23 the augmentation letter. And then you will present that  
24 to the Legislature to what degree the Commission needs to  
25 be involved in that?

1           MR. CLAYPOOL:  Actually, what will happen,  
2 Commissioner, is that we will put that into a letter and  
3 we will send that to the Director of Finance, and that -  
4 the first letter - is to please release the \$1 million,  
5 so that's the intent.  That's why we can do that with  
6 just the sheer magnitude of our budget.  Then, we follow  
7 along with a second letter where we're going to ask -  
8 it's called  "Finance Letter," and we're going to ask for  
9 an augmentation for the \$2,100,000 to finance the  
10 remainder of this, and we have to see how it's received  
11 by Finance, how it's received by the Governor's Office,  
12 and then, if it's not funded, then we would go to the  
13 leadership and ask for them to possibly intercede on our  
14 behalf.  If no one does, then we drop back to a plan of  
15 \$3,500,000, and we start paring things out that we won't  
16 do, and then, if they don't release that million, then we  
17 drop back to a plan of \$2,200,000, and we make it work,  
18 and we lean more heavily on the Alliance, and so forth.  
19 I'm confident on the million; I just believe it's a  
20 matter of presentation.  The remainder, I'm more  
21 confident in it than I was before because I believe that  
22 there's a great interest in seeing the success of this  
23 and, more importantly, there's a great interest in not  
24 being seen as hindering this.

25           CHAIRMAN DAI:  Uh huh.

1 MR. CLAYPOOL: So, that's the plan and that's  
2 the direction.

3 COMMISSIONER YAO: I understand when the letter  
4 will go out for the million dollar request. When is the  
5 letter going out for the additional two million?

6 MR. CLAYPOOL: As soon as we can solidify all  
7 of these things and I can actually write that letter.  
8 I'm in the process of writing the one for the release,  
9 and then I have to write the finance letter next.

10 COMMISSIONER YAO: Okay, so any estimate as to  
11 when that letter is going to go out because I think we  
12 have to support you with the back-up data.

13 MR. CLAYPOOL: Well, certainly Finance wished  
14 I'd turned it in February 11<sup>th</sup>, which was the deadline for  
15 all State agencies, but, again, Finance - the people  
16 we're dealing with there have been great and they've  
17 given us a dispensation. The faster we get it in, the  
18 better. I would say what we're shooting for is the first  
19 seven days of March to get that in, and the other letter,  
20 they want it this week.

21 CHAIRMAN DAI: Okay.

22 COMMISSIONER YAO: All right, so the 1<sup>st</sup> of  
23 March, we'll be submitting the additional request for the  
24 \$2.1 million, or somewhere thereabout - now, in terms of  
25 the expenditure, if the only thing that we're sure of at

1 this point is the total \$3.5 million budget, we've got to  
2 make sure that we have a plan in place so that our burn  
3 rate doesn't exceed that \$3.5 million budget until the  
4 decision is made for the total \$3.5 plus the additional  
5 \$2.1, right?

6 MR. CLAYPOOL: Yes, and CCP has offered us  
7 three different plans that we can do, and every contract  
8 we're entering into knows it's subject to available  
9 funds. I think, you know, we know what is the most  
10 important part of this budget, which contractors we have  
11 to have, and which consultants, and so we just start  
12 paring away everything else, including Input Meetings and  
13 possibly all of Outreach.

14 COMMISSIONER YAO: Okay, so if we submit the  
15 second letter, the \$2.1 million letter in the first week  
16 of March, when will we know as to whether that will get  
17 approved or not?

18 MR. CLAYPOOL: It falls into the budget process  
19 and I can't tell you that. I can't tell you how long it  
20 will take them to make a determination on ours.  
21 Hopefully, it would be more quickly because we can  
22 impress upon the Director of Finance that we need that  
23 decision as quickly as possible.

24 COMMISSIONER YAO: Thirty days? Sixty days?  
25 Ninety days?

1 MR. CLAYPOOL: Commissioner, it's the same as  
2 me trying to tell you when you're going to get a contract  
3 in IT.

4 COMMISSIONER YAO: Okay, again, it's not the  
5 answer I'm looking for, it's just that, between the time  
6 we submit the letter and the time that we get the answer,  
7 we have to have an operating plan in place for the \$3.5  
8 million budget.

9 CHAIRMAN DAI: And to what degree is it  
10 affected by if the State Budget is delayed.

11 COMMISSIONER YAO: Absolutely. Absolutely.  
12 So, I don't know whether the rest of the Commissioners  
13 share with me in that I don't think we have any other  
14 option, except to operate to this \$3.5 million budget at  
15 this point in time, until we get the answer on the  
16 additional \$2.1 million.

17 CHAIRMAN DAI: It's true, we cannot operate as  
18 if we're going to get it, and then find out, you know,  
19 June 30<sup>th</sup>, or whenever they approve the State Budget -  
20 well, they have to do it this time by June 30<sup>th</sup>, right?  
21 So, if we find out June 30<sup>th</sup> that they didn't approve the  
22 second half -

23 MR. CLAYPOOL: I can point out to you that  
24 there is in State Government a large gap between what you  
25 have to do and what actually gets done. So, yes, they

1 have that requirement that they're supposed to do it,  
2 that doesn't mean that we will get there on that date.  
3 I'm just saying, what we need to depend on is a rapid  
4 review by Finance and get their determination so that we  
5 can then go to the Legislative leadership as our last  
6 option.

7           COMMISSIONER BLANCO: But I think Commissioner  
8 Yao is right, we have to - we can't count on that, and  
9 that means that we have to have - and I know we're  
10 strapped because we don't have the budget person, but we  
11 need to have a cash flow budgeting process that shows us  
12 how we're spending down on what we have, you know, so  
13 that we know what our true operating budget is right now.

14           COMMISSIONER YAO: And I think the Finance  
15 Committee needs to basically give direction to all the  
16 other Advisory Committees as to what that \$3.5 million  
17 means to their specific effort because it's one thing for  
18 them to want to do the job right, but this clearly is a  
19 limiting factor.

20           COMMISSIONER GALAMBOS MALLOY: We may want to  
21 consider having a special Finance and Administration  
22 Advisory Committee between now and when our next  
23 scheduled meeting -

24           COMMISSIONER YAO: I think we need a meeting so  
25 that we can provide Mr. Claypool with what he needs to

1 submit the second letter. I think he's got enough  
2 information to submit that million dollar request, but  
3 the other \$2.1 million, I think we need to give him a lot  
4 more support than we have so far.

5 COMMISSIONER GALAMBOS MALLOY: On another note,  
6 we do have a liaison with the Governor's Office, his name  
7 is Nick Velasquez, he's the Director of External Affairs,  
8 this is why I've been on the computer for part of this  
9 meeting. He says he's available, so I'm going to call  
10 him immediately after this meeting and see if we can work  
11 in a time to go meet with him.

12 MR. CLAYPOOL: Okay, now, I just have to ask,  
13 does that mean that we have shifted the burden of that  
14 call off my plate and onto yours?

15 COMMISSIONER YAO: No.

16 COMMISSIONER GALAMBOS MALLOY: I am happy to  
17 make this call, you have calls to the AG's Office and, I  
18 believe, to the Legislative leadership to make.

19 MR. CLAYPOOL: I will make those two and you  
20 can cover the Governor's Office.

21 CHAIRMAN DAI: So we are overtime, but I wanted  
22 to just open it up very briefly if there is any burning  
23 public comment that you would like to share with the  
24 Advisory Committee, please take that opportunity now and  
25 I emphasize "burning." Okay, seeing none, thank you

1 very much. I think the action item of just trying to  
2 document the assumptions that you shared with us today  
3 that would be extremely helpful to have us move this  
4 through the full Commission. Thank you.

5 [Adjourned at 2:35 p.m.]

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P R O C E E D I N G S

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FEBRUARY 23, 2011

9:02 A.M.

4

**OUTREACH ADVISORY COMMITTEE**

5

CHAIRMAN ONTAI: All right, well, I'm Gil Ontai.

6

I'm the Chair of the Subcommittee for Outreach and I have

7

my fellow subcommittee Commissioners, Commissioner

8

Parvenu, Commissioner Aguirre, and Commissioner Raya. We

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also have some other Commissioners here, who are on the

10

different subcommittees, we have Commissioner Di Guilio,

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Commissioner Yao, and Commissioner Barraba. Okay, I

12

think what I want to do is first of all state that this

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Committee's purpose is to define a model for which we

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will go out to the public and do outreach programs. And

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we have been working very hard as a subcommittee to put

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that together and what we want to discuss today are some

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suggestions on how we're going to do that.

18

Now, two of our subcommittee members are not

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privy to some of the discussions that Commissioner

20

Aguirre and I have had with two consultants in the last

21

week or so, so I'm going to try to keep bringing you up

22

to speed and just open it up to questions as we go along.

23

So, the first thing that I have on our agenda is

24

the meeting framework, so what you have in front of you

25

is a draft schedule which we had worked out with CCP.

206

1 So, what we have here are a list of dates set aside for  
2 workshops, educational workshops, and public input  
3 hearings. Now, I should say that, in the process of  
4 doing this, we had to come at some consensus as to what  
5 we're going to call these meetings, so when you see these  
6 charts, you'll see "Educational Workshops" and they're  
7 intended to be precisely that, it is an effort to reach  
8 out to community groups and to educate the public about  
9 what redistricting is all about, to gather interest to be  
10 involved and to participate, and it's not about mapping,  
11 it's about getting the public involved in that process.  
12 And the attempt here is to reach out to all citizens of  
13 California. On the other hand, "Public Input Hearings"  
14 are set aside for public testimony for the purpose of  
15 defining maps. So, when we have these hearings, we need  
16 to have at that point a Mapper, possibly other  
17 consultants who would be part of that process of  
18 gathering that information from the public, and packaging  
19 it in ways and in forms that this Commission ultimately  
20 can codify and make some sense out of it. So, I wanted  
21 to make that distinction between these two types of  
22 public outreach, one is an educational workshop, which we  
23 have developed with CCP, that's the Center for  
24 Collaborative Policy, and the other is input hearings for  
25 the purpose of collecting public testimony on mapping.

1 And that will be with a consulting firm that we are in  
2 the process of putting in a Request for Proposal. So, we  
3 will soon identify who that consultant will be.

4 Now, simultaneously, there is actually another  
5 form of public outreach that is going on, and this was  
6 discussed this morning at the Communications  
7 Subcommittee, and that is our Communications Director,  
8 Rob Wilcox, is setting up a schedule in which individual  
9 Commissioners will be reaching out in their respective  
10 communities with regions, possibly throughout the state,  
11 but this is primarily focused at the Media Outreach, so  
12 some of us may be requested to do public appearances,  
13 could be a guest at a public event, a forum, could be a  
14 speaker at a T.V. program, it could be before an  
15 editorial Board. So, some of us will have to make that  
16 commitment. And I know some of us have been doing that  
17 already.

18 So, there are three types of public outreach  
19 that I wanted to make very clear that this Commission is  
20 doing and is proposing to do. So, we have, again, the  
21 Educational Workshops which we will commence immediately  
22 starting this Saturday, with our first Educational  
23 Workshop here at the Capitol. Then, very shortly, within  
24 a month, we will begin the public input hearings to  
25 gather public testimony on mapping information that will

1 take the form of defining what our communities of  
2 interest, what are neighborhood boundaries, what are  
3 community boundaries, and to do that in a fashion in  
4 which we can codify that and make sense out of it. And  
5 then, simultaneously while all of this is going on, we  
6 will still have media outreach, which is done  
7 individually by each of these Commissioners.

8           So, what I want to do next is draw your  
9 attention to the schedule that I just handed out. So, if  
10 you look at March, you'll see that March 12<sup>th</sup>, 19<sup>th</sup>, and  
11 26<sup>th</sup>, 23<sup>rd</sup>, 27<sup>th</sup>, and 30<sup>th</sup>, are set aside as educational  
12 workshops. We took the various regions based on the  
13 recommended proposal for outreach on a regional basis  
14 given to us by Statewide Database, Karin MacDonald, so if  
15 you recall that map that she gave us, this is where those  
16 locations come from. So, we tried to distribute these  
17 educational workshops in a broad area covering all of the  
18 State of California. So, if you go on to the next sheet,  
19 which is April, you'll see that the Public Input Hearings  
20 begin. So, we have April 2<sup>nd</sup>, April 9<sup>th</sup>, April 16<sup>th</sup>, April  
21 30<sup>th</sup>, as Public Input Hearings, they're all on Saturdays.  
22 We also have for the month of April continuing  
23 Educational Workshops and they're shown as April 3<sup>rd</sup>,  
24 April 6<sup>th</sup>, April 10<sup>th</sup>, and that's it. You'll notice we  
25 plugged in all the holidays, which we felt were important

1 for us to recognize and try to avoid those holidays,  
2 these are both national holidays, State holidays, and  
3 community holidays.

4           So, if you flip that over, we have the month of  
5 May and, again, we continue with designated specific  
6 dates, we have May 4<sup>th</sup> as an Input Hearing, May 7<sup>th</sup>, May  
7 14<sup>th</sup>, May 21<sup>st</sup>, May 15<sup>th</sup>, and May 22<sup>nd</sup>, as Input Hearings.  
8 Please note that, on May 25<sup>th</sup>, we are suggesting that this  
9 Commission submit its first initial maps, and the reason  
10 for that is because of the tremendous compactness of time  
11 in which we have to meet the August 15<sup>th</sup> date, we felt  
12 this would be a reasonable target date for us to release  
13 the Commission's first trial map, and it is, we felt,  
14 very important for the public to know that, so that they  
15 can schedule their anticipation and energies behind that  
16 very targeted and special date.

17           So, if you turn to the next page on June, we  
18 continue the Public Input Hearings as June 1<sup>st</sup>, June 4<sup>th</sup>,  
19 June 5<sup>th</sup>, June 8<sup>th</sup>, June 11<sup>th</sup>, June 12<sup>th</sup>, June 18<sup>th</sup>, June  
20 19<sup>th</sup>, June 25<sup>th</sup>, and June 26<sup>th</sup>. We anticipate that we will  
21 have an intensified public response to that initial plan,  
22 so, as you notice, all of these meetings are now set up  
23 as "Input Meetings." The Commission may choose to add  
24 additional meetings to this, but this is a first draft  
25 suggested schedule on how we can meet that response once

1 we release that trial map, or maps.

2           If you turn now over to July, you'll notice that  
3 July is absolutely open, and that's because we felt that,  
4 at that point, we may have to do additional meetings,  
5 more than what we anticipated, we may have to visit  
6 different regions of the state multiple times, depending  
7 on what issues transpire from the creation of our public  
8 inputs. So, we left that blank for the Commission to  
9 look at, and probably because we need to base that  
10 decision on the response back from the communities and  
11 the consultants that we hire and their recommendations.  
12 So, in the broad scope, this is what the subcommittee is  
13 requesting that we submit to the full Commission.

14           If you turn to the last page, you will see a  
15 sample detailed outline of what typically would happen in  
16 a community educational workshop. This is a format being  
17 proposed by CCP. Commissioner Aguirre and I have met  
18 with them, have gone over this carefully, we think it is  
19 a reasonable detailed summary of what would actually  
20 happen. And my subcommittee members could review that,  
21 and this will give you a very clear sense, or a more  
22 detailed sense, of what the actual format would look  
23 like.

24           COMMISSIONER DI GUILIO: And, Commissioner  
25 Ontai, this is just for the workshop, this is an example

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1 of the workshop meeting, not an input hearing?

2 CHAIRMAN ONTAI: That's right, yeah, we don't  
3 have one for the community Input Hearings yet because we  
4 felt it was necessary for us to get that consultant in,  
5 first, and work very closely in defining what that format  
6 would look like. But, clearly, the educational workshop,  
7 using this format, appears to be reasonable.

8 COMMISSIONER DI GIULIO: And are all the  
9 workshops slated for the evening times?

10 CHAIRMAN ONTAI: Yes. As you can see, they all  
11 start at actually 5:00 -

12 COMMISSIONER PARVENU: May I interject? I'm  
13 seeing no in some cases, I suppose this is an example,  
14 then?

15 COMMISSIONER AGUIRRE: The schedule as you see  
16 in the table that was presented shows an evening format,  
17 but actually it just shows a range of hours for this  
18 particular workshop. If it were implemented in the  
19 evening, however, that same model could be backed up to  
20 the early morning or the afternoon, and it would just  
21 follow that kind of sequence of activities.

22 COMMISSIONER PARVENU: Okay.

23 COMMISSIONER DI GIULIO: I was just curious as  
24 to whether or not they were all scheduled at this point  
25 for evenings, or if you had the flexibility.

1           CHAIRMAN ONTAI: Yeah, I apologize, it would  
2 occur during the day, as well as the evenings.

3           COMMISSIONER PARVENU: And this applies for all  
4 Saturdays, as well as the option to have these during the  
5 evenings from 5:00 to -

6           CHAIRMAN ONTAI: Yeah. Bear in mind, this is a  
7 tentative suggestion, first shot, at the scheduling, but  
8 we felt, Aguirre and I, and I hope my colleagues feel the  
9 same way, that we needed to pin down some dates and get  
10 this out to the public as soon as possible because the  
11 public needs to have enough time to prepare and to plan  
12 and to set some sense of rhythm as to how the Commission  
13 is operating.

