

BEFORE THE  
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the Matter of  
Full Commission Business Meeting

University of the Pacific, McGeorge School of Law  
Classroom C  
3200 Fifth Avenue  
Sacramento, California

Wednesday, July 27, 2011  
9:00 A.M.

Reported by:  
Peter Petty

APPEARANCES

Members Present

Connie Galambos Malloy, Chairperson

Vincent Barabba, Vice Chairperson

Gabino T. Aguirre

Angelo Ancheta, Chair

Cynthia Dai

Michelle Di Guilio

Stanley Forbes

Lilbert "Gil" Ontai, Chair

Jeanne Raya

Michael Ward

Jodi Filkins Webber

Peter Yao

Member Absent

M. Andre Parvenu

Staff Present:

Dan Claypool

Janeece Sargis

Kirk Miller

Marian Johnson

Rob Wilcox

Deborah Davis

Raul Villanueva

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1 P R O C E E D I N G S

2 JULY 27, 2011

9:06 A.M.

3 CHAIRPERSON GALAMBOS MALLOY: Good morning,  
4 Commissioners, members of the public, and our audience,  
5 and at home. We would like to welcome you to this  
6 meeting of the California Citizens Redistricting  
7 Commission. Today is July 27<sup>th</sup>. We are again  
8 broadcasting from our home away from home here at  
9 McGeorge School of Law, the University of the Pacific in  
10 Sacramento. I am Commissioner Galambos Malloy. I will  
11 be your Chair for this week's session and, to my left, I  
12 have Commissioner Barabba serving as Vice Chair and will  
13 be incoming Chair for our following session.

14 So with that, I'd like to call this meeting to  
15 order and if I could ask Ms. Sargis to call the roll,  
16 please?

17 MS. SARGIS: Commissioner Aguirre - Here;  
18 Commissioner Ancheta - Here; Commissioner Barabba - Here;  
19 Commissioner Blanco - Here; Commissioner Dai - Here;  
20 Commissioner Di Guilio - [Arrives at 11:02 a.m.];  
21 Commissioner Filkins Webber - Here; Commissioner Forbes -  
22 Here; Commissioner Galambos Malloy - Here; Commissioner  
23 Ontai - Here; Commissioner Parvenu - [Absent];  
24 Commissioner Raya - Here; Commissioner Ward - Here;  
25 Commissioner Yao - Here.

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1           There is a quorum present.

2           CHAIRPERSON GALAMBOS MALLOY: So, as those of you  
3 who have been following the process closely are aware, on  
4 Sunday evening of this past week, two days ago, actually,  
5 three days ago, this Commission did conclude our line  
6 drawing process for the State's Assembly, Senate, and  
7 Board of Equalization Districts, as well as for  
8 California's Congressional Districts. And as Chair for  
9 this session, I really see our goals for this week's  
10 session as three-fold; and the first is that we will  
11 begin reviewing the fruits of our labor from a statewide  
12 perspective now that the line drawing has concluded.  
13 That will happen tomorrow, we will have Q2's entire team  
14 with us tomorrow afternoon, and we anticipate that the  
15 final Draft Maps will be available on the Statewide  
16 Database as of later this evening, so Commissioners can  
17 also begin to review the maps in advance of tomorrow's  
18 session.

19           I see the second goal of the week as conducting  
20 the necessary business to remain on target for our August  
21 15<sup>th</sup> Certification deadline and, so, with that there are a  
22 number of pieces of work that the Commissioners are  
23 involved in regarding final reports, a preclearance  
24 submission to the Department of Justice, etc., and so  
25 that will be much of the substance of today's business

1 meeting.

2           The third goal for this week is to begin more  
3 concretely preparing for the role that this Commission  
4 will need to play once the maps are considered for a  
5 final vote, and that would include both beginning in  
6 earnest to prepare ourselves to represent the maps on  
7 behalf of the California citizens in the event that we  
8 are faced with any litigation, and we will be doing that  
9 this week with the support of our co-counsel team, which  
10 we brought on board as of last weekend, the firms of  
11 Morrison & Foerster and Gibson, Dunn & Crutcher.