14           COMMISSIONER AGUIRRE: So, I might add that, to  
15 clarify for the public who may be watching, that we have  
16 the Educational Workshops that are scheduled to begin on  
17 March 12<sup>th</sup> and run through April 10<sup>th</sup>, there are nine of  
18 those; then, we have the Public Input Hearings, which are  
19 the pre-mapping hearings that begin on April 2<sup>nd</sup> and go  
20 through March 22<sup>nd</sup>, and then we have the other set of  
21 Input Hearings which are post-mapping. Since we set a  
22 target date of developing and having ready the initial  
23 draft maps by May 26<sup>th</sup>, then the actual post-map sessions  
24 occur after that, starting on June 1<sup>st</sup>, and then run  
25 through June 26<sup>th</sup>, so it's just about every Saturday and,

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1 so, there's 10 of those. And then, after that, we  
2 thought, well, what happens in July? And the discussion  
3 was that, depending on the response from the public  
4 regarding the sessions in June, which are the post-map,  
5 where we take the maps to get some feedback, depending on  
6 what kind of questions and responses we get from that,  
7 then we left July totaling open for us to schedule those  
8 sessions throughout the State, depending on where the  
9 need was greatest.

10 COMMISSIONER DI GIULIO: I think this is a great  
11 tool and it's a wonderful starting point. I think this  
12 really nails down some things that we need to move  
13 forward with. I would just be curious to hear a little  
14 bit about the methodology that you went through in  
15 determining - I see a little bit here, it sounds like you  
16 chose the Southern California and the Northern California  
17 in determining the workshops, and how you came to choose  
18 - I'm particularly curious like a Saturday and Sunday,  
19 I'm wondering if the issue ever on Sundays ever came up  
20 in terms of some communities maybe not being able to  
21 participate as much for religious reasons, or that Sunday  
22 is going to be full with some other activities. So, I  
23 guess I was curious as to the methodologies behind how  
24 you did this. I think it would be very helpful. You  
25 alluded to it, and it would be great to hear those

1 details, and then maybe just also kind of how you've come  
2 to put them in the format that you have.

3 CHAIRMAN ONTAI: Yeah, so maybe if I can have  
4 Sarah Rubin come up. Sarah is with CCP, Sarah and her  
5 colleague, Charlotte. So, if you can come, please? We  
6 worked this together at a workshop at our office last  
7 Friday. And, well, we worked most of the dates - Gabino  
8 and I had to leave because of an airplane flight and we  
9 left the rest up to her.

10 COMMISSIONER AGUIRRE: In response to your  
11 question, Commissioner Di Giulio, about Sundays, there  
12 has been some consideration that has been given to that,  
13 that's why this is a draft form, and the dates - that is  
14 why we are bringing it to the rest of the Committee to  
15 see whether these dates work for our purposes, the  
16 purposes of the Commission, and so they're not set in  
17 stone. So, if there is an interest, which I think there  
18 is, to do some Sunday work that would be for us to -

19 COMMISSIONER DI GIULIO: I'm sure CCP is an  
20 expert, so they have some methodology behind it in your  
21 decisions, so I would love to hear some of that  
22 background a little bit.

23 COMMISSIONER AGUIRRE: Sure.

24 COMMISSIONER DI GIULIO: So, thank you.

25 COMMISSIONER YAO: Just a question before the

1 presentation starts. You have a little bit of overlap  
2 between the Workshop and the first set of Input Hearings,  
3 we talk about Phase 1, Phase 2, Phase 3, are there  
4 overlaps between Phase 1 and Phase 2, Input Meetings and  
5 also beyond that?

6 CHAIRMAN ONTAI: Yeah. Commissioner Yao, the  
7 Educational Workshops, in reality, can continue  
8 throughout the whole summer because it essentially is  
9 reaching out to the public and letting them become aware  
10 of what redistricting is all about. And I think it's  
11 reasonable to assume that we have some folks that are  
12 very knowledgeable at this point, but they will be  
13 latecomers, especially when we release our first trial  
14 map, then I think probably a good number of people will  
15 say, "Well, I want to know more about what this thing is  
16 all about." So, while we ended it in April, the  
17 Educational Workshops, we feel there's going to be some  
18 overlapping at the time we start talking about the  
19 release of the Census Tract Data and having Input  
20 Meetings. We're still going to have some need to  
21 education the public about what this is all about.

22 COMMISSIONER AGUIRRE: I might add to that, that  
23 the education continues at every Input session as a pre-  
24 hearing, so, in other words, if the meeting is starting  
25 at 6:00 and CCP will be available before that time to not

1 only help set up the environment for the hearing itself,  
2 but will be available for other individuals who would be  
3 interested in providing information to the Commission  
4 with some guidance from CCP to work with them, educating  
5 them about the types of information that the Commission  
6 is looking for, maybe coaching them in terms of what kind  
7 of language to use, or what kind of maps would be most  
8 acceptable, etc. etc., perhaps CCP will talk about that  
9 aspect, as well.

10 CHAIRMAN ONTAI: And just let me add on to that  
11 last note. I know a number of us have made educational  
12 presentations for groups back in our own regions, the  
13 last one that I made, it became very clear to me that  
14 there are grassroots folks that simply don't have a clue  
15 as to what redistricting is all about, so I think we're  
16 going to have a good number of citizens that are going to  
17 be in that position throughout the whole summer.

18 COMMISSIONER PARVENU: And before our  
19 distinguished guest speaker, I just have one brief  
20 comment on the schedule. First of all, it's an excellent  
21 framework, I really appreciate this, this is really  
22 focusing in on what we have to do with a clear timeline.  
23 With the workshops, the Los Angeles area, I was informed  
24 by the Mayor's Office, I work for City Hall, that we can  
25 use the City of L.A.'s facilities, meaning the downtown

1 Civic Complex, the LAPD's auditorium, as well as the Van  
2 Nuys Satellite Office, to hold our meetings, so, at a  
3 very low or no cost. So, for the local Commissioners,  
4 Commissioner Raya and Blanco, they may want to assist me  
5 in setting that up. I'll take the initiative on that if  
6 that's an agreed upon place. And secondly, with the  
7 North meetings, we mentioned - I think it was arbitrary -  
8 we mentioned Redding or Coast, or Eureka. I would simply  
9 like to add Chico there because there's a State College  
10 there that we may want to consider, Chico State, so  
11 that's another option for those northern regions.

12 COMMISSIONER BARRABA: State University?

13 COMMISSIONER PARVENU: Pardon me?

14 COMMISSIONER BARRABA: State University.

15 COMMISSIONER PARVENU: State University, right,  
16 that's right. I stand corrected. That's even more in  
17 agreement with our efforts.

18 CHAIRMAN ONTAI: Okay, Ms. Rubin, so if you  
19 could give us a little more - give us a little spiel  
20 here.

21 MS. RUBIN: Sure. Hi, good afternoon, hello,  
22 Commissioners, hi Dan, hi Janeece. We're so happy to be  
23 back at the Subcommittee and we have a proposal for you  
24 that we are hoping we can really go through in detail,  
25 dig in, have a discussion, answer any questions you have

1 as far as methodology, and then talk through what you  
2 would like to see us present on Friday to the full  
3 Commission. So, here we've got narrative details about  
4 the components, and then we also have budget numbers, so  
5 we want to take you through everything, including the  
6 assumptions around the budget numbers. But, if you want,  
7 we can start with the calendar or we can start from the  
8 beginning. What would you prefer?

9 CHAIRMAN ONTAI: Well, let's start off with the  
10 first question, how did you arrive at the dates?

11 MS. RUBIN: Okay, so do you want me to start?  
12 Do you want to say hello?

13 MS. CHORNEAU: Hi, Charlotte Chorneau with the  
14 Center for Collaborative Policy.

15 MS. RUBIN: Okay, so we wanted to start - the  
16 methodology is we wanted to start as soon as possible,  
17 and the soonest we felt like we could realistically do  
18 anything, and it's going to be pushing it, is March 12<sup>th</sup>,  
19 because you have to realize that, besides getting the  
20 location, you need to still create all of your materials,  
21 you need to have your legal counsel review your  
22 materials, then you need to have time to get all your  
23 materials translated, and printed, and March 12<sup>th</sup> is very  
24 soon, so it's a tall order. So that was one way that we  
25 started. Then, if you're looking at March, we really

1 think about our first workshop as a trial run, or a  
2 pilot, so we wanted to give ourselves a week between the  
3 1<sup>st</sup> and the 2<sup>nd</sup>, to tweak or adjust the model and improve  
4 it, given whatever feedback we get, and then we do the  
5 same thing in the south, we have the first workshop in  
6 the south, we see how that goes, and then, as we get to  
7 what we have here as the 23<sup>rd</sup> of March, the Central  
8 Valley, that's when we really ramp up the schedule. And  
9 then, for any workshops we have listed during the week,  
10 we have Wednesday as a placeholder, but what we're  
11 thinking is, depending on the area and the sites we're  
12 looking at, and what's going on in the community, we'll  
13 likely have that event on a Tuesday, Wednesday, or a  
14 Thursday, so we want to leave it open; we just set it in  
15 the middle of the calendar for planning purposes.

16           Okay, moving to April, if you want to have 10  
17 meetings, 10 Input Hearings before your maps come out,  
18 you have to start your Input Hearings in April, so unless  
19 you're going to do multiple hearings on weeknights, you  
20 pretty much have to use all of your Saturdays and  
21 Sundays, so that's why we have the Input hearings  
22 starting April 2<sup>nd</sup> and one thing we thought about with the  
23 dates for the input hearings, is we wanted to leave at  
24 least three weeks between an educational workshop and a  
25 hearing because we're asking folks who come to those

1 educational workshops to go home, to involve their  
2 neighbors, their friends, to get more people involved,  
3 and to prepare, and that takes time, so there's at least  
4 three weeks between the meetings. Go ahead.

5 COMMISSIONER YAO: Would you entertain questions  
6 in between?

7 MS. RUBIN: Of course.

8 COMMISSIONER YAO: The sites for the Workshops  
9 and the sites for the Input Meetings in that same region,  
10 how close together are there?

11 MS. RUBIN: Well, my understanding is that the  
12 Commission is interested in really moving around, so, say  
13 for example you go the first time to Fresno, maybe the  
14 second time you go to somewhere more like Bakersfield vs.  
15 going back to Fresno so that you're reaching out to a  
16 different piece of these very large geographic areas.

17 COMMISSIONER DI GIULIO: Well, I think, again, I  
18 think these regions - we call those maps the regions that  
19 we're talking about are very large areas, so, as much as  
20 we'd like to come back to that same spot, I think the due  
21 diligence to trying to reach all those spots, it may be,  
22 you know, if you pick something like Fresno and the  
23 Central Valley, it's within three hours or so from the  
24 north to the south, and then you could just move out from  
25 there, a little on the south, a little on the north, it

1 looks like they have at least two more additional Input  
2 Hearings.

3 CHAIRMAN ONTAI: And that was the logic behind  
4 it.

5 COMMISSIONER DI GUILIO: Yeah.

6 MS. RUBIN: And before we move off the  
7 workshops, in this draft we added a section about  
8 conference call webinars, so we're proposing - let's see,  
9 where is it - it's kind of jumping around, but I want to  
10 highlight it here, it's on page 8, and the idea here is  
11 that you would hold two remote educational workshops via  
12 conference call and webinar, so people would call in on  
13 the phone to get audio and could follow along visually  
14 with the presentation online. I just want to point this  
15 out here because this is something that you could do in  
16 addition to your in-person workshops to capture a lot of  
17 other folks, too.

18 COMMISSIONER DI GUILIO: Would CCP, then, let's  
19 say there's going to be a webinar in addition to one, and  
20 let's say you've had an Educational Workshop in the  
21 Central Valley, and you would like to have an educational  
22 webinar, would CCP be responsible for, then, contacting  
23 the different communities within the Central Valley and  
24 saying, "On this date, we're going to have an educational  
25 webinar," and securing the facilities so that individuals

1 could go to those? I'm assuming in order for them to see  
2 what's going on, do they just have to have access to a  
3 computer? Or do they have to be an access area --

4 MS. RUBIN: Yeah, to participate in the webinar,  
5 so they could call in and not see the actual handouts  
6 online, real time. The webinar adds that function. And  
7 the idea here is that you don't have to make them place  
8 space, they can just be over-arching, so say someone in  
9 Fresno missed the in-person workshop, they could call in  
10 to this type of venue, at least get the information, or,  
11 sorry, someone in Bakersfield, and the workshop was in  
12 Fresno, and that was just too far, but they could at  
13 least call in and get the information, and then, when the  
14 hearing comes to Bakersfield, it's a way to fill in some  
15 gaps. But the idea with the webinars and conference  
16 calls is it could be anyone, you could be in Needles, you  
17 could be in Eureka, you could be in Fresno, but you might  
18 not be able to travel.

19 COMMISSIONER DI GIULIO: They just have to have  
20 access to a telephone, at the least?

21 MS. RUBIN: Yeah, you have to have a telephone.

22 COMMISSIONER AGUIRRE: And also, webinar is  
23 providing an opportunity for some of our partners out  
24 throughout California who organize sessions that link  
25 with that webinar, where they themselves can use that as

1 a training tool or an educational tool. And this is just  
2 for the educational aspect, you don't do a webinar for  
3 the inputs, this is just -

4 MS. RUBIN: No, just the hearing. Okay, so  
5 that's the idea behind the list of workshops finishing up  
6 in mid-April, and then the input hearings starting at the  
7 top of April, running through May, and then, once we go  
8 into June, you see we try to hit - do 10 more input  
9 meetings after the maps have come out. And then, as  
10 Commissioner Ontai already explained, the concept is,  
11 once your maps come out, you see where you need to have  
12 additional meetings, it helps you to refine the locations  
13 that would be most helpful to have those meetings, so at  
14 the beginning of June, you set your schedule for the rest  
15 of July. And for budgeting purposes, we're assuming 10  
16 more hearings in July. So, the calendar would look the  
17 same as far as words, it's just going to be different  
18 locations.

19 COMMISSIONER YAO: Can you comment on your  
20 preference of weekend vs. weekdays?

21 MS. RUBIN: Yeah. One of the things we've  
22 talked to folks about is one big issue is traffic. So,  
23 depending on where you live, it can be a real challenge  
24 to get to anything at 6:00 p.m. because of the traffic  
25 patterns, and when we are talking about these very large

1 geographic areas, so, for example, if you're in the L.A.  
2 area, you know, you know how L.A. traffic can be, it can  
3 be basically you couldn't get there until it was over, so  
4 that's one reason we thought we needed to hold some of  
5 these meetings on the weekends. Now, for Sundays, Sunday  
6 came up early, the time that we all had been talking  
7 about for Sunday was 1:00 to 4:00, or 1:00 to 5:00?

8 MS. CHORNEAU: Yeah, it's actually Saturday and  
9 Sunday, our recommendation was to do it 1:00 to 4:00 in  
10 the afternoon.

11 MS. RUBIN: You miss a little bit of the kind of  
12 soccer and sports on Saturday mornings, and then, for  
13 those who go to some kind of religious activity on  
14 Sunday.

15 CHAIRMAN ONTAI: Any other questions? As part  
16 of this process, we are - let's look at your format,  
17 Sarah, turn to your format.

18 MS. RUBIN: The workshop?

19 CHAIRMAN ONTAI: The workshop.

20 MS. RUBIN: Yeah.

21 CHAIRMAN ONTAI: Now, what we haven't yet  
22 cleared in our minds -

23 COMMISSIONER DI GIULIO: What page are you on?

24 CHAIRMAN ONTAI: The last sheet -

25 MS. RUBIN: They're going to be different than

1 ours.

2 MS. CHORNEAU: We've updated it.

3 CHAIRMAN ONTAI: Updated it? I'm assuming it's  
4 better.

5 MS. CHORNEAU: It's very similar, but it's a  
6 little easier to follow.

7 MS. RUBIN: It's on page 7 of the one we just  
8 passed out.

9 CHAIRMAN ONTAI: All right. What has come up  
10 this morning on a number of subcommittee meetings is how  
11 are we going to fit into this format, this Educational  
12 Workshop format, some degree of instructions on how to do  
13 mapping. Where would that take place? This is not  
14 actual mapping, but the technology on how to do it and  
15 how does that work.

16 MS. RUBIN: Right. So, where we have that now  
17 is in the fourth column titled "Education Regarding  
18 Substance," so just to reiterate, we're there an hour  
19 before it starts, we're welcoming people as they arrive,  
20 we have multi-lingual signage up, we have a number of  
21 different ways that we can be capturing information from  
22 folks who come in because we want to be able to get a  
23 hold of them again in the future, so they can keep  
24 providing their input to the Commission. We want to have  
25 laptops for people who prefer to enter that way, or, if

1 they prefer to write out their contact information, we're  
2 also going to be asking folks if they know of any groups  
3 that the Commission should add to their mailing list, and  
4 then we will have different tables in the room with  
5 materials so that, if they're early, they can begin to  
6 self-educate, or to be looking around at different  
7 visuals. We start the session, the Commissioners provide  
8 opening remarks; in this version, we're assuming  
9 something like one to three Commissioners are attending  
10 the workshops, then CCP does the overall facilitation, we  
11 explain what will be happening during the session, and  
12 then we move into an education piece about the process  
13 that the Commission is engaging in with the public. So,  
14 you know, how you're participating with the public, your  
15 calendar, when workshops will be held, a lot of the  
16 things we're looking at today, and then an initial  
17 overview of the resources that are available to people,  
18 how can they participate, what are all the different ways  
19 they can do that, and then explaining the toolkit we've  
20 all been talking about with materials, the six Assistance  
21 Centers, taking some questions that people naturally will  
22 have, and then we move into the heart of the workshop,  
23 which would be provided by one of your technical  
24 trainers, and that's when you get into the specifics, the  
25 criteria that you have to keep in mind as you draw maps,

1 and that's when your mapping tools would be demonstrated,  
2 and you would also have a resource hand-out about free or  
3 low-cost mapping tools if people want to go back home.

4 MS. CHORNEAU: And then, in the next section  
5 here at 8:25, the work session, we even pictured having  
6 some tables with information on them, stations, if you  
7 will, and one would be a mapping station, you could have  
8 actual hard maps where people could draw on, and they  
9 could be digitized, and then we could also have the  
10 Mapper there, if there is one, with demoing it for a  
11 small group - if that is what they're most interested in  
12 doing, then we could accommodate some demos in small  
13 groups.

14 MS. RUBIN: So, the overall concept is, for  
15 people who don't have that much time, you give them the  
16 heart of the information, if they want to exit, then they  
17 head out a little after 8:00 p.m., but, for those people  
18 who are willing or, in this evening example, for those  
19 who are interested to stay and do a little more work and  
20 really look at some maps, and network, and talk with  
21 people, then we provide that opportunity for them to  
22 really dig in.

23 CHAIRMAN ONTAI: Okay, so I want to make sure  
24 it's very clear that, at the end of this format, people  
25 who have never done this before will have some idea of

1 what it takes to do a map, not actual maps to us, but the  
2 steps and the procedure on how to draw maps and what to  
3 look at, right?

4 MS. RUBIN: For them to draw their own map to  
5 submit?

6 CHAIRMAN ONTAI: Yes.

7 MS. RUBIN: Yes.

8 CHAIRMAN ONTAI: We're going to teach them the  
9 tools and make them familiar with the tools on how to  
10 draw maps.

11 MS. RUBIN: Exactly. I think the distinction is  
12 just that it will be a high level overview for like a  
13 full redistricting map that your technical consultant  
14 would be putting together, that would just be sort of  
15 high level explaining, but for them to do their own maps  
16 of communities, that is definitely what we would be  
17 covering here and providing those tools. I guess I just  
18 want to clarify that you can be explaining it to people,  
19 and even be participating in a demo, but I know, myself,  
20 when you go back home and you think, "Oh, that looked  
21 easy, let me try it myself," I don't think that we can  
22 guarantee that everyone can make their own map, you know,  
23 you think it seems easy and then you get home -

24 MS. CHORNEAU: We can provide the tools, the  
25 guidance, the resources, where to get help, these

1 Resource Assistance Centers that Karin has been speaking  
2 about, you have staff that you can actually call up and  
3 get some assistance over the phone, so we'll be at least  
4 making sure that people walk away knowing all those  
5 resources are available to them.

6 COMMISSIONER RAYA: We're looking for a specific  
7 kind of input from the public, so my question is, how  
8 much direction are they going to get, for example, to  
9 draw this sample map, to tell us is it going to be, you  
10 know, to draw around the neighborhoods that you think  
11 should be part of it, so some kind of a sense of how  
12 you're going to use that to tell us about your community  
13 of interest.

14 MS. RUBIN: Right, well, what I would say is  
15 that their specific community of interest definition, and  
16 I think we can assume for many people who will be  
17 providing you all with public testimony, they're going to  
18 be talking about their own community of interest, so you  
19 want to have your resources and your toolkit really  
20 explain, and that's on our list of the kinds of handouts  
21 you'd have, is what is a community of interest, and then  
22 you'd have a specific worksheet where you literally kind  
23 of walk people through specific questions that help them  
24 think through, what does that mean, and then, it's up to  
25 the individual, if they want to get out a AAA map, and

1 they want to draw where they think the boundary of their  
2 community of interest is, that's up to them; if they want  
3 to use an online mapping tool, that's up to them, but the  
4 kind of thing we've talked about is, depending on where  
5 we go, trying to have some AAA maps that are just there  
6 in case someone wants to get it out and get into the  
7 nitty gritty, that would be up to them.

8 MS. CHORNEAU: I would just add that the idea  
9 behind providing that toolkit at each workshop would have  
10 really specific outline of how - so if the Mapper decides  
11 it's going to be done by roads, like it has to be along a  
12 road, that would be one thing that we would highlight and  
13 go through all together in the workshop, providing that  
14 specific -

15 CHAIRMAN ONTAI: Yes, that's the kind of thing,  
16 we want you to introduce the concepts and the semantics,  
17 the terminology of what this is all about because there's  
18 a great number of citizens out there that this is a whole  
19 new lexicon.

20 MS. CHORNEAU: Right, exactly.

21 MS. RUBIN: And the kind of detail we're  
22 thinking will be helpful is, when your technical  
23 consultant - when they know, for example, as they take  
24 testimony, say they want certain parameters initially for  
25 their indexing of data, when we know what those are, say

1 it's helpful to them to have X, then Y, then Z, as far as  
2 the sequencing of the information, then you can make your  
3 worksheet follow that format, so it's as easy as possible  
4 for the person who is gathering the data who is going to  
5 be indexing it and rolling it up.

6 CHAIRMAN ONTAI: Good. Any questions? Does  
7 that give all of us a clear picture of what they're doing  
8 - well, some of the clear picture.

9 COMMISSIONER DI GUILIO: For the Educational  
10 Workshops.

11 CHAIRMAN ONTAI: For the Educational Workshops.

12 MS. CHORNEAU: If we could maybe just take a  
13 step back and just walk through this - sure.

14 COMMISSIONER BARRABA: I do have one comment.  
15 You know, it seemed to me that the Educational Workshop  
16 on the 12<sup>th</sup> here in Sacramento, which is, in looking, sort  
17 of a pilot, I think we should have every Commissioner  
18 here to see what it's like to sit in the audience of one  
19 of these activities, at least that will give us a far  
20 greater appreciation of what we're actually providing.

21 CHAIRMAN ONTAI: Yeah, Commissioner Barraba, I  
22 know in the Finance Committee, one of the items that was  
23 pulled out was should the Commissioners be at these  
24 Educational Workshops, can we afford it. And in our  
25 meeting, we felt that it was imperative for the public to

1 see our faces there, at least one or two. Is that still  
2 your feelings?

3 MS. RUBIN: Absolutely.

4 COMMISSIONER BARRABA: I just think in this  
5 case, Commissioner Ontai, is that this will be our first  
6 and only chance to see this and it's the first one, and  
7 my guess is, after the first one, you're going to say,  
8 "Ooops," and so if we're going to be asked to react to  
9 the changes, it might be worth being here for that first  
10 one.

11 COMMISSIONER DI GIULIO: That's a good point.

12 COMMISSIONER PARVENU: Can I, schedule-wise,  
13 fortuitously, if we continue on this week on, week off,  
14 schedule, we will be meeting on the 10<sup>th</sup>, perhaps the 9<sup>th</sup>,  
15 10<sup>th</sup>, and 11<sup>th</sup>, here as the full -- in March anyway -- the  
16 full body, so it's just a matter of our staying over that  
17 Saturday, the 12<sup>th</sup>, the workshop, as we are doing this  
18 weekend, for example. So, it's a good fit in this case,  
19 very doable.

20 MS. CHORNEAU: Yeah, we planned it that way,  
21 actually.

22 CHAIRMAN ONTAI: So, we're going to be here.

23 COMMISSIONER DI GIULIO: Could I make a couple  
24 suggestions, maybe, about this because I think this is  
25 great and what I'd actually really like is to see it

1 start moving forward even more, but under a couple of  
2 things that might be helpful. I'd love to see if you  
3 could maybe take a closer look at - I'm looking  
4 particularly at the Input Hearings, I've got complete  
5 confidence that the workshops will probably - the  
6 Educational Workshops - will go off. It will be  
7 interesting to see on a regional approach what might work  
8 best on this Saturday - I know you have intermixed some  
9 week days, but I guess I'm still kind of concerned about  
10 maybe in the L.A., there may be some highly densely  
11 populated places, the weekends really have to be a  
12 necessity, but I'm thinking that there might be - I'm  
13 just looking at in kind of the Central Valley area, I  
14 know that the Sundays often are really booked up with  
15 family and, because some of the events that I've done in  
16 terms of organizing my community, it's been very -  
17 Sundays have been a no-touch day because of the lack of  
18 participation. That might not be the case in some other  
19 areas, so I'd be curious to see if CCP or the Outreach  
20 Committee has any recommendations that basically on a  
21 regional area, Saturdays, Sundays may not be issues with  
22 some communities, but others, there might be, so I'd  
23 really hope we can do some research ahead of time.

24 CHAIRMAN ONTAI: Yes.

25 COMMISSIONER DI GUILIO: So that would be kind

1 of the best days, the regional best days.

2 MS. RUBIN: Yeah. I'd say that what I would  
3 recommend would be, you know, we - it's always easier to  
4 react to something than to talk about it, so, in a lot of  
5 ways we put this out so we could almost just get an order  
6 and then have people react to it, just the way you are.  
7 But what I would say is that, in a given, you know, just  
8 say for example in San Diego, May 14<sup>th</sup>, once you talk to  
9 folks who are in that area and the people who live there  
10 and who are doing community workshops all the time, they  
11 will tell you, "This is what works in our communities."  
12 So, I think having the flexibility, ideally, if when you  
13 talk to San Diego folks, as the example, they're like,  
14 "Thursdays are the night for us," then, rather than doing  
15 a Saturday, you know, you shoot for the Thursday before.  
16 But I think you need to have some sort of order to do  
17 your organizing.

18 COMMISSIONER DI GIULIO: I would love to see if  
19 you could work with what you have here and then expand on  
20 it, and if we say these are some good starting points, I  
21 think the Outreach Committee has done a great job here  
22 with CCP and it would be wonderful to even see to some  
23 degree the concept of the moving around so that, instead  
24 of - because I see that it looks like there's at least -  
25 correct me if I'm wrong - there's at least two regional

1 meetings, you've had input hearings with at least two per  
2 meeting, so it might be beneficial to say "Input Hearing  
3 North 1," "Input Hearing Sacramento 1," so we could see,  
4 then you might actually even say, "We propose...," I would  
5 love to see the committee move forward and say, "We  
6 propose the first meeting to be in Redding, the second  
7 meeting to be in Chico," or something along those lines,  
8 so we could actually get nailed down even more specific  
9 because I think our timeline is crunched up and, again,  
10 it would be great to see some of those specifics in those  
11 regions so we could get even a better idea of where you  
12 plan on moving around.

13 CHAIRMAN ONTAI: Yes, you're absolutely right.

14 COMMISSIONER RAYA: I have another question,  
15 please.

16 CHAIRMAN ONTAI: Yes, Commissioner Raya.

17 COMMISSIONER RAYA: Excuse me, well, great, very  
18 exciting to see something that we're going to move  
19 forward with. My question is, because some of these are  
20 coming up so quickly, how close are we to having venues  
21 pinned down for any of these? I mean, we've had  
22 suggestions, you know, I'm sure all of us have talked  
23 with people in our local areas about venues for hearings,  
24 but -

25 COMMISSIONER RUBIN: We didn't want to make any

1 assumptions until we met with the Commission this week,  
2 so if the Commission decides they want to contract with  
3 CC - to go forward and contract with CCP to do this,  
4 then, you know, next week we'll start looking for  
5 locations.

6 COMMISSIONER RAYA: Okay, and so if  
7 Commissioners have suggestions, as Commissioner Parvenu,  
8 my own city is also interested in posting something, then  
9 we would speak with you directly or somehow through our  
10 esteemed organizers here.

11 COMMISSIONER DI GIULIO: So you're suggesting  
12 maybe CCP contact the Commissioners from those areas to  
13 find out their level of expertise, too?

14 COMMISSIONER RAYA: Well, yeah, I guess that  
15 would be one way, or just if we already know that -

16 CHAIRMAN ONTAI: That would be the way.

17 COMMISSIONER RAYA: -- yeah, yeah.

18 CHAIRMAN ONTAI: All of us contact Sarah, tell  
19 her specific places that you would recommend, and then  
20 she will compile it and get back to us.

21 COMMISSIONER AGUIRRE: Or it could be as simple  
22 as, when we bring up the issue with the Commission, then  
23 we just say, you know, "The opportunity is here for you  
24 to suggest some places in your particular region for some  
25 Educational Workshops or Input Hearings, so we're going

1 to pass this paper around," and then we're going to fill  
2 it out so we can give it to you because, otherwise, we're  
3 going to be calling, no answer, you know, they're going  
4 to call back, we're not going to be there, so - and we  
5 need to move quickly, so, to me that would be, I think,  
6 an efficient way of doing it quickly.

7 CHAIRMAN ONTAI: And we also have to coordinate  
8 these dates and places with staff, especially with the  
9 Director of Communications.

10 COMMISSIONER YAO: Do you have criteria for  
11 these meeting sites, for example, seating for 200, or  
12 whatever the case may be? You know, 20 tables, and on  
13 and on and on?

14 MS. CHORNEAU: Yes, and we can get that - put a  
15 list together, it would probably be helpful for anyone  
16 looking into that. Actually, I was going to mention, if  
17 you remember the broad survey assessment that we're doing  
18 to the general public, this is one of the questions we're  
19 asking if, if the Commission were to hold something in  
20 your community, could you recommend a venue that meets  
21 this long list of requirements. I want us to just put it  
22 out there and I'm sure if someone has something, I'm sure  
23 they'll share it, as well.

24 COMMISSIONER PARVENU: In my brief inquiry with  
25 the City, the Mayor's Office, the City of L.A., they were

1 more than willing to provide a spot for us, but one  
2 technical concern on the list, the long laundry list we  
3 have that Commissioner Yao had so successfully completed  
4 for Claremont, is the IT and the webcast capability. So,  
5 I don't know if you're proposing that we maintain that  
6 particular aspect? No?

7 MS. RUBIN: Well, that kind of brings us back -  
8 maybe we should circle around into our proposal to talk  
9 about doing a video of one Educational Workshop, but we  
10 are not budgeted, our planning, to webcast the workshops.

11 COMMISSIONER PARVENU: Okay, thank you.

12 COMMISSIONER DI GUILIO: What Input Hearings --  
13 are you planning on webcasting?

14 MS. RUBIN: Yeah, probably.

15 MS. CHORNEAU: Yeah.

16 COMMISSIONER PARVENU: That clarifies that for  
17 the record, I wanted to hear that again.

18 CHAIRMAN ONTAI: Commissioner Yao.

19 COMMISSIONER YAO: Could you maybe help me  
20 define what is success, what is failure, on these  
21 workshop meetings? For example, if you get fewer than,  
22 just pick a number, 100 people, you would say that's less  
23 than expectation? Or - I'd like to hear what you think a  
24 successful event is and what less than successful event  
25 is, so I can kind of set my own expectation on this.

1 MS. CHORNEAU: All right, I can start and you -  
2 just on that one note about people, or numbers of people,  
3 just always keep in mind that it depends on where you  
4 are, so if you're in possibly the north of the state,  
5 you'll probably have less people than you will in L.A.,  
6 and that's completely normal, and that's what we would  
7 expect.

8 COMMISSIONER YAO: How about the total of nine  
9 or 10 workshops, what kind of number of people would you  
10 expect to reach?

11 COMMISSIONER DI GIULIO: Commissioner Yao is a  
12 number guy.

13 MS. CHORNEAU: I see that. I guess I would be  
14 hesitant to put a number to it in that form. I guess we  
15 might measure our success a little bit differently than  
16 numbers, or people that attend, it's more about the  
17 quality of information we're giving, the ability that  
18 they can take away and actually learn something from the  
19 materials that we're providing, have a positive  
20 interaction with the Commission, be empowered to possibly  
21 do some of their own organizing or testimony,  
22 understanding the process and how they can plug in. We  
23 more concentrate on ensuring that that opportunity is  
24 there and that we at least do proper outreach.

25 COMMISSIONER YAO: Okay, again, I'm not

1 necessarily saying numbers you only measure, but I would  
2 like to suggest that we have some kind of measure of  
3 success, okay, whatever that means.

4 MS. CHORNEAU: Yeah, and I can say for the  
5 Census Regional meetings that I did a year ago, it was  
6 20, or kind of similar type of thing where we just - they  
7 were during the day, though. Our average overall, I  
8 would say, was about 100. Some had - in San Diego, I  
9 believe we had over 300 at one meeting, and then, of  
10 course, in other areas, it was a lot smaller, so over  
11 average, I mean, about 100. But -

12 CHAIRMAN ONTAI: I would like to say, though,  
13 that one of the reasons why we came to CCP was because of  
14 the extraordinary track record in the outreach you did  
15 for the Census Tract data process. I know in San Diego,  
16 the results of what you did brought up a lot of folks  
17 that normally would not get involved and that was a  
18 tremendous measurement of success, so I don't think you  
19 can actually come up with a measuring stick on this, but  
20 we do know you have the track record to do that.

21 MS. RUBIN: I would just add a fine point on  
22 something Charlotte said, which is, for me, when somebody  
23 leaves, I want them thinking, "Wow, that was really worth  
24 my while, this was a really good use of my time, I'm so  
25 glad I made the choice to come, and then I'm going to

1 tell people I know about this, and I know enough to  
2 explain it to them in a pretty articulate way." And I  
3 think, to have as many people as possible thinking, "Wow,  
4 this Commission is really doing what they said, they are  
5 really connecting with people," vs. walking away  
6 thinking, you know, "Should I have stayed home?" You  
7 know, that's what we're trying to avoid, that feeling.