12           The second piece of preparing for our role after  
13 the maps is to begin to make some concrete decisions  
14 about the role we anticipate ourselves playing moving  
15 into the future, of course; we're on Year One of a 10-  
16 year term as Commissioners, and we have been able to  
17 generate some significant feedback from Commissioners  
18 regarding what they see as the coming years holding for  
19 us as Commissioners and our role, and we need to match  
20 that up with a staffing plan that can support that level  
21 of activity. And so those will be some pretty  
22 substantive conversations and decisions that we'll need  
23 to begin making from here on out.

24           I do want to acknowledge that, as we are shifting  
25 gears and heading into a time period where we are having

1 to make concrete decisions regarding personnel matters  
2 and regarding litigation strategies that this past  
3 weekend and moving into this session, we will be going  
4 into closed session more often than we have historically,  
5 and in that regard I wanted to invite our Chief Counsel,  
6 Mr. Miller, to say a few words regarding our use of  
7 closed session.

8 MR. MILLER: I'm sorry, could you reframe the  
9 issue, please?

10 CHAIRPERSON GALAMBOS MALLOY: Sure. I had  
11 stated, for the benefit of the Commission and of the  
12 public that, as we move into a phase of our operations  
13 where we are having to make concrete personnel and  
14 staffing decisions and consider sensitive litigation  
15 strategies and matters, that we will likely be using  
16 closed session more than we have historically, and that I  
17 wanted to invite our Chief Counsel to be able to say a  
18 few words in that regard to the public.

19 MR. MILLER: Thank you. Yes, while it is the  
20 Commission's desire and it has maintained this very  
21 rigorously throughout its life, to conduct its business  
22 in public, the Bagley-Keene Act pursuant to which it does  
23 conduct that business also provides certain exceptions  
24 for any Commission, including this Commission, to go into  
25 private session when those criteria are met. And as we

1 move from map drawing to the potential of defending  
2 litigation in the face of specific threats, the  
3 Commission will use those exceptions within the Act to go  
4 into closed session.

5 CHAIRPERSON GALAMBOS MALLOY: Thank you, Mr.  
6 Miller. Do any Commissioners have questions on this  
7 topic? Okay, moving forward, we are going to begin this  
8 morning with our Agenda overview for the day, essentially  
9 that it will provide an opportunity for all of our  
10 Advisory Committees to introduce their discussion topics  
11 and action items. We will be starting the day with  
12 public comment if we have any members of the public who  
13 would like to provide public comment. We will move into  
14 the Advisory Committees, we will have a lunch break and a  
15 closed session regarding personnel matters, and we do  
16 anticipate adjourning early today, some time mid-  
17 afternoon. We imagine that we will reconvene from our  
18 closed session regarding personnel matters at about 2:30  
19 and so there will be an additional opportunity at 2:30  
20 for interested members of the public to provide comment.

21 We are going to start with the Legal Advisory  
22 Committee and we will come back to the Technical  
23 Committee later, once Commissioner Di Giulio has been  
24 able to join us. I did want to note a couple changes to  
25 the Legal Advisory Committee agenda. One is that, on

1 number 3, Preclearance requirements, we anticipate that  
2 will be handled under Unfinished Business on tomorrow's  
3 agenda, after we have had an opportunity to prepare more  
4 for that item. Agenda item 6 regarding Constitutional  
5 Amendments, that will be taking up during our next August  
6 session. And other than that, I think I'm ready to pass  
7 it over to Commissioner Filkins Webber to lead us through  
8 the Legal Advisory Committee.

9 COMMISSIONER FILKINS WEBBER: Thank you. The  
10 first item as far as a VRA Counsel Update is a general  
11 item that we placed on the agenda under circumstances in  
12 which we would have conference calls, but since we've  
13 been here, it's only been since Sunday night, I have  
14 nothing further to report on a VRA Counsel update. We  
15 certainly will be meeting with Mr. Brown tomorrow, as I  
16 understand. So, then, the full Commission will be  
17 advised of any update from Mr. Brown, himself.