8 COMMISSIONER YAO: Not to belabor the point, but  
9 from where I am sitting, I would say this area presents a  
10 difficult restricting issue for me, okay? And I would  
11 like to get more input from that area, okay? So, those  
12 are my measures of success, okay? In other words, I want  
13 input from difficult areas.

14 MS. RUBIN: Right.

15 COMMISSIONER YAO: And so I want to see if I can  
16 build some of those goals into your process, as compared  
17 to just simply, "I did the training, so many people  
18 attended, they went away happy," and leave it at that.  
19 So often we interpret success of a training as giving the  
20 training, okay, whereas I kind of interpret the success  
21 of the training is the result of the training. So, if  
22 there is some way we can gather up these kinds of metrics  
23 and measure ourselves against it along the way, I think  
24 we'll find that we have a better handle on the situation  
25 as compared to just saying, "Okay, we gave 10 workshops

1 and 3,000 people came, and that's a big success," and  
2 leave it at that. So, okay, I'm going to drop it at this  
3 point.

4 MS. RUBIN: I would just add that I think that's  
5 something within, as we go through our numbers with our  
6 outreach numbers, that's exactly what we have in mind,  
7 that in order to get those folks who maybe are within  
8 populations that aren't normally as involved in these  
9 kinds of processes that you're trying to reach, that  
10 you're really putting in the time. And, really, that's  
11 what it is, it's figuring out where those organizations  
12 are, who the leaders are, connecting with those people,  
13 and then they say whoever is coming and then double-check  
14 the folks who are coming, if you are providing, for  
15 example, interpreters for different segments of the  
16 community, make sure everyone knows your interpreters are  
17 going to be there, are you definitely coming? You know,  
18 the kind of over and over, making sure that you've got  
19 the folks out.

20 COMMISSIONER AGUIRRE: Yeah, I might add also  
21 that not only are there going to be individuals from the  
22 community, but there is going to be organizing groups  
23 from the community participating in these workshops and  
24 they are certainly going to be critical of the process,  
25 so at the end of each session, there's a *Plus/Delta*

1 evaluation where you ask for some feedback from the  
2 audience as far as, you know, what they felt about the  
3 activity itself, was it a waste of time? What was good?  
4 What was bad? Because actually we want to, if necessary,  
5 modify the process and the approach from session to  
6 session so we get better and better at it, as well.

7 COMMISSIONER PARVENU: And I'd like to suggest  
8 that, in determining our venues, that we take strong  
9 consideration of venues that are accessible to the public  
10 via public transit because we want to definitely consider  
11 that in our selection.

12 COMMISSIONER AGUIRRE: And ADA accessible.

13 MS. RUBIN: That's on our list.

14 COMMISSIONER RAYA: One of the things that I  
15 keep thinking about is there obviously are a lot of  
16 organized groups involved - concerned and involved in  
17 this whole process, the whole subject of redistricting,  
18 and I keep wondering how we're going to get, you know,  
19 just the person off the street, you know, your neighbor  
20 or somebody to show up, not somebody who is necessarily  
21 being represented by a group, because I've talked to  
22 people who clearly have some little axe to grind, you  
23 know, and you tell them, "Be sure to come to the  
24 hearings," and I'm just not sure they will because they  
25 may not want to get up and speak, and they're not a

1 member of some subgroup, you know, that is represented.  
2 So, I know when you do the Census, I kind of look at that  
3 as maybe having a different level of interest for people,  
4 they really want to be counted and they want to make sure  
5 their community is counted, this is just such a different  
6 process to think about. How do you get that same  
7 response from just average people?

8           CHAIRMAN ONTAI: And that ties into what  
9 Commissioner Yao just asked. The more I think about it,  
10 we're a very diversified state, so when we have these  
11 Educational Workshops, is there some way we can measure  
12 that diversity?

13           COMMISSIONER AGUIRRE: I think perhaps in  
14 response to Ms. Raya's point is our Executive Director  
15 mentioned that, really, the outreach education, you know,  
16 Commissioners out to all the small communities process  
17 that phase, needed to be frontloaded in March, as intense  
18 as we can possibly be during March, because that's where  
19 our Communications Director comes in, reaching out to all  
20 the ethnic media, and making sure that they're getting  
21 the message on participation, that some of us get on -  
22 all of us get on interviews, local, radio, talk shows, to  
23 provide information on the process, inviting the public  
24 to participate. It's almost like a full-court press on  
25 California to give them the information so that they have

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1 the awareness that will get them to that meeting if it's  
2 five miles away, if it's 20-50 miles away. But given the  
3 number of workshops that we have, Educational Workshops,  
4 the Input Hearings, pre- and post-mapping, those are  
5 really a limited number of opportunities for us to go out  
6 there to the maximum extent possible, we need to be able  
7 to go beyond those on an individual, on an immediate  
8 basis, to make sure that we hit every corner of  
9 California.

10 CHAIRMAN ONTAI: And I personally feel very  
11 strongly -- going back to the presence of Commissioners,  
12 I think it's so important for the public to see, even at  
13 these Educational Workshops, that all of us are deeply  
14 concerned about their input, that the reverse would be  
15 unfortunate.

16 COMMISSIONER AGUIRRE: Now, there was also a  
17 question of Commissioner participation at the educational  
18 workshops, at the budget committee meeting, there was  
19 some discussion about whether Commissioners were going to  
20 participate in the workshops themselves, or whether they  
21 weren't. Some of us are of the opinion that we need to  
22 put a [quote unquote] "face," a "Commission face" on  
23 every single meeting, Educational Workshops included, and  
24 then some. There was a mention of maybe one of us going,  
25 there was mentioned of maybe three, one, one, and one

1 going, there's also a suggestion that, if you're  
2 available and you know that there's an educational  
3 workshop, as many as possible should show up, and that  
4 just goes along with a suggestion by Karin that, you  
5 know, the more in touch we get to the community, the  
6 better our work is going to turn out, so all of that to  
7 say that I would like to see us participate in this with  
8 our presence, and there has been talk about doing a video  
9 that would be shown, and that's cool, but it's better if  
10 one of us shows up in the flesh, or a few of us show up  
11 in the flesh, that kind of dignifies the event much more  
12 than for our consultants to say, "Well, we didn't have  
13 any Commissioners available to come," you know? What a  
14 drag.

15 CHAIRMAN ONTAI: How dignified is that?

16 MS. RUBIN: I would say what we're looking for  
17 is at least - the way I'm thinking of it is you have your  
18 baseline, whoever is definitively coming, that we can  
19 count on, at least to say in the one to three, and then,  
20 if others want to come, that's great, but I think from  
21 the planning point of view, and helping folks with  
22 talking points and being organized and having all of our  
23 items in place so things run perfectly smooth, we just  
24 need to know who is definitively going to be coming and  
25 representing the Commission, so we have that on a

1 calendar.

2           COMMISSIONER PARVENU: This tool has made  
3 tremendous progress in that area in terms of me being  
4 able to determine where I can be, reasonably. Prior to  
5 receiving this, I wasn't certain if I could attend all,  
6 or some, maybe one of the three, or what the parameters  
7 were, but after viewing this, I can tell you, almost to  
8 the tee, which ones would be convenient for me, so I can  
9 even have a little sheet or something and say, "Yes, I'll  
10 be there on the 12<sup>th</sup> in the Sacramento Region. I'll be  
11 there, of course, I'm in Los Angeles, I'll be in the Los  
12 Angeles Region, I'll be in San Bernardino, I can just  
13 drive to that one. Sacramento, on the 2<sup>nd</sup>, perhaps. West  
14 San Fernando, yes. I can pretty much discern without  
15 belaboring the point, discern from this guideline where I  
16 can be and where I cannot be, or which would be less  
17 convenient for me, and I think it might not be  
18 unreasonable for some of the other Commissioners to take  
19 a glance at this and just jot down.

20           COMMISSIONER RAYA: We got into a discussion  
21 this morning in the Public Information Committee and we  
22 intent to report this tomorrow and remind the  
23 Commissioners to update our availability calendar with  
24 even specific, "I'm not available from 9:00 to 11:00 on  
25 this day," so that you can then plug us into whatever -

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1 or whoever needs us to be somewhere, I mean, obviously we  
2 were looking at it also from the point of view of  
3 beginning our media outreach, then Rob Wilcox would know  
4 our availability, so that will work into the same thing,  
5 but I think it's really going to be incumbent on each of  
6 us to do that.

7 CHAIRMAN ONTAI: I really think that's  
8 important. I don't want to belabor the point, but I've  
9 been told personally by members in my community that, "If  
10 you're not there, we're not coming." So what do you say  
11 to that?

12 COMMISSIONER DI GIULIO: Could I ask something  
13 for the Advisory Committee here, I just have one  
14 suggestion and one request and one clarification if that  
15 is okay, so I'm sneaking in the three things. One is, I  
16 really do like the way that it's been staggered in terms  
17 of you've kind of bookended a lot of - I'm talking about  
18 Input Hearings now - bookended a lot of them in terms of  
19 general locations if they are going to be Saturdays,  
20 Sundays, they're in the general region; my only  
21 suggestion is, on May 14<sup>th</sup> and 15<sup>th</sup>, the only one that is  
22 really despairing is San Diego and the Bay Area, I don't  
23 know if that was intentional, or that's the only one that  
24 isn't within like a close driving. Because a lot of  
25 Commissioners, I think, are going to try to attempt to be

1 at these, and you see a lot of them Central Coast, and  
2 you have kind of an orange and an L.A. together, or a  
3 Central Coast and a Southern - they're kind of bookend,  
4 the only exception would be May, would be San Diego and a  
5 Bay Area, which would require a lot of traveling. Did  
6 that make sense?

7 MS. RUBIN: I think in this scenario, we were  
8 assuming the folks who would go to San Diego would be  
9 totally different than the Bay Area, that there wouldn't  
10 be overlapping Commissioners. Also, just so you know,  
11 we're putting together a number of teams to do these, so  
12 that's also why, for us, we would have a team from  
13 Southern California just, for example, doing San Diego  
14 and a whole different set of staffers doing it. But if  
15 you think the same people are going to do all of them,  
16 then -

17 COMMISSIONER DI GIULIO: I think there's been  
18 some discussion about the majority of Commissioners -  
19 there's been some discussion to split up, there's been  
20 some discussion to keep them together, but it looks like  
21 a lot of them, like on the weekend, you have L.A. and  
22 Orange, and then the next weekend at San Bernardino and  
23 San Diego, those are kind of within the distance you  
24 could travel if you wanted to. That was the only one.  
25 That was my suggestion. The clarification - let's see,

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1 the clarification would be, I went through and kind of  
2 did the initial one and two for input hearings, Input  
3 Hearing 1 and 2, I was just trying to clarify, it looked  
4 like the first input on May 22<sup>nd</sup>, you have Orange County  
5 and Southern L.A., and then there's in June for the  
6 second one, I see there's an L.A. on June 18<sup>th</sup> and an  
7 Orange on June 19<sup>th</sup>, so are you looking to split those up?  
8 Partly because L.A. is going to be a really important  
9 one, so I assume that the May 22<sup>nd</sup> was Orange  
10 County/Southern L.A., but there's not another L.A. for  
11 number 1 in that month, and then number 2 would be, I'm  
12 assuming, the second meeting would be in June, so I see  
13 an L.A. and Orange County being split up, so I think L.A.  
14 is going to be really important for us to make sure we  
15 hit, so that might be a clarification to do for the next  
16 one. And lastly, my request for consideration, I guess,  
17 would be I'm a visual person, and this is great, but in  
18 the end, I also like maps to see. I'm wondering if it  
19 would be too much to ask if you had a map based on the  
20 regions to put a date into the region, like in the  
21 Sacramento Region, we'd have dates, meetings on this date

22 -

23 CHAIRMAN ONTAI: That would also be helpful for  
24 the public.

25 COMMISSIONER DI GIULIO: Yeah, just to know

1 when, based on your region and the details can be worked  
2 out later, but it would be great visually on a map, too,  
3 to know where your dates are. So, I don't know if that's  
4 throwing too much out there, but I think this is a really  
5 - this is going to get us started and really get us  
6 running, and the more details we have and the  
7 clarification would be wonderful.

8 COMMISSIONER AGUIRRE: I think, to your point,  
9 Commissioner Di Guilio, about a map, once we have the  
10 venues, then that will be perfect to do it that way.

11 COMMISSIONER DI GUILIO: Yeah, okay.

12 COMMISSIONER AGUIRRE: And by the time that we  
13 get to that point, in the next couple of weeks or so,  
14 should be, right?

15 CHAIRMAN ONTAI: We're going to first all have  
16 to hire you and then you can start! Okay, Commissioner  
17 Barraba.

18 COMMISSIONER BARRABA: Yes, speaking of venues,  
19 I think it says the West San Fernando Valley, the last  
20 time I checked, Van Nuys was not necessarily in the west,  
21 but if you want to contact the California State  
22 University at Northridge, I would be happy to do that,  
23 I'm a member of their Board, the Foundation of the  
24 community, and I know the President reasonably well, and  
25 I'm not sure they will do it, but I would be happy to

1 make that contact for you.

2 CHAIRMAN ONTAI: That would be great, that's  
3 good. This is excellent. This is the kind of input we  
4 want. Again, this is the baseline, we can do more than  
5 this, we can adjust this, we can change the dates, we can  
6 add on dates, but we felt we had to get something going.

7 COMMISSIONER DI GIULIO: We're great editors,  
8 aren't we? You throw us a document and we'll edit it and  
9 give you our opinion, so this is fantastic, thank you.

10 COMMISSIONER AGUIRRE: Let me just add also  
11 that, you know, we really appreciate the work of CCP in  
12 developing this, this was a very high priority for the  
13 Commission, you know, where are these dates, when are we  
14 going out, when are we going to get started, so it's  
15 really, I think, to your credit that you felt that  
16 pressure and were able to not only make yourselves  
17 available to meet with us, but put something on a quick  
18 turnaround basis for this weekend, so -

19 COMMISSIONER DI GIULIO: Uh huh, thank you.

20 CHAIRMAN ONTAI: Sarah, tell us something about  
21 how you're going to work with our Communications  
22 Director, Rob Wilcox. How do you coordinate your work  
23 with what he has to do?

24 MS. RUBIN: Rob and I - we just said, "We'll be  
25 in contact all the time." I mean, he'll be doing press

1 releases, he'll be reaching out to all the traditional  
2 and ethnic media, micro-targeted media. I think the  
3 kinds of input - we will be in close contact with him as  
4 we are doing the outreach and we see, "Oh, here's...", you  
5 know, "...we found this little pocket of community that  
6 seems to be interested and we just found out about, say,  
7 this radio station." Maybe we can work with him. If you  
8 find out that a given community, for example, listens to  
9 a lot of - say there's a Vietnamese community that  
10 listens to radio a lot, well, the translation  
11 organization and interpretation place that we've been  
12 talking with, they have a recording booth, so if he  
13 writes a 15-second radio spot, we can get that translated  
14 and recorded into Vietnamese, and then you can have it be  
15 played on the radio there, as one small example.

16 MS. CHORNEAU: And just in over-arching terms,  
17 we would work with him to review anything that we put  
18 out, having consistent messaging is really important, so  
19 anything we've already developed such as the flyer for  
20 Saturday's session, we drafted it and sent it to Rob, and  
21 all work together to make sure it was consistent with  
22 everything else we've put out. And we would continue to  
23 work in that way with him.

24 COMMISSIONER YAO: I have a question for the  
25 Advisory Committee. Who is responsible for the

1 advertisement of the event? Who do you think is  
2 responsible? All these meetings that have been scheduled  
3 here?

4           CHAIRMAN ONTAI: Well, let's talk about that.  
5 Charlotte just mentioned that you're going to coordinate  
6 your location, your workshops, wherever this is going to  
7 happen, with Mr. Wilcox. And so, his job will then be to  
8 take that message, that specific data, and contact the  
9 media with its local minority, media, or general media on  
10 that information, so we get as much broad general  
11 promotion as possible, that's one piece. The second  
12 piece is you have your own rolodex that you're going to  
13 outreach with Alliance's and other groups that you  
14 already have contacts that you've built up over the last  
15 20 years, so talk about that.

16           MS. CHORNEAU: Yeah, I would say it's a shared  
17 responsibility rather than naming one person that would  
18 do it, it's going to be in different ways, different  
19 touch-points. So, Rob would be doing your traditional  
20 media, your ethnic media, your micro-targeted local media  
21 outreach, your social networking outreach, those things  
22 that fall under his umbrella, and then we're going to be,  
23 as someone mentioned a few minutes ago, frontloading an  
24 outreach effort to build what I would call the  
25 Commission's network, say. It's where we'd be leveraging

1 existing networks, groups that already have their own  
2 listservs, we would want to get the person that we could  
3 connect you to, to send it out to all those people. It's  
4 still a very big list to build those touch-points, those  
5 grassroots tops. And we're building that network, so  
6 it's - there's different points, different avenues to get  
7 the message out.

8 COMMISSIONER YAO: I hear who is going to do  
9 what work, but I did not hear who is responsible.

10 COMMISSIONER PARVENU: This is a concern that I  
11 have, too, and I share. I appreciate your extensive  
12 connections and I know you'll exercise those resources to  
13 the fullest of your capability, and perhaps - I see Dan  
14 is ready to respond here - my understanding from our  
15 Communications Director is that we're working on a  
16 shoestring budget in terms of marketing and outreach at  
17 this particular time until we receive funds to place  
18 advertisement or announcements, and some of the more  
19 traditional outreach avenues, as opposed to resorting  
20 solely on social network media outreach. Is that the  
21 case to date?

22 MR. CLAYPOOL: Our budget is limited and our  
23 budget is going to be limited until we get the  
24 augmentation and the funds that we're hoping to receive.  
25 And we talked about that in the Budget Committee. Having

1 said that, though, I think that you've touched on a very  
2 important point, and I think that we need -- and  
3 Commissioner Yao, as well -- we need to know where the  
4 collaborative part of that is going to be in your title  
5 with Rob, so perhaps this is a better way to ask -- or a  
6 different way to ask this question - who would you see  
7 taking the lead in this, because clearly you've got -  
8 hmm?

9 MS. RUBIN: We don't do paid advertising, it's  
10 not in our budget in any way.

11 MR. CLAYPOOL: No, not necessarily the paid  
12 advertisement, but the collaboration between the two of  
13 you to make sure that we're reaching - so I know that  
14 part of what you plan to do is to reach out to the  
15 individuals in the Alliance, and you have, and to reach  
16 out to as many areas as you can when you go - so, if  
17 you're going to Fresno, you're going to want to reach out  
18 regionally to do so in that work, correct?

19 MS. RUBIN: Right.

20 MR. CLAYPOOL: So, Rob, at the same time, would  
21 want to be sponsoring some of this effort, or as much of  
22 the efforts as he could, so we get the maximum  
23 penetration that we can, so do you see it as being Rob  
24 kind of going down to you and saying, "This is what I'm  
25 doing?" Or how do you see making that work? Because I

1 see a need for that kind of collaboration.

2 MS. RUBIN: I think having a regular check-in  
3 with Rob, especially, as the given workshop is going to  
4 come, we would say, "Okay, Redding is coming up," or,  
5 "Chico is coming up. Rob, here is the list of  
6 organizations we've contacted so far, here is the RSVPs  
7 we've had so far, here are the areas that we aren't  
8 getting any response and that we're concerned about," and  
9 then he could summarize everything he is planning on  
10 doing, or is doing in those areas, and then maybe where  
11 we see gaps, or we aren't getting response, then you go  
12 deeper and you talk to people in that area, and you say,  
13 "I'm not hearing back from this community, or this area,"  
14 and then someone will say, "Oh, here's why. This is what  
15 you need to do." And then you do that. And then we  
16 could communicate back with Rob, "Oh, we found out that  
17 there's this kind of local newspaper there that we  
18 haven't touched yet, can you please contact that  
19 newspaper with your press release?"

20 CHAIRMAN ONTAI: I think Commissioner Yao's  
21 question is very straightforward, where does the buck  
22 stop?

23 MS. RUBIN: We wouldn't do anything having to do  
24 with paid advertising.

25 COMMISSIONER YAO: No, I'm not worried about the

1 money part of it, and I clearly understand that if we  
2 asked you to advertise, we're going to have to foot that  
3 bill, but I can tell you that the reasonable turn-out  
4 when we had the meeting in the City of Claremont, very  
5 few of those people attend the meeting because of the  
6 website, okay? So, it's a situation where I felt  
7 responsible to get the people to the meeting, and I  
8 reached out to make sure the word got out throughout the  
9 whole Los Angeles County, so we had people that came in  
10 from the beach community 50 miles away, we had people  
11 come a long way to that meeting. So, if Bob is the one -  
12 Bob Wilcox - is the one responsible, we better make sure  
13 that, you know, he buys into this plan because, instead  
14 of one meeting that I went through, you know, we're  
15 talking about 30 meetings and, if he's not the one  
16 responsible, we better find somebody that's responsible  
17 because getting the work done is pretty straightforward.  
18 I think you have a great plan to do it, but getting the  
19 people there is an issue that I'm not sure I'm convinced  
20 that we have that under control.

21 COMMISSIONER PARVENU: Yeah, in tying in - I  
22 just want to add quickly - in tying in with our partners  
23 as quickly as possible to let them use their extensive  
24 networks, and we'll be meeting with them on Saturday, and  
25 perhaps if we can agree upon this plan, at least, they'll

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1 have a heads up to send local representatives -

2 COMMISSIONER YAO: When you say "we," does that  
3 mean the Commission is responsible?

4 COMMISSIONER AGUIRRE: Yeah, I've always  
5 understood that the reason we hired a Communications  
6 Director is because the buck was going to stop with him,  
7 and he's ultimately responsible. I understand the  
8 collaborative piece not only with CCP, but also with Q2  
9 and others, but ultimately, the reason that he was hired  
10 was because his resume stated that he had extensive  
11 connections in the media, the ethnic media, that he'd  
12 done this before, several campaigns that he ran, based on  
13 his experience in this context, he clearly was the one  
14 that was qualified to be there. So -

15 COMMISSIONER YAO: Again, I don't think we need  
16 to solve the issue right here at this point in time, but  
17 I think either getting Bob convinced -- or Rob --  
18 convinced that it's his job to make sure this happens.

19 COMMISSIONER AGUIRRE: Well, Rob sat in on this  
20 work.

21 COMMISSIONER YAO: But did he walk away  
22 understanding that he's responsible for these 30-40  
23 meeting, okay? If he can say, "Yes, I'm responsible, I'm  
24 going to work with CCP and I'm going to make this happen  
25 regardless of what happens," or is he going to say,

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1 "Well, I'm going to do - I'm going to put it on the  
2 website, I'm going to contact the people I have on my  
3 list, and that's all I know how to do," okay?

4 COMMISSIONER AGUIRRE: I think that, because  
5 he's not here, but tomorrow, at tomorrow's Commission  
6 meeting, that's an excellent question to bring up because  
7 we need to be clear on that. We expect that he is, but  
8 you want it in writing. All right, okay.

9 CHAIRMAN ONTAI: Yeah, that's a good point that  
10 needs to be cleared up.

11 MS. RUBIN: I was going to mention that, on page  
12 3 of the document in front of you, we outline the  
13 communication and outreach strategy, and it just makes me  
14 wonder if we want to quickly go back and run through the  
15 full document, because we really do want your feedback on  
16 all the different components.

17 COMMISSIONER AGUIRRE: Could you perhaps not go  
18 through the narrative, but go through each table, which  
19 is reflected in the narrative, and kind of quickly,  
20 briefly, give us what you're trying to show us?

21 CHAIRMAN ONTAI: The Deliverables?

22 MS. CHORNEAU: This is just to give you a little  
23 framework, we restructured a lot of the things you've  
24 seen already, the different proposals, and put them into  
25 one place, and tried to make it a bit briefer. So each

1 task is Roman numeral in bold, and then, the bottom will  
2 have a table with CCP Deliverables by - we're numbering  
3 them by task.

4 MS. RUBIN: And the corresponding dollar amount  
5 for the hours.

6 MS. CHORNEAU: So that's for each section.

7 MS. RUBIN: So, for example, with the  
8 assessment, I'm at the bottom of page 2, so we're just  
9 going to focus on the tables and the deliverables, and  
10 then if you want to get into detail, we can, but that way  
11 we go through it quickly. Okay, so we've already done  
12 our informal assessment calls, we have created the  
13 assessment survey, the Commission staff is currently  
14 reviewing it, so it can be posted. Our Task III is the  
15 first thing with the dollar amount, an ongoing analysis  
16 of our public survey, that's where we're asking folks for  
17 feedback on how they want to be engaged, if they have  
18 suggestions for venues, etc. etc. So, we have the two  
19 hours a week for eight weeks, and then it really slows  
20 down, so we have half an hour a week to monitor that  
21 feedback.

22 MS. CHORNEAU: So, if you want to turn to page  
23 3?

24 MS. RUBIN: Right, and this is what we were just  
25 getting at, and per Commissioner Yao's suggestion, I

1 think we should add something about our expectations in  
2 working with the Communications -

3 COMMISSIONER YAO: Before you go too far,  
4 Commissioner Ontai and I had a discussion, not a  
5 discussion, had a brief conversation, the hourly rates, I  
6 see the average rate when I looked through your previous  
7 proposal, and obviously not this one, is much higher than  
8 what I had expected, okay? In terms of the averages, I'm  
9 not questioning any particular - what - can you comment  
10 as to how these rates were established and what contracts  
11 have you had with the state that are using these rates?

12 MS. RUBIN: We're just using our 2011-2012 rate  
13 sheet that the organization formalizes or decides each  
14 year. We can name some examples of different contracts  
15 we have, a contract with the Department of Water  
16 Resources, we have a contract with -- different contracts  
17 with the Department of Mental Health, City of Fresno -

18 MS. CHORNEAU: We have really good examples, but  
19 we have many and they are all the same, they're standard  
20 rates.

21 MS. RUBIN: Just the standard rates.

22 COMMISSIONER YAO: Have you submitted to the  
23 State any back-up in terms of what you incur is actually  
24 what you're bidding?

25 MS. CHORNEAU: Sure, I'm sure we have some sort

1 of backing out of the rate that we could provide, we  
2 don't have that today, I'm sorry. But we can ask our  
3 contracts, or, I mean, we have that justification.

4 COMMISSIONER YAO: Okay, I guess the question to  
5 the Commission is who is responsible for the rate? Are  
6 you the group that is determining whether these rates are  
7 acceptable or negotiate a rate or what -

8 CHAIRMAN ONTAI: We kind of looked to the  
9 Finance Committee, and then we looked at Dan, and now  
10 we're scratching our heads who is responsible for that.  
11 I'm not sure who should be addressing that. Certainly,  
12 this group, this subcommittee, can address that, but  
13 that's -

14 COMMISSIONER DI GIULIO: But aren't their rates,  
15 if they're - I mean, they're a State agency, it's been  
16 established, it's gone through a vetting process. I  
17 mean, the sense that there's accountability, this is not  
18 a private company, it's been established as a public  
19 institution.

20 COMMISSIONER YAO: Well, I'm sure the rate by  
21 itself has been audited, but are they using the right  
22 rate for the task that is being bid?

23 MS. CHORNEAU: Oh, that's a different question.

24 COMMISSIONER YAO: Well, to me, when you assign  
25 a dollar rate to a particular task, to me, it's the same

1 question. I don't know why you consider that to be a  
2 different question.

3 MS. CHORNEAU: We wanted to note - I thought the  
4 question was, are these our regular rates that we use in  
5 other contracts, which they are, but we can explain. The  
6 reason that you see the - it's usually \$120 or \$168, and  
7 that's literally Sarah or me.

8 MS. RUBIN: Right.

9 COMMISSIONER YAO: Yeah, but if I add up all the  
10 \$120 and \$168, and over the period of time that you're  
11 performing, do you have those hours?

12 MS. CHORNEAU: No, no, and that's the thing, is  
13 we had to write this -- under the time that we were  
14 preparing this, we had to just sort of assume it would be  
15 either us or someone at our level. There are a couple  
16 places we knew it would definitely not be that way, and  
17 we've got much lower rates for that.

18 MS. RUBIN: For example, on page 6, you know,  
19 setting up AV, we have that at a lower public outreach  
20 coordinator rate. So, you do see some different rates.  
21 So, for the purposes - and we could get into it, but our  
22 idea is we're, given the number of meetings we need to  
23 set up, four teams of staff to go out and staff all the  
24 different workshops and hearings, and so what we're doing  
25 is we're modeling a team with a more senior person who is

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1 at the higher rates, such as myself, someone we label as  
2 a Senior Mediator, and then somebody who is at an  
3 Associate or Assistant level. So, just for example,  
4 there could be someone whose rate is \$130 an hour and  
5 there could be someone whose rate is \$110 an hour, but  
6 for the purposes of trying to keep it a little bit  
7 simplified for you, we are then saying \$120.

8 COMMISSIONER YAO: Yeah, I'm not looking for an  
9 answer here, I'm really looking at the Commission as  
10 saying that, if we're going to approve this contract, or  
11 this proposal, who is going to be looking at the rates,  
12 okay? Maybe bring that up tomorrow when we have the -

13 CHAIRMAN ONTAI: Yeah, we can do that. But I'm  
14 assuming that, when Dan had shaped this contract with  
15 you, he had raised that question as to how \$120 an hour  
16 was arrived at, and I'm assuming he has some benchmark  
17 notion as to where that standard is, so again I'm going  
18 to assume - he's not here, I don't know what happened to  
19 him -

20 COMMISSIONER YAO: Yeah, the Finance Committee  
21 will be happy to take it over, but I would perhaps  
22 request you get the two teams, the Northern California  
23 team and the Southern California team, and give me what  
24 they're being paid, and the overhead added to it, and  
25 then it will give us an assessment as to whether it's

1 reasonable or not. Okay?

2 CHAIRMAN ONTAI: Yeah.

3 MS. CHORNEAU: We can do that.

4 CHAIRMAN ONTAI: Do you want to continue on your  
5 deliverables?

6 MS. RUBIN: Go ahead.

7 MS. CHORNEAU: Right, so number II, which is on  
8 page 3 of the Communication and Outreach, these three  
9 tasks are - so the task for one is to create network  
10 database, create initial contract. So the first task,  
11 sorry, is the - I had to get my head back in it - is like  
12 the overarching, we need to create a database to fill in,  
13 we'd need to create talking points, or initial e-mails  
14 that would be sent out, so when people are making calls  
15 to groups, we'd all need to be on the same message, so  
16 that's just sort of the upfront putting together the  
17 materials for us to go out and build this database. Task  
18 II would be - we are estimating about 24 hours per  
19 workshop, in parentheses, (Regions), so it's been hard  
20 because we've had a couple different proposals about ways  
21 to break the State into regions, so we're just operating  
22 off of the assumption that, say, you're having one in  
23 Sacramento, we would just sort of have to break the State  
24 into our own regions for this purpose, and do some  
25 outreach, and build the database from that. And then, so

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1 that would be an initial real push, that would be where  
2 that work would happen upfront, so that we have the  
3 listserv, the database ready, to go for any other updates  
4 throughout the process, and then we're doing a budget of  
5 six hours per region to upkeep, so when new people join  
6 in, we can input that and keep that going, so that's what  
7 the three deliverables are under.

8 CHAIRMAN ONTAI: All right. Anything else? All  
9 right, well, that's your best judgment, so, I mean,  
10 you've been doing this for years, so we have to assume  
11 you know what you're doing, and it is your best judgment.

12 MS. RUBIN: And we have spent countless hours  
13 talking it through and tearing it apart and building it  
14 back up and questioning ourselves, and looking at our  
15 assumptions so we would have a very solid number for you.

16 MS. CHORNEAU: And what is realistic with the  
17 time that we have and things like that, so -

18 MS. RUBIN: Yeah, because you have a real short  
19 timeframe. Okay, page 4, we now have the toolkit piece,  
20 so the bottom half of page 4, Task I, so, just again, the  
21 idea with your toolkit you see at the top of page 4 some  
22 bullets around the general information that needs to be  
23 included in the toolkit, we know that we want to leverage  
24 existing materials when possible, and we know we need to  
25 make the toolkit accessible. One of the things, ideally

1 we'd love to get your feedback on today, so we could do  
2 some - work a little further on corresponding budget  
3 numbers as we've been talking about in nine to 12  
4 languages, having the materials translated into, or you  
5 could do less, it's up to you, but we don't have any  
6 number to go with as far as how many languages you want  
7 your materials translated into.

8 COMMISSIONER AGUIRRE: Didn't the Budget  
9 Committee have something to say about that today?

10 COMMISSIONER BARRABA: My question -

11 COMMISSIONER YAO: I don't think we specifically  
12 addressed the translation. I know the translation  
13 remains in the budget that we're going to justify, the  
14 fact that we need an additional million and two million  
15 dollars, but as far as the discussion is concerned, I  
16 don't think we spent any time talking about it. Was I  
17 right or -

18 COMMISSIONER BARRABA: My question is, couldn't  
19 we just check with the Secretary of State as to what is  
20 required for elections?

21 CHAIRMAN ONTAI: Oh, I see.

22 COMMISSIONER BARRABA: And use that as a  
23 criteria?

24 CHAIRMAN AGUIRRE: Yeah, I thought the line item  
25 specified funding for two translators at each session.

1 MS. RUBIN: But we're talking about two  
2 different things, one is translating documents and the  
3 different is having interpretation at a meeting. So  
4 those are two different columns. So, if I speak Korean,  
5 and I'm coming to your public input hearing, are you  
6 going to have materials in Korean for me? Now, whether  
7 or not you have a translator real time is like a  
8 different question.

9 CHAIRMAN ONTAI: Commissioner Raya.

10 COMMISSIONER RAYA: Did you determine the nine  
11 to 12 based on experience you had with the Census or some  
12 other project?

13 MS. RUBIN: I went through all the populations  
14 that the Census breaks out from before and did the top  
15 12, and then I asked around, like, "What do you need to  
16 do?" And the thing that makes it, I think, a little  
17 tricky is it depends on the area you're in. There's a  
18 certain part of the, say, Central Valley where you might  
19 have one language that realistically no one else - you  
20 would hardly have anybody probably come get it, but  
21 because you have a density of a given community, like  
22 for, say, in the Sacramento region, people have told me,  
23 you absolutely have to have Russian, you cannot do a  
24 public hearing in Sacramento without Russian, that's been  
25 advice that I've gotten from people I've talked to, but

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1 it's really going to be up to the Commission. You know,  
2 in other places, how much will the Russian documents be  
3 used? I can't say right now, but at some point you have  
4 to decide how many languages you want things translated  
5 into because we have to make plans because we would need  
6 to, a week and a half from now, start getting things  
7 translated.

8 CHAIRMAN ONTAI: You raise a good point. Certain  
9 areas, for example, are predominantly Hmong.

10 MS. RUBIN: Exactly.

11 CHAIRMAN ONTAI: They're found nowhere else in  
12 the state, so if you're going to really communicate to  
13 them in some written form, you have to have that  
14 language.