18 Item 2 is Final Map Preparation, which I  
19 understand is in coordination with Technical Advisory, I  
20 wasn't sure if this was going to be put on the Advisory  
21 Committee agenda, or Legal, so I just wanted to follow-up  
22 with Mr. Miller on the status, that was it, so following  
23 up with Mr. Miller on where we are at as far as  
24 coordinating preparation of the final map, in addition to  
25 obtaining all necessary information from Q2, that's what

10

1 my thoughts were on this item.

2 MR. MILLER: Well, I think that it's most useful  
3 to have that discussion in connection with what I believe  
4 is our Item 1 under Technical Advisory, which is the  
5 preparation of the Final Report.

6 COMMISSIONER FILKINS WEBBER: Okay, then I will  
7 remove it from Legal. The Item 3 will be deferred to  
8 tomorrow. Then Item 4, like we did last weekend, we  
9 delegated responsibility to Commissioners Dai and  
10 Commissioner Forbes for contract preparation, review and  
11 negotiation with our two litigation attorneys. So, first  
12 I'd like to ask Mr. Miller to advise us on the status of  
13 the actual preparation of the contract, and then I'll ask  
14 for updates from Commissioner Forbes and Commissioner  
15 Dai.

16 MR. MILLER: Well, just by way of introduction, I  
17 think that Commissioners Forbes and Dai had excellent  
18 conversations with both lawyers yesterday, very  
19 productive. The result of that, from a contractual  
20 perspective, is that both firms will be providing to me  
21 procedures those firms have used for large clients that  
22 include efficiencies and discounts, and we'll be baking  
23 those procedures into the preparation of contracts for  
24 those firms, and otherwise I think it would be best to  
25 let those that had the discussions speak directly to

1 those discussions.

2 COMMISSIONER FILKINS WEBBER: Commissioner Dai.

3 COMMISSIONER DAI: Yes. Commissioner Forbes and  
4 I met yesterday with both Jim Brosnahan of Morrison &  
5 Foerster and separately with George Brown from Gibson,  
6 Dunn & Crutcher in San Francisco. The purpose of our  
7 meeting was to discuss how best to work with the  
8 Commission, itself, during the litigation period, to talk  
9 a little bit how the co-counsel structure was going to  
10 work, and also, of course, to start negotiating terms for  
11 our contracts.

12 And I'm happy to report that the discussions were  
13 very positive. I think both firms are very excited about  
14 being our counsel for the impending case or cases. We  
15 talked a little bit about how to prepare for the unknown,  
16 you know, both firms are willing to kind of start with  
17 very small teams, with the option of expanding if we end  
18 up with multiple suits in multiple jurisdictions. We  
19 talked about potential timelines. We started on looking  
20 at terms and, as Mr. Miller said, both firms have offered  
21 to give us very favorable terms. I think there are a lot  
22 of concerns that the Commission has expressed about  
23 trying to do this in the most cost-effective manner as  
24 possible, as well as getting the best of breed from both  
25 firms, so I think we're very satisfied that we will get

12

1 that.

2 COMMISSIONER FORBES: Let me add just two  
3 comments, the comment about the favorable terms. They  
4 are agreeable to giving -- well, what I referred to as  
5 most favored nation terms, in other words, we're going to  
6 get the best deal that anybody gets, and combine them  
7 into one contract, so that will be as good as we can get,  
8 so to speak. And also, we emphasized, again, the issue  
9 and importance of conflicts with this Commission and they  
10 agreed to be sure to vet in advance anybody who might  
11 potentially work on the case.

12 CHAIRPERSON GALAMBOS MALLOY: I did want to  
13 acknowledge that, to whatever extent litigation  
14 strategies came up during the contract negotiation, that  
15 we will have a few minutes tomorrow in closed session  
16 preceding our meetings with the firms when we can discuss  
17 those items. Questions, comments? Commissioner Ancheta.