15 COMMISSIONER PARVENU: Another good local  
16 example is Vietnamese in Orange County, Westminster. And  
17 we could go on with these countless regional examples,  
18 but -

19 COMMISSIONER DI GIULIO: Could I ask for a point  
20 of clarification in terms of the expense, it seems like  
21 when we're talking about translation of materials, there  
22 are two elements, one is the actual first round  
23 translation, which we could then - and then there's also  
24 the actual dissemination, printing cost of things. Could  
25 you give us an idea of what the cost is to do the initial

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1 translation? I'm thinking in terms of having material  
2 on the Web, if we don't actually have to physically print  
3 it and incur that cost, but what is the difference  
4 between the actual initial translation, as well as the  
5 costs that are associated with the further like hard  
6 copies if we had to give those out?

7 MS. RUBIN: Right. Okay, so I have guesstimate  
8 numbers for you because you don't have a toolkit yet,  
9 therefore I can't know exactly the number of pages you'd  
10 have translated, but what you're looking at for language  
11 is - Spanish is much less expensive to have translated  
12 than other languages like, say, Vietnamese or Korean, so  
13 what I did for the purposes of looking at the average  
14 between both is I did an estimate of 27 cents a word, and  
15 so, then, if we assume - basically, what you're looking  
16 at, I think, per language is something between \$1,000 and  
17 maybe \$1,700, depending on how dense with text your  
18 handouts are. To do a whole set -

19 MS. DI GIULIO: And that's just for the  
20 translation?

21 MS. RUBIN: That's just to translate, no  
22 printing, assuming you're translating your toolkit. With  
23 all the elements that you see at the top half of page 4.  
24 So, now, as far as printing, estimates that we have on  
25 printing, you can do things for as cheap as three cents a

1 page. I'm sure we have in our other direct costs the  
2 printing on here - we don't have the printing in here?

3 MS. CHORNEAU: Not on there.

4 MS. RUBIN: Well, you can do a sort of a simple  
5 math of, if you assume, say, 10 pages double-sided,  
6 that's 20 pages X .3 and then you want to multiply that.  
7 I think the thing that I'm worried about, because it's  
8 the bigger cost, is the transactional time for the Center  
9 for Collaborative Policy, working with the translator to  
10 make sure they have what they need, how are the documents  
11 coming, are they on time, are there any glitches, and the  
12 thing I think you're honestly facing, because of your  
13 tight timeline, I think it's very likely you will have a  
14 draft 1 of your materials because it's happening so fast,  
15 and then you're going to need to probably revise your  
16 materials, things might change. So, the transactional  
17 cost in here is higher than you saw at Claremont because  
18 I think you're going to have to revise your documents,  
19 and then you have to do the whole process again.

20 CHAIRMAN ONTAI: So, what are you looking at?  
21 I'm looking at \$2,400 and you're saying how much more  
22 than that?

23 MS. RUBIN: But you have to understand that what  
24 you're looking at is the CCP time. So, what we've talked  
25 with Mr. Claypool about is the Commission needs to

1 contract directly with a translation service because my  
2 estimate is you could easily be looking at \$100,000 in  
3 translation and interpretation. Once you start to do the  
4 math times 30 and two translators, and 750 and all these  
5 materials, it adds up very quickly. So, it's not  
6 something that we could even possibly do a subcontract in  
7 our contract with.

8 CHAIRMAN ONTAI: That's a large ticket item.

9 MS. RUBIN: It is.

10 CHAIRMAN ONTAI: But language is such an  
11 intimate connection to culture, it is a direct connection  
12 to culture, and if one group sees it in their language,  
13 they feel immediately attached to it. And that's an  
14 important piece, but it's an expensive one, so a tough  
15 call to make.

16 COMMISSIONER BARRABA: Commissioner Ontai, maybe  
17 one of the things we could do is reach out to the various  
18 communities that have been asking us about getting  
19 involved, and if they represent a culture that has a  
20 different language, we could ask them to do the  
21 translation.

22 MS. RUBIN: That could be a great idea, things  
23 to think about with that idea are the transactional cost  
24 for your consultant in working with them, their  
25 turnaround time, how much you can count on them, and then

1 depending on what kind of group they are, some other  
2 people might perceive or not feel confident about the  
3 translation job that they did, it can happen. And then,  
4 if people are upset about the translation, or what they  
5 perceive as a mistranslation, you have a transactional  
6 cost in dealing with those communities. I'm just being  
7 honest. You know?

8           COMMISSIONER BARRABA: Having created the first  
9 Spanish language Census questionnaire, I understand the  
10 problem. But at some point, we have to face reality,  
11 too, and this could go on forever, and that's why I think  
12 we ought to find out what does the current law say about  
13 voting, that would be a good indication of what's  
14 absolutely required. And then, even if you got a regular  
15 translator - and I can tell you this, somebody is going  
16 to argue with you about what that translator did. So, if  
17 we went to a community of interest with that particular  
18 culture, at the very minimum, we could say, "Look it, we  
19 went to a group of people who represent this point of  
20 view, and if they did a bad job from your perspective,  
21 you've got to go talk to them."

22           COMMISSIONER YAO: I can tell you, that three-  
23 day meeting in Claremont, we tried to solve just two  
24 translations, a sign language translation and a Spanish  
25 language translation, and we couldn't make it work

1 because there are people out there that are capable of  
2 doing the work, but they're not going to be on a stand-by  
3 basis just in case you need them, okay, and then, unless  
4 you pay them a retainer of some kind, so that they'll be  
5 there. And then there's this issue of qualification.  
6 Who is going to be the judge as to whether they are  
7 qualified or not qualified. They tell you they can do  
8 the translation, but what does that mean? And so, and  
9 the liability associated with it, we couldn't solve those  
10 two simple problems. It's not that we can't identify a  
11 sign language translator, or a Spanish language  
12 translator, but there are some issues there that, unless  
13 you have somebody working on it full time, we couldn't  
14 resolve it.

15 CHAIRMAN ONTAI: Commissioner Parvenu.

16 COMMISSIONER PARVENU: I'd like to go back to  
17 Commissioner Barraba's suggestion that we, at least,  
18 invite local or regional speakers of whatever language to  
19 do their best effort to interpret or translate what's  
20 being said at these hearings - workshops or hearings. As  
21 long as we have a transcription - we're paying a lot of  
22 money to have these hearings - our meetings recorded and  
23 documented, we can always go back to that as a record to  
24 clarify if we need to, if any discrepancies occur with  
25 the translation process. So -

1           CHAIRMAN ONTAI:  And could we add onto that,  
2 maybe the language departments at some of the local  
3 universities and colleges to volunteer their time?

4           MS. RUBIN:  I think all of those are great  
5 ideas.  I have one specific thing, which is right now  
6 your first hearing is in Sacramento March 12<sup>th</sup>, we haven't  
7 started your toolkit in any way, nothing has been  
8 created, it has to be created, your Legal Counsel and  
9 your Communications Director need to review it all, and  
10 then it needs hypothetically to get translated, and so a  
11 specific question I have is, for Sacramento, the  
12 recommendation I received is to do three languages if  
13 you're trying to keep it simple for the moment, which is  
14 Spanish, Vietnamese and Russian for Sacramento Region,  
15 and that's the recommendation I've gotten.  So, I think  
16 something for you - I don't know if it is realistic to  
17 find, with all the work we have to do in the next two  
18 weeks for that hearing, to find volunteers, to tell them  
19 they'll have a two-day turnaround time from when they get  
20 it, and then will they have it back so we can get it to  
21 the printer on time?  I just don't want to set us up for  
22 failure, and we could also just not translate anything  
23 for the first workshop.  But we just need direction from  
24 you on what you want to do.

25           COMMISSIONER AGUIRRE:  I think the four main

1 language groups in California are Mandarin, Spanish,  
2 English, and Tagalog, those are the four. And so, I'm  
3 not sure whether those are the ones that, legally, the  
4 Secretary of State provides translated materials for, in  
5 terms of elections and voting. The other point that I  
6 have is, in the Budget meeting this morning, under  
7 contracts, there is a line item for translation  
8 contingency, all meetings, and we talked this morning  
9 about having two translators per meeting, per day, two  
10 per day. And there's about \$58,000 there.

11 MR. CLAYPOOL: Actually, if I could, we talked  
12 about the number was generated by two per meeting so that  
13 I could have a number, that I think there will be some  
14 places, clearly, where we may have meetings where there  
15 is no necessity for a translator, in which case, if we  
16 went to another venue where there was a necessity for  
17 four translators, but - so that's how I came up with the  
18 number.

19 COMMISSIONER AGUIRRE: The question that we've  
20 been talking about is how do we know what the need is  
21 going to be at a particular location so we can contract  
22 with translators that are qualified to be there. And  
23 unless we put somebody on a retainer, then it's going to  
24 be tough to coordinate that, to deliver -

25 COMMISSIONER DI GIULIO: Could I get

1 clarification, maybe? Are we talking about translators -  
2 I thought we were talking about there is the issue of  
3 translators at the meetings, then my understanding is,  
4 what CCP needs direction for is the translations for the  
5 materials -

6 CHAIRMAN ONTAI: Printed material.

7 COMMISSIONER DI GIULIO: I'm sorry, printed  
8 materials.

9 MS. CHORNEAU: Definitely, both issues are on  
10 the table, but right now, it's the printed material.

11 CHAIRMAN ONTAI: The printed material.

12 MS. CHORNEAU: And then live - the way we  
13 distinguish it is translation of written materials and  
14 then its interpretation in like live - just semantics,  
15 but -

16 CHAIRMAN ONTAI: So, you do not have that piece  
17 in your current proposal?

18 MS. RUBIN: That is correct.

19 CHAIRMAN ONTAI: So, it's up to the Commission  
20 to make that call, either to provide that -

21 MS. RUBIN: Exactly. And then we have - he has  
22 the line item. So, the thing I just want you to think  
23 about for a second, if you're in our shoes, we want  
24 Sacramento's first workshop to be a big hit, huge  
25 turnout. We're working with Mr. Wilcox, we're reaching

1 out to everyone in the Russian community, for example,  
2 we're looking for every small Russian paper, Russian  
3 radio, Russian listserv, etc., etc., I really encourage  
4 all these people to come; now, what Mr. Claypool just  
5 said is we could hypothetically have a spoken interpreter  
6 there so that, when somebody is speaking in English, they  
7 are interpreting into Russian for them, but unless you  
8 decide to have the materials, I won't have any handouts  
9 for them in their language, and we've really pumped them  
10 up to come, and then they're going to go home without any  
11 materials to have as reference, at least for this first  
12 workshop in Sacramento.

13 COMMISSIONER BARRABA: I guess one of the -

14 CHAIRMAN ONTAI: Commissioner Parvenu, then  
15 Commissioner Barraba.

16 COMMISSIONER PARVENU: May I offer a quick fix  
17 suggestion? Okay, a no-cost suggestion. In terms of the  
18 printed material, not the language for the spoken word  
19 aspect or component, there is a program produced by Alta  
20 Vista called *Babel Fish* and you can take the English  
21 text, push a button, and it gives you a variety of  
22 different languages up to maybe, gee, 20-30 different  
23 languages. Now, someone may have to go over it and  
24 scrutinize it and make sure that the interpretation is  
25 what you want it to be because all languages have these

1 nuances, so some local person that speaks that language  
2 may want to volunteer, so we may need a volunteer, but  
3 it's a quick fix solution for the printed upfront  
4 material that we might want to put out in terms of PSAs,  
5 announcements, that type of thing. That is no cost,  
6 really. There are remarkable software programs and  
7 websites out today, let's utilize them.

8 CHAIRMAN ONTAI: Are you familiar with that?

9 MS. RUBIN: No.

10 MS. CHORNEAU: I am.

11 COMMISSIONER PARVENU: I translate my - I  
12 contact people all over the world, so I translate my  
13 material in different languages all the time and I use it  
14 extensively.

15 MS. CHORNEAU: Yeah, it helped me with some  
16 homework assignments.

17 CHAIRMAN ONTAI: So, does he have a point?

18 MS. CHORNEAU: He does. I would think it should  
19 still be reviewed by someone else, just to make sure,  
20 which would still have some transactional costs, of  
21 course, associated with that. I'm not sure if a review  
22 is cheaper than an initial translation, probably --

23 COMMISSIONER PARVENU: Perhaps a language  
24 instructor at Sacramento State could volunteer his or her  
25 time?

1           CHAIRMAN ONTAI: We'll look into that.

2 Commissioner Barraba.

3           COMMISSIONER BARRABA: You know, the other issue  
4 you have is, just because there's a large conurbation of  
5 a particular ethnic group, we really need to know if they  
6 speak only their language. I mean, it may be that the  
7 people here from the Russian background also speak  
8 English. And I think on the American Community Survey, I  
9 think you could probably get an indication of whether  
10 more than one language is spoken in that ethnic group  
11 because, I mean, if we're talking like two, or three, or  
12 five percent of that group that only speaks Russian,  
13 that's a big expense for us to reach out to five percent  
14 of a population group, which is probably not likely. And  
15 I know the other thing I ran into is, if in many groups,  
16 if they couldn't speak - if they couldn't read English,  
17 there was also a pretty good chance they couldn't read  
18 their own language, and so I'm sensitive to the need to  
19 reach out, but I don't think we ought to do it at any  
20 expense.

21           CHAIRMAN ONTAI: How do you respond to that?

22           MS. RUBIN: I'm scared because we have a limited  
23 - you know, you have a lot to do, and then we have a  
24 limited number of hours, so I love the idea of - we  
25 always want to leverage - any way to do low cost, or in-

1 kind, but for me, it's so unknown how much time I would  
2 need to spend finding somebody, working with them,  
3 following up with them, and I just can't help but wonder  
4 at what point do those transactional costs possibly add  
5 up to the same cost it would have been to have someone  
6 just translate it once, and us to have the confidence  
7 that it was done by a certified person, and if someone  
8 questions who did it, then we could refer back that it  
9 was a certified person. But I totally understand where  
10 you're coming from, we are very sensitive to the budget  
11 constraints. It is very expensive, there is no question.  
12 I also think - I'm thinking, kind of, of two minds, one  
13 is what's happening March 12<sup>th</sup>, and then, say, what's  
14 happening in April. Say, for April, you know you're  
15 going to be in an area where there's a large Hmong  
16 community, we have plenty of time if it's in April to  
17 look for someone to volunteer to help for that. I think  
18 what I'm the most nervous about is you really want your  
19 first couple events to be really well received, and I  
20 think it would be really nice if there are folks there  
21 who aren't - you know, that English isn't their first  
22 language, and that they are really a part of the process.  
23 I think everyone would probably feel good about that.

24 CHAIRMAN ONTAI: Okay, well, let's try to get  
25 our hands wrapped around this. So, Mr. Claypool, how

1 would be go about getting a cost to hiring somebody that  
2 could help in this language translation? Do you have any  
3 feel for it?

4 MR. CLAYPOOL: Well, the first thing I would do  
5 is lean on our CCP experts to find out who is doing the  
6 work for them.

7 MS. RUBIN: Right, so I have a estimate cost of  
8 \$1,500 per language to get your whole set of your toolkit  
9 translated. You know, another thing we could possibly do  
10 is not translate everything, maybe translate, say, your  
11 three most key pieces of information, and then that could  
12 cut down on the cost significantly.

13 COMMISSIONER DI GUILIO: Could you also - going  
14 back to Commissioner Barraba's point, you've mentioned  
15 all this outreach that you've done, like let's say the  
16 Russian community, and we're anticipating maybe a high  
17 turnout, could you go back to those same contacts and  
18 say, "Tell us, what do you think the need is for us to  
19 have translated material? Would it be enough if we maybe  
20 just had a translator there? Are we going to  
21 disenfranchise people if they show up and there's not?"  
22 I mean, I think it's up to those same community leaders  
23 to tell us what we need because I think that, as  
24 Commissioner Barraba mentioned, there may not be a need,  
25 really. It would be nice and it would be a

1 consideration, and I think people can be connected, but  
2 if it's not something we need, we really have to be  
3 conscientious about our allocation.

4 CHAIRMAN ONTAI: Can you do a little field work  
5 and find out?

6 MS. RUBIN: Yeah, I think that's definitely the  
7 way to go when, you know, these meetings are over and  
8 you're talking about budget things with Mr. Claypool, I  
9 think what makes me nervous is you have March 12<sup>th</sup> is so  
10 soon, and you only meet every two weeks, so unless you  
11 have maybe some kind of contingency, if say you talk to  
12 six community leaders, and they're like, "Yes, you  
13 definitely really need those," then if we don't have the  
14 go ahead to do that, then our hands are tied. Do you  
15 follow me? And if they say it's not necessary, then no  
16 problem, we don't go forward with it.

17 CHAIRMAN ONTAI: Well, let's try that model for  
18 at least this first event. You guys go out and do a  
19 little field work and then report back to Dan, and tell  
20 him, "Well, we only actually need one." Or, "They all do  
21 bilingual, they speak English and Russian." But we won't  
22 know that until you do a little investigation. And then  
23 we'll know what to do after that.

24 COMMISSIONER DI GUILIO: Is Friday the day you  
25 are reporting out? Is that the day?

1 MS. CHORNEAU: We don't know. We thought it was  
2 Friday.

3 COMMISSIONER DI GIULIO: I don't know if maybe  
4 phone calls could be made by Friday. Do you have some  
5 idea for the full Commission?

6 COMMISSIONER BARRABA: This is one we could  
7 leave up to the Executive Director to speak on our  
8 behalf.

9 CHAIRMAN ONTAI: I would agree with that.

10 MR. CLAYPOOL: That's good.

11 CHAIRMAN ONTAI: I totally agree with that.

12 MR. CLAYPOOL: And I was over at the Legal  
13 Committee because there was something that needed to be  
14 answered there, but I have a question. So, we have  
15 already discussed, clearly, and I heard Sarah talking  
16 about talking to community leaders about what they might  
17 need, but did we discuss like the four or five day ahead  
18 of time "if you know you're going to need these services,  
19 call..." option, which is what the Bureau of State Audits  
20 did for all of the meetings that we had, and it was  
21 basically, "We are going to have this meeting, but it's  
22 incumbent upon you to help us make sure that we can put  
23 these resources in place for you, and so you should call  
24 us." I can tell you, I don't believe anyone ever called.  
25 But I do believe, in this particular case, there will be

1 areas where people will make that phone call, but I'm  
2 hesitant to put into place a system where we  
3 automatically assume at this great expense that there  
4 will be somebody there, and then to get there and find  
5 out that our translator is not translating.

6 COMMISSIONER RAYA: But we're also talking about  
7 printed materials, and that can't be done in five days if  
8 you - so we're still left with a question of deciding  
9 what to do about printed materials well in advance, well,  
10 more than five days in advance, I guess.

11 MS. RUBIN: Yeah.

12 CHAIRMAN ONTAI: So how much time do you need in  
13 advance if it's printed material that you need? Say, in  
14 your server, you made some calls, "Yeah, we do need some  
15 translation in printed form," how much time do we need?

16 MS. RUBIN: I've been told, ideally, if you  
17 don't want to pay a rush fee, you would like to give five  
18 to seven days to give the documents to be translated.

19 CHAIRMAN ONTAI: One week.

20 COMMISSIONER BARRABA: Right, and printed?

21 MS. RUBIN: No, that doesn't count printing.  
22 Then you need to add in, say, a day or two to print, but  
23 just to get it back from the company that does it.

24 CHAIRMAN ONTAI: Two weeks? Would that do it?

25 COMMISSIONER AGUIRRE: Could I suggest that

1 perhaps, because Spanish is such a large language group  
2 in California that we move forward with Spanish for sure  
3 and maybe look at the Russian question, you know, by  
4 calling your partners to inquire about that?

5 MS. CHORNEAU: Yes, I agree.

6 COMMISSIONER RAYA: You had a third language -

7 MS. RUBIN: Vietnamese was the other suggestion.

8 COMMISSIONER AGUIRRE: Okay.

9 MS. RUBIN: We could see if some people at the  
10 office tomorrow could make some calls and do some -

11 CHAIRMAN ONTAI: Please, please. Commissioner  
12 Yao.

13 MR. CLAYPOOL: May -

14 COMMISSIONER YAO: Go ahead.

15 MR. CLAYPOOL: I apologize. May I suggest also  
16 that we check with the Secretary of State who is required  
17 to translate in those languages, and we'll then have  
18 sources for making those translations.

19 CHAIRMAN ONTAI: Excellent.

20 MR. CLAYPOOL: So, we can check with Dora.

21 CHAIRMAN ONTAI: Excellent. Commissioner Yao.

22 COMMISSIONER YAO: Commissioner Ontai, you said  
23 through the Budgeting meeting at noon time, you know,  
24 that we're going to try to get the extra million dollars  
25 and then get an extra couple million dollars, and that

1 decision isn't going to be made for probably a long time.  
2 If we were to live under the \$3.5 million budget, this  
3 translation issue probably won't fit into that \$3.5  
4 million budget. And if we wait until we hear about the  
5 extra \$2.5 million, I think most of our activity would  
6 have been over. So, under those circumstances, I think  
7 even under the best scenario, we're not going to be able  
8 to have an opportunity to keep this item in the current  
9 budget. So, I don't know whether we want to continue  
10 investigating it under that scenario as compared to  
11 facing the reality, saying that it's something that  
12 unfortunately we don't have the resources to deal with at  
13 this point in time, and then go on.

14 CHAIRMAN ONTAI: Yeah, I totally agree, I think  
15 we have to look at the overall fiscal responsibility that  
16 we commit ourselves towards these responsibilities, but  
17 March 12<sup>th</sup> is not going to break us. Does that make  
18 sense? We're only doing this for March 12<sup>th</sup>, but we're  
19 going to learn a lot from it.

20 COMMISSIONER RAYA: So, I want to make sure I  
21 understand, we're definitely doing Spanish for March 12<sup>th</sup>,  
22 maybe Vietnamese, maybe Russian, and we're still only  
23 talking written materials, but we would agree to the  
24 five-day notice for people to let us know if they  
25 actually need interpreters at the session?

1           COMMISSIONER AGUIRRE: My understanding on the  
2 five days was that, if we set up that expectation, you  
3 know, we may not be able to deliver. So, given that, we  
4 would not go that route. Is that --

5           COMMISSIONER YAO: I think you need to take it  
6 into consideration that what happens in the Input  
7 Meetings, once you have all these trans - workshop  
8 materials in all these languages, are you committed to  
9 saying that "I'm going to provide," somebody can receive  
10 those inputs if they learn what they were taught, and  
11 come back and want to give you testimony? Are you going  
12 to be able to say, "I'm sorry, I don't have the ability  
13 to receive your input," and walk away with it at that  
14 point in time? In other words, the budget, I think, is  
15 driving a lot of things that we could possibly do, and I  
16 don't see any scenario because of the timeline, not so  
17 much with the absolute dollars, that we can really take  
18 the first step without taking into consideration the  
19 subsequent actions that we're required to take.

20           CHAIRMAN ONTAI: Commissioner Raya.

21           COMMISSIONER RAYA: Thank you. This is the  
22 argument I keep having in my own head, sort of a dilemma  
23 about this issue, and I think especially those of us who  
24 are from communities where another language is very  
25 important, but I'm looking at a lot of the people who are

1 from another language community and a lot of them are  
2 represented by someone, an organization, or someone.  
3 That's why I keep saying, are we really reaching out to  
4 individuals where this kind of service is going to be  
5 essential? Or, are we going to be hearing from someone  
6 speaking English, you know, representing that community  
7 of interest? That's the dilemma I have because, yes, of  
8 course, in a perfect world, we would have interpreters  
9 for everyone, but the money is pretty scary, the cost is  
10 scary.

11           CHAIRMAN ONTAI: Again, we are only looking at  
12 March 12<sup>th</sup>. This is a trial balloon, I don't think we  
13 should say, "Okay, if we do it on March 12<sup>th</sup>, we've got to  
14 do it for every event we have." March 12<sup>th</sup>, I see as a  
15 trial period for us to test these models out. We're not  
16 committed beyond that. I think we would be wholly  
17 condemned if we don't try it.

18           COMMISSIONER DI GIULIO: But you do have to  
19 realize, too, that - going back to Sarah's point that the  
20 next meeting is just a week later, and if anything we  
21 learn something in that meeting to say, "Well, we need to  
22 have...," that's a short time frame for them to change  
23 things. So, I think you're right in terms of there's  
24 only so much we can do for March 12<sup>th</sup>, but we have to keep  
25 it in the back of our mind, you know, not to set

1 ourselves up for something grand that we can't accomplish  
2 in a week, or to be realistic that it might not be  
3 anything more than what we do.

4 CHAIRMAN ONTAI: Sure, absolutely.

5 COMMISSIONER RAYA: And I don't think we can  
6 assume, either, that what happens in Sacramento is a  
7 template for what's going to happen somewhere else.

8 CHAIRMAN ONTAI: Absolutely.

9 COMMISSIONER RAYA: So, I think we still haven't  
10 answered our question, even waiting for doing the best we  
11 can March 12<sup>th</sup> still leaves a lot of unanswered questions  
12 for subsequent meetings.

13 MR. CLAYPOOL: May I ask you a question? Are  
14 the things we're translating - and we're still back to  
15 the print - this isn't specific to Sacramento, is it? So  
16 it's something that will play across the state, no matter  
17 where we take it?

18 MS. RUBIN: Exactly.

19 MR. CLAYPOOL: Maybe the solution, we know at  
20 some point we're going to have to have Spanish  
21 translation, I mean, I don't think anybody here believes  
22 differently. Maybe the solution on the 12<sup>th</sup> is to have  
23 the Spanish translation, but wait and see whether anybody  
24 else comes and says, "Where's this other translation?"  
25 If that occurs, we can think about the volume of that, we

1 can think about whether we need to reconsider this  
2 conversation. You know, I know that Sacramento is not  
3 the prototype of all of California, but I think you'll  
4 get a sense of how many people arrive and how many of  
5 them need these services. I really think that, even for  
6 the translation services, we should be in a situation  
7 where, unless we know we're going into an area where  
8 someone tells us ahead of time, "You're going to need  
9 this translation," that we should wait to see what we  
10 need, rather than try to have something available that  
11 may not be needed. Just a thought.

12 MS. RUBIN: I was just going to say,  
13 Commissioner Ontai, I think it was your idea earlier, I  
14 think it is a good idea if you're still interested for  
15 tomorrow, I have a person in mind in our office who can  
16 make a few phone calls, do some investigation with these  
17 two specific languages that have been recommended to have  
18 in Sacramento, and we can find out. Then, the other  
19 thing we can do is we could look at our list and you  
20 might even just want to have one sheet that just has the  
21 very basics, what is redistricting, who is the Citizens  
22 Redistricting Commission, what are some of the target  
23 dates that you have to abide by. You could have  
24 something very simple that, therefore, your average of 27  
25 or 28 cents a word doesn't cost that much to have

1 translated. There are a lot of different options, this  
2 is the first time we've ever talked about any of it, so I  
3 think it is a lot to figure out, and the money is a  
4 really important factor.

5 CHAIRMAN ONTAI: Yeah, and I think we're  
6 prematurely having a discussion and a cut-off language  
7 necessity everywhere, and I hope that's not what we're  
8 thinking. For example, if we were to publish this  
9 schedule only in English, and not in other languages, I  
10 think that would be a great disservice.

11 MS. CHORNEAU: And remember, part of the model  
12 that we're doing for the workshop is a community  
13 organizer may come, who is bilingual, but it might be  
14 nice to have those written materials in Spanish so they  
15 can go out to their community on their own and collect  
16 information and hand that out, so it's getting one past  
17 the person that might actually come to the meeting, which  
18 would really go with the translation material.

19 COMMISSIONER DI GIULIO: I suggest something  
20 based on what Commissioner Parvenu had said, is it  
21 possible at some point that we could have these materials  
22 electronically posted and an individual or a group could  
23 take them and try - I'm sorry, the computer program you  
24 mentioned, and they could to some degree just translate  
25 it themselves and bring it into their community, and they

1 may have the ability within their own community to do  
2 that, and that would be at no cost for us.

3 COMMISSIONER PARVENU: And may I add, too, we  
4 could even do a trial, for example, the sheet that you  
5 mentioned, the information fact sheet, I'll call that for  
6 lack of a better word, a demo, and just place it in that  
7 software program and I will, for the record, repeat it -  
8 Alta Visa - it's a website, actually - A-l-t-a V-i-s-t-a,  
9 and the specific title is called "Babel Fish," B-a-b-el  
10 F-i-s-h. Any one of us can do this online, do a trial  
11 fact sheet and have Spanish speaking Commissioners, for  
12 example, take a look at it, Commissioner Aguirre here,  
13 Commissioner Raya, and say, "Oh, this is right on target.  
14 This is exactly what we mean to say." And it's a matter  
15 of simply pushing a button, and it's free, and easy, and  
16 fun. So let's consider that no cost option and  
17 experiment with it, we can do that this evening at home  
18 on our own computers if we have a link to the Internet,  
19 wireless, and that will save us a lot of trouble and  
20 time. Just a suggestion.

21 COMMISSIONER AGUIRRE: Do you have enough  
22 direction, then, to go?

23 MS. RUBIN: Yeah, I feel like on Friday we can  
24 come back with some kind of new proposal.

25 CHAIRMAN ONTAI: All right, make that call.

1 MS. RUBIN: Okay, great.

2 CHAIRMAN ONTAI: Okay, anything else in your -

3 MS. RUBIN: Well, back to page 5, with the  
4 Educational Workshops, I'm just hitting this really  
5 quickly because we already went through the model, but on  
6 the bottom of page 5 and all of page 6, you see budget  
7 numbers, so the first piece has to do with prepping up  
8 the workshop model, and then you have your per workshop  
9 cost, which you see at the bottom of page 6. You know,  
10 if you want, we can get into the assumptions, but those  
11 are your main numbers, and then on page 8, Charlotte  
12 already talked a little bit about the conference call and  
13 webinars.

14 MS. CHORNEAU: And then the graph here, you see,  
15 because it would be on the phone and not in person, it  
16 would be shorter and you couldn't do that same  
17 interaction, so you'd have to cut some of the things out,  
18 so this is our attempt to adapt the model to a conference  
19 call format, so it would be two hours total. And then,  
20 on the next page, we have the deliverables and budget.  
21 The next thing, which is beginning on page 9, which we  
22 spoke about on Friday with our two Commissioners is the  
23 idea of an educational video and I think, in previous  
24 presentations, we had talked about videotaping one  
25 workshop and making that available in some format, and we

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1 sort of refined that idea. So, we would videotape - not  
2 "we," but we would have somebody tape a workshop one  
3 time, and then we'd work with them to edit it down into  
4 what we're calling "four modules," which would be like  
5 10-minute standalone sections, so I had just, for  
6 example, the Commission's Process, so you could have a  
7 seven to 10-minute thing that you'd take from the  
8 workshop, the actual - you wouldn't have to have it  
9 recreated, but it would just be a standalone so that if  
10 someone, all they were interested in, was mapping tools  
11 or demos, you could take the 10-minute module just from  
12 the workshop that talked about that. And so, this is all  
13 that detail there and then our estimates for CCP's  
14 deliverables are actual hours and putting that together,  
15 and then Sarah worked to actually get an estimate from an  
16 outside vendor on what it would take to edit tape, the  
17 raw content, and put that altogether.

18 CHAIRMAN ONTAI: And so that would be a  
19 professional video piece -

20 MS. RUBIN: Exactly.

21 CHAIRMAN ONTAI: -- to share that with all our  
22 partners, as well.

23 MS. RUBIN: Exactly. The idea is you could have  
24 it online, you could have it on DVDs, it would accompany  
25 the toolkit, so if I go to an Educational Workshop and

1 then I want to come back and do a house event with my  
2 PTA, I can show the video, I'll have the toolkit  
3 materials. So, you see down here at the bottom of page  
4 9? It's the same figure we had as an estimate last time,  
5 which is to create that video, the four 10-minute  
6 modules, which include the filming, creating a script so  
7 you have a plan of, you know, you get what you need, the  
8 motion graphics, and all the post-production, that's  
9 \$8,000. And then, if you go to page 10, we talked last  
10 Friday about the idea of a one to two-minute trailer,  
11 it's something you could have on your website, or put on  
12 Facebook, or things like that, that gives people a quick  
13 one to two-minute introduction to who the Commission is  
14 and what you do, what you're going to do, that's listed  
15 there for \$2,500, and then Task III, we have this  
16 separated out because it's another expensive - well, some  
17 people might perceive it as inexpensive, some might  
18 perceive it as expensive, I shouldn't say that - but to  
19 translate your four modules into a different language, so  
20 if you are translating it into Tagalog, for example, what  
21 we're talking about is the script gets translated to  
22 Tagalog, then the Tagalog speaker is in the recording  
23 booth, records it all, it gets dumped in over the person  
24 speaking the English, and then, when say you're talking  
25 about a given handout from the toolkit, if in the

1 original video it shows the English piece of paper, it  
2 would instead show - assuming you're translating - it  
3 would show the Tagalog translated piece of paper, so that  
4 if somebody is looking at home, they can marry the  
5 written documents with what is being talked about. And  
6 so, for that, you're looking at \$2,200 per language.

7 COMMISSIONER BARRABA: Commissioner Ontai?

8 CHAIRMAN ONTAI: Yes, Commissioner Barraba.

9 COMMISSIONER BARRABA: This last idea is a  
10 really good one in the sense that it addresses the issue  
11 that Commissioner Yao just mentioned, which is that, if  
12 we run out of money, this is one way to really get the  
13 message out - inexpensively. And so, I would think that  
14 an investment in this is - because if we can't go to all  
15 these meetings, we could say, "Hey, we don't have the  
16 money, but if you want a CD, here it is." So, I think  
17 this is a really good investment.

18 CHAIRMAN ONTAI: Send it to every public  
19 library, to all of our partners, to every foundation, to  
20 everybody who is interested in what we're doing, but we  
21 can't get there.

22 COMMISSIONER AGUIRRE: And downloadable, too.

23 MS. CHORNEAU: Right, and it's all just to keep  
24 in mind how it all is building together, they're all  
25 being built upon this toolkit, so the materials are

1 always the same, it's the same type of format as the  
2 Educational Workshop, just broken out, so it's all  
3 complementing each other.

4 CHAIRMAN ONTAI: And at the least in the  
5 language we can say, "Aloha, Talofa, Nehoumah" [phon], we  
6 can say that to make that sensitivity.

7 COMMISSIONER DI GUILIO: I just was curious,  
8 it's my understanding a lot of this, again, we're still  
9 talking about just the Educational Workshop component.