18 COMMISSIONER ANCHETA: Yeah, just a question  
19 because I know that the Morrison and Foerster firm have  
20 in their original proposal three partners, including a  
21 Senior Partner, and indicated that they weren't  
22 necessarily going to be, at least under the proposal,  
23 relying on any other Associates or attorneys. Is that  
24 still the case? And I have no problem, of course, if  
25 they're going to add some, but --

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COMMISSIONER FORBES: No, that is still the case, that's going to be their initial team, and they have to sort of wait to see what the lay of the land is regarding adding additional staff and we did ask for, if you will, the rate structure for that additional staff, and descriptions of sort of the things that they would be doing. We did discuss that we will be getting advance work plans and we also had the discussion about the importance of keeping ongoing communication with all the members of the Commission. But at this point, it is three attorneys. And he had one Legal Associate who -- it's not a lawyer, but --

COMMISSIONER DAI: Assistant, thank you, a Legal Assistant, who he says has never understood the word "no," that they can't find something. So he just relies on this person to provide him with material, but those are the only four individuals they specifically mentioned at this point.

CHAIRPERSON GALAMBOS MALLOY: Any other questions?

COMMISSIONER FILKINS WEBBER: Yes.

CHAIRPERSON GALAMBOS MALLOY: Jodie - Commissioner Filkins Webber, sorry.

COMMISSIONER FILKINS WEBBER: We -- in looking at

1 some of our past contracts and some of the language that  
2 existed in the past contracts, did you have any  
3 discussion, or have you considered working with Mr.  
4 Miller about the scope type of language that would be put  
5 in there? Or will it just be some general language that  
6 the determination of their scope of work would be based  
7 on that identified by the Commission? Because we don't  
8 right now have an idea of probably how the work is going  
9 to be split between the two, so I was just wondering if  
10 you've highlighted those portions of the contract for, I  
11 guess, looking at the language and being conscientious of  
12 the manner in which that language is drafted, so that we  
13 don't wind up in a situation where we have overlapping  
14 work between the two firms that will be charging for the  
15 same duties, etc., etc.

16 COMMISSIONER FORBES: Yeah, we haven't any  
17 language, but we did discuss that topic at great length  
18 about the importance that we do not have a duplication of  
19 work between the two firms, and that part of the reason  
20 to do this prospective report is to avoid that as we see  
21 what each firm is going to do, and we can say "don't do  
22 that," or we can raise questions about why each are doing  
23 that. But we haven't seen any specific language to that  
24 effect, but again, that topic was talked about at length.

25 COMMISSIONER DAI: And both firms, I mean, talked

1 about making sure we have a good understanding of  
2 projected costs. We discussed the idea of doing a  
3 rolling budget, you know, as things develop, and I think  
4 just putting language in there that makes it clear that  
5 the Commission will have oversight and approval over key  
6 steps as we move forward, I think, will address a lot of  
7 that. Both firms also agreed to basically not charge for  
8 inter-firm communications about strategies, so I think  
9 that should alleviate a lot of the concerns about  
10 redundancy, and the fact that they actually do need to  
11 coordinate with each other, so I thought that was a good  
12 thing.

13 COMMISSIONER FILKINS WEBBER: Do you mean between  
14 the two firms, or do you mean within a firm?

15 COMMISSIONER DAI: Between the two firms.

16 COMMISSIONER FILKINS WEBBER: So any other  
17 discussions that you had about activities that they would  
18 not likely charge for, other than inter-office  
19 communications?

20 COMMISSIONER FORBES: That was the whole point of  
21 bringing up the discussion about their other clients,  
22 that there are other clients that do not allow them to  
23 charge, like particularly insurance companies, and that's  
24 why I made reference to the "most favored nation" idea  
25 that any discount anybody gets, we also get.

1           COMMISSIONER DAI: Yeah, and the point is, you  
2 know, you could imagine that large corporate clients are  
3 pretty serious negotiators and this way we get the  
4 benefit of what all those other clients have negotiated  
5 with us.

6           COMMISSIONER FILKINS WEBBER: Yes, I have quite a  
7 few of my own litigation guidelines that my clients have  
8 imposed on me, so that's why --

9           COMMISSIONER FORBES: I mean, a major one that  
10 they talked about, and it's not quite so significant,  
11 this one, but the fact that travel time is not a billable  
12 hour. I mean, that's a big communication, you know, two  
13 hours to drive from Palo Alto to Sacramento, at the rate  
14 they're charging, that would be a significant amount of  
15 money back and forth, but they can't charge for that.