10 MS. RUBIN: That's correct.

11 COMMISSIONER DI GUILIO: I'd be curious to see -  
12 I don't know if you've gone forward in looking at the  
13 input hearings because I'd like to think that some of  
14 this could be duplicated so we don't have to come back in  
15 another couple of weeks and say, "Oh, here's what we plan  
16 to do for the Input Hearings," especially if we're doing,  
17 as Commissioner Barraba said, something like these  
18 videos, not only to have the educational aspect, but to  
19 make sure the Input side is included, as well. It would  
20 be great to see that you could merge the Educational and  
21 Input materials as much as possible. I know this was  
22 specifically about the educational, but I think that  
23 would be helpful to, again, leverage the interactions  
24 with the type of outreach we're doing.

25 MS. RUBIN: Well, let me ask a question of

1 clarification because I want to make sure we're all  
2 talking about the same thing. So, the idea with the  
3 video, for example, is maybe your introductory component,  
4 with your basic information about the Commission. One  
5 thing we've been talking about is that your pre-education  
6 hearings - at your input hearings where you'll have your  
7 pre-education segment, you could have a television kind  
8 of like at a museum playing your seven to 10-minute  
9 introductory piece over and over, so that, as people come  
10 in at 8:00 or 9:30, or whatever, before your hearing,  
11 they can see what you have to say. Now, so your  
12 materials from the toolkit take you throughout the whole  
13 process as far as the content, and so the same with the  
14 video, but the piece that I think we all just want to be  
15 clear on is exactly the way your technical person is  
16 going to be rolling up and indexing your data, we don't  
17 know that yet, so we - if we're going to shoot the video  
18 possibly March 12<sup>th</sup>, because this video person is based in  
19 Sacramento, it makes it cheaper for you not to pay for  
20 any of his travel or to move all the equipment and the  
21 lights, etc. etc. So, if you're going to do it March  
22 12<sup>th</sup>, I just don't think you'd have that piece, then.

23 COMMISSIONER DI GIORGIO: I guess I was just  
24 suggesting that, as we go forward, to keep that in mind,  
25 that it might be a piece just to tag on to that.

1 MS. RUBIN: That would be great.

2 CHAIRMAN ONTAI: Anything else? Commissioner  
3 Parvenu.

4 COMMISSIONER PARVENU: This is very interesting  
5 and I see that Mr. Wilcox has just walked in, right on  
6 cue as we're talking about outreach here, so I'm glad  
7 you're here to hear this, as synthesis is so important  
8 with what we're doing because I believe Mr. Wilcox has  
9 spoken about the video component, I'm certain that the  
10 video component was spoken about this morning in the  
11 Public Information Advisory Committee, as well. We are  
12 speaking of it now, so that we don't duplicate efforts or  
13 work out of sync. Certainly, when we convene as a full  
14 Commission, it's important for each of us to know exactly  
15 what we're doing to expedite the process, of course, as  
16 we are all aware of. So, I'm very glad to see some  
17 discussion on this, but most importantly, I'm looking  
18 forward to the synthesis of this, so we can produce  
19 something and put it out there ASAP, March 12<sup>th</sup> and  
20 beyond. So, thank you for your participation, it's one-  
21 third of the leg of us working together to make this  
22 happen.

23 CHAIRMAN ONTAI: We have a lot to talk to you  
24 about.

25 MS. RUBIN: We just want to say, on the last

1 page, page 15, we have a summary of each task and the  
2 cost, and then it's added up in there.

3 MS. CHORNEAU: And I think our final thing is  
4 simply, do you have any other feedback for us, for what  
5 you would like us to share on Friday?

6 CHAIRMAN ONTAI: Okay, let me ask, Mr. Claypool,  
7 are we prepared to go forward on Friday to contract with  
8 CCP at this point?

9 MR. CLAYPOOL: Yes, I mean, if the Commission  
10 approves the plan, then I would go ahead and start moving  
11 with putting in place the contract.

12 CHAIRMAN ONTAI: All right. So, we have 15  
13 minutes, actually 10 minutes left, so I wanted to  
14 introduce Bonnie Glazer, if you can come up. Bonnie is  
15 with the State Database, Statewide Database, and you've  
16 been sitting here listening to this discussion. Any  
17 comments on how we can fit in the technical piece in this  
18 workshop?

19 COMMISSIONER AGUIRRE: Perhaps we could have  
20 Bonnie introduce herself.

21 MS. GLAZER: Bonnie Glazer at U.C. Berkeley. I  
22 actually don't work for the Database, I work with the  
23 people at the Database. I'm a Research Analyst. I'm  
24 sort of on loan from the Election Administration Research  
25 Center where I mostly study poll worker training. But, I

1 am totally involve with our Irvine funded grants for the  
2 last two years - I mean, for the last year and this  
3 coming year, that's my main activity.

4 I do think that we can work the technical piece  
5 into the workshop model and I don't know if you want  
6 specifics on that now, or if that's just a discussion  
7 that can take place another time.

8 CHAIRMAN ONTAI: Well, that's a very important  
9 statement right there, and I'm very happy to hear you say  
10 that. So, maybe at this point, we can assume that we  
11 need to get back together with you, and see how we can  
12 weave that through somehow with the Educational Workshops  
13 that we've just discussed this evening with CCP. So,  
14 that's a very good thing to hear. Any other comments  
15 from the Board?

16 COMMISSIONER AGUIRRE: Bonnie, the outline for  
17 the workshops show about an hour and a half window for  
18 your organization to present the information, the  
19 technical aspect. So, does that work for you? Secondly,  
20 how do the Centers work into this schedule, whether we're  
21 going to be collaborating on that, or not, or whether CCP  
22 and you are going to be collaborating on that piece,  
23 also?

24 MS. GLASER: I'm not quite sure I understand  
25 your question about the Centers. Are you asking if

1 they'll be open by then or -

2 COMMISSIONER AGUIRRE: Well, yeah. Are they  
3 going to be open pretty soon?

4 MS. GLASER: We're hoping for March 7<sup>th</sup> as the  
5 very last date that they'll all be open.

6 COMMISSIONER AGUIRRE: Okay.

7 MS. GLASER: So they should be open by March  
8 12<sup>th</sup>.

9 COMMISSIONER AGUIRRE: Because we're talking  
10 about - we're talking about the Educational Workshop  
11 component at this time, right? And we're reserving the  
12 input, the pre-mapping and post-mapping for later, given  
13 a selection through the RFP process. So, as far as the  
14 schedule for the Educational Workshops, then, can you fit  
15 into all of those dates?

16 MS. GLASER: Can we be there for all those  
17 dates?

18 COMMISSIONER AGUIRRE: Yes.

19 MS. GLASER: As far as I know, we can, yes.

20 COMMISSIONER AGUIRRE: And is there - I know  
21 that CCP is being tasked with developing materials that  
22 they are going to develop or help print that relate to  
23 the technical aspects of providing input, etc. etc., do  
24 you have those already available? Or are you providing  
25 information to them so that they can develop it? You

1 know, what about materials?

2 MS. GLASER: They're close to being ready.

3 COMMISSIONER AGUIRRE: Yeah? All right.

4 MS. GLASER: So it is going to be a little hard  
5 by March 12<sup>th</sup>, I have to say, but I think we could  
6 probably do it.

7 COMMISSIONER DI GIULIO: Commissioner Aguirre,  
8 could I get clarification in terms of - I guess I'm  
9 trying to get the players - I was sitting in the Finance  
10 Meeting today and, from what Mr. Claypool said, was the  
11 original \$20,000 that had been allocated for CCP to  
12 subcontract with Karin was no longer able to be done, so  
13 they were going to look for a Technical Consultant, so  
14 now are we actually using Statewide Database as a  
15 Technical Consultant for the Workshops? Because that was  
16 changed in the line item from -

17 COMMISSIONER AGUIRRE: I will ask Mr. Claypool  
18 to respond. What I would comment is that, at our last  
19 meeting, we said that we could go forward with a contract  
20 with Q2.

21 COMMISSIONER DI GIULIO: Yeah, I thought it had  
22 changed, though. That was my only question, I thought in  
23 today's discussion it was changed, so that's what I was  
24 looking for clarification on.

25 MR. CLAYPOOL: Yes, and the way it changed today

1 was that we had lined it out because it didn't appear as  
2 though there was going to be enough time to put a non-  
3 competitive bid contract into place for those services.  
4 At this point, I guess we'd have to go back and talk with  
5 Carol Umfleet and ask two questions, the first one I  
6 would direct to Bonnie, if we try to get this through,  
7 would it be acceptable to do it contingent on the  
8 performance of all of the workshops and then a payment at  
9 the end?

10 MS. GLASER: I can't answer that question.

11 MR. CLAYPOOL: Okay, but I mean, that's one way  
12 we can do it, if we have the time to get it in place, and  
13 make it contingent on the completion. The only other  
14 way, because this is going through Q2 -

15 MS. GLASER: Right.

16 MR. CLAYPOOL: Okay, so interagency is not an  
17 option unless, I don't know, unless you put it under  
18 Berkeley.

19 MS. GLASER: I don't think we can.

20 MR. CLAYPOOL: Okay, so that rules out - so  
21 after that, and we certainly don't have enough time for a  
22 competitive bid, there's one other possibility I have to  
23 take a look at, but at this point, I would say the only  
24 viable route that I can say is to have it all come due so  
25 that we can make it a long-term bid, and even that might

1 be dicey.

2 COMMISSIONER DI GIULIO: Even though, as  
3 Commissioner Aguirre mentioned, at the last meeting we  
4 had approved the contract with Q2 for the technical  
5 consulting, just for the Education Workshops, and then,  
6 as of this morning, that was when we were doing the line  
7 item, it was taken out, but now we're back into  
8 consideration of that. So you'll give us an update of  
9 that?

10 MR. CLAYPOOL: Right, and the reason it goes in  
11 and out is because the last time we did it, we had a  
12 different vehicle for funding it, and I have to see now  
13 whether that possibility is still available to us. If it  
14 isn't, the only vehicle we have is a non-competitive bid.  
15 So, I hesitate, I just have to ask some questions to find  
16 out what possibilities are available to us to get this  
17 done.

18 COMMISSIONER DI GIULIO: To go back to  
19 Commissioner Ontai's question, do we have anyone else  
20 that is able, if we cannot go this route, the need for  
21 technical consulting for the workshops, I would think, is  
22 imperative. Is there any other options?

23 MR. CLAYPOOL: There are. There are options.  
24 But clearly, we've worked with Q2 for a long time,  
25 they've put together a very quality package, and we'd

1 like to continue that relationship just to bring this one  
2 to closure, to bring it forward, because we've talked to  
3 them and I think part of their efforts on our behalf were  
4 made because they believed that they were going to  
5 participate in this process. But at this point, the time  
6 is compressing so closely that I just have to find out  
7 what our options are before I can say anymore.

8           CHAIRMAN ONTAI: You're going to report back to  
9 us.

10           COMMISSIONER BARRABA: Commissioner Ontai, maybe  
11 I missed something, but I thought at the last meeting we  
12 agreed as a Commission that we would have a non-  
13 competitive bid for just the Outreach program. That was  
14 somehow turned off?

15           MR. CLAYPOOL: At the last meeting, it was  
16 actually - what was actually discussed was folding this  
17 contract under CCP's contract, folding it in to be  
18 basically a contractor to them, and then they would  
19 ensure that they got paid, and that's how we could get  
20 around not having a non-competitive bid. I should say,  
21 you know, that was the vehicle we were talking about.  
22 But, at this point, I just don't know whether that's  
23 still available to us or not, so if that didn't happen,  
24 the only other way we could do it would be with a  
25 competitive bid -- or a non-competitive bid, I'm sorry.

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1           COMMISSIONER DI GUILIO: Is the option of a non-  
2 competitive bid off the table? For just the Educational,  
3 technical consultant for the Educational Workshops?

4           MR. CLAYPOOL: IS it off the table?

5           COMMISSIONER DI GUILIO: Is it like not a  
6 possibility? Is it just not realistic?

7           MR. CLAYPOOL: It's only realistic if we  
8 structure the contract so that all the payments -- all  
9 the workshops occur, and then we make the payment. Yeah,  
10 that's the only way it could work, and I have to check  
11 with Carol Umfleet and see if that's even possible, but  
12 that is one route to doing it, but we have a lot of  
13 things we'd have to put in place. Again, the original  
14 concept was to structure it underneath another contract  
15 and have them work as a subcontractor, but for the amount  
16 that we're talking about now, that may not be possible.  
17 And so then we have the other route. If that doesn't  
18 occur, then the only other thing I can think that is  
19 available to us for this slot is to get somebody who will  
20 do the technical work for under \$5,000 because we can  
21 procure the services for a personal services contract.

22           CHAIRMAN ONTAI: All right, thank you, Bonnie.

23           COMMISSIONER YAO: What is the approximate value  
24 of this effort?

25           MR. CLAYPOOL: If you'll just give me a second -

1           CHAIRMAN ONTAI: While Mr. Claypool is doing  
2 that, we're going to be ending very shortly and I do want  
3 to tell the public, who is our partner, that if there is  
4 anyone out there that would like to make some comments  
5 before we close, I invite you to do so.

6           MS. SCHAFER: Thank you, Mr. Chair and  
7 Commissioners. I'm Trudy Schafer with the League of  
8 Women Voters of California, and my question is partly  
9 addressed to you, as it is just that, in the agenda that  
10 has been posted for tomorrow and Friday, I see that the  
11 very first item is Commission governance matters,  
12 detailed agenda. I'm asking - I've heard all of you  
13 speak to the fact that you expect the report from your  
14 Advisory Committee to be on Friday, but the public does  
15 not know that, so I wanted to ascertain if that is  
16 correct, and if you have anything more detailed about  
17 whether this is the order in which things will go, and  
18 that's why we can assume Friday? Or if you expect that  
19 the order will also be changed? And to the extent that  
20 is possibly issued before tomorrow morning, it would be  
21 great.

22           CHAIRMAN ONTAI: You know, part of the  
23 confusion, and I must admit it is a confusion to the  
24 public, is that we design these agendas so that it gives  
25 us the greatest flexibility to jump from one basket to

1 another, and it doesn't help the public to try to follow  
2 our process. So, not being the Chair, I don't know which  
3 one of these baskets will show up tomorrow. So, I really  
4 don't know how to answer that.

5 MS. SCHAFER: Well, I appreciate it, and I don't  
6 mean to sound as if I'm accusing you all of trying to  
7 hold back information, I am very aware and have said this  
8 in many of the discussions among my partner  
9 organizations, that I understand that your generic, if  
10 you will, agendas are for that reason, and I understand  
11 with the 14-day notice that you have to give for your  
12 meetings, that that has been necessary. But as you  
13 recognize, it is making it very difficult for people to  
14 know when to watch, or to come to hearings, and to the  
15 extent possible, I think you will be hearing more and  
16 more that we hope that you'll be able to make  
17 announcements at the beginning of a day, at least if not  
18 at the beginning of the overall meeting. I also hope  
19 that, as your meetings may get shorter and shorter, that  
20 that would take care of itself. But this turns out to be  
21 a meeting that disproved that expectation. So, at any  
22 rate, I would appreciate whatever you can do. And thank  
23 you very much.

24 CHAIRMAN ONTAI: Thank you.

25 COMMISSIONER DI GIULIO: Could we make a

1 suggestion to Commissioner Galambos Malloy, who is our  
2 Chair, that she'll just make an announcement in terms of  
3 maybe a general framework that we'll try to do starting  
4 in the morning, so that way the public will have a  
5 general idea of what we're trying to do in the next two  
6 days?

7 CHAIRMAN ONTAI: I think that would be very  
8 helpful. Mr. Claypool.

9 MR. CLAYPOOL: The total cost for the  
10 participation would be \$23,750.

11 COMMISSIONER YAO: Thank you.

12 CHAIRMAN ONTAI: Not bad, not bad. Okay, then -  
13 oh, I'm sorry, come on up. Thank you very much.

14 MS. WOODS: Hi. My name is Rani Woods, I'm from  
15 the Los Angeles County Federation of Labor, AFLCIO. And  
16 I had the pleasure of attending your meetings over in  
17 Claremont, and now here in Sacramento. And I just had a  
18 few thoughts for you. First off, it seems like four-hour  
19 workshops might be a bit long. It's a bit long when the  
20 hearings are a bit long. So, I'm just thinking that you  
21 might want to break them up, perhaps two sets of two-hour  
22 hearings - or two-hour workshops, so maybe two hours from  
23 5:00 to 7:00 and from 7:00 to 9:00, because most folks  
24 are not going to get there right at 5:00. Another  
25 thought also was for the conference calls, those are

1 supposed to be two hours, the conference call webinars,  
2 and I don't think it's realistic that people are going to  
3 stay on a webinar for two hours. And then, last of all,  
4 for Los Angeles County, I know you're talking about, I  
5 believe it's March 19<sup>th</sup> for the Educational Workshop, and  
6 that's also the day of the L.A. Marathon, and I think  
7 that might be a concern because we're talking about - the  
8 Map [phon] over here was talking about access to public  
9 transit, and we want to make sure as many people can get  
10 to the hearings as possible. So, just keeping those  
11 things in mind.

12 CHAIRMAN ONTAI: Is that a big event?

13 MS. WOODS: Yeah! Yeah. Okay, thank you so  
14 much.

15 CHAIRMAN ONTAI: Thank you very much.

16 COMMISSIONER RAYA: You can't get anywhere on  
17 Marathon Day.

18 CHAIRMAN ONTAI: Okay, if there aren't any more  
19 comments, I will close this Subcommittee meeting. Thank  
20 you very much.

21 [Adjourned at 5:34 p.m.]

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