16           COMMISSIONER FILKINS WEBBER: That's incredible  
17 because I actually can, so that's great. Wonderful, so  
18 any other items that you could just highlight for us that  
19 they agreed would not be a billable event?

20           COMMISSIONER DAI: Again, I think the litigation  
21 guidelines that we're going to get from some of these  
22 large corporate clients, it's going to be very extensive,  
23 so...

24           COMMISSIONER FILKINS WEBBER: Okay, and then will  
25 those be incorporated in the contract?

1 COMMISSIONER DAI: That's the idea.

2 COMMISSIONER FILKINS WEBBER: Thank you. Anything  
3 further on the status of the contract preparation and  
4 negotiation?

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
6 Filkins Webber, it does seem that while we're on this  
7 topic that we might actually transition to discussing any  
8 potential delegated authority or roles of Commissioners  
9 in terms of interacting with and managing the firm on an  
10 ongoing basis. I know it was an agenda item later in  
11 Legal, but I wanted to flag that.

12 COMMISSIONER FILKINS WEBBER: It's Item 8 and the  
13 reason that this came up on the agenda was to get some  
14 idea and quite possibly maybe Commissioners Dai and  
15 Commissioner Forbes were able to obtain additional  
16 information from our litigation counsel as to what their  
17 thoughts are. As litigation progresses, there will  
18 likely need to be occasions which the Commission meets to  
19 make decisions, but often times, given our notice  
20 requirements, or even a short notice time frame that we  
21 have under Prop. 20, as I understand, it may be too long  
22 in order for counsel to have to make necessary decisions,  
23 so the idea is, whether Legal Advisory Committee, or some  
24 other Advisory Committee that we might wish to establish,  
25 would take on the role of maybe fielding some of the

1 questions from counsel, we could hold meetings on a  
2 shorter timeframe, and there would be less obligation of  
3 the full Commission to meet if the Commissioner were to  
4 consider some delegated authority for litigation  
5 management and to address the concerns as kind of a  
6 client base for any questions or issues that arise with  
7 litigation counsel.

8 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
9 Forbes.

10 COMMISSIONER FORBES: There was a discussion  
11 about this, and there are perhaps three levels of  
12 management, one, which is the smallest level, is that  
13 sometimes they think they may need to have a decision  
14 made within 24 hours. Now, we have to have not more than  
15 two people to make that as a contact group to be able to  
16 handle that because we can't afford to give the notice  
17 that even subcommittee would require, so that was one  
18 level. They also thought it would be useful if they were  
19 able to work directly with a smaller group, and this  
20 could be the Legal Subcommittee or such other body as the  
21 Commission determines, and then have on a regular, but  
22 not anywhere near as frequent, report to the full  
23 Commission. Is that your sense, would you say that was  
24 fairly --

25 COMMISSIONER DAI: Yeah, I think that's accurate.

1 We did assure them that that was going to be the likely  
2 result of our discussion today, just in order to be able  
3 to be responsive and nimble, we're going to be working  
4 under very tight timelines, you know, we've heard from  
5 lots of people that the California Supreme Court has  
6 cleared its docket to be able to deal with potential  
7 expected cases, and we need to be able to be responsive  
8 and not be hung up by notice requirements.

9 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.

10 COMMISSIONER YAO: You know, I clearly understand  
11 the difference between the Brown Act and the Bagley-Keene  
12 Act, I have never experienced a situation where we think  
13 that the Brown Act applies to the matter at hand in terms  
14 of litigation, and I can't imagine that there's any  
15 intent on Prop. 11 or Prop. 20 to apply Bagley-Keene  
16 associated with somebody suing the State of California,  
17 so can we get the counsel to give us a reading on that?

18 MS. JOHNSTON: Unfortunately, the Bagley-Keene  
19 Act does require there to be noticed meetings. You can  
20 hold the meetings in closed session, but it clearly has  
21 to be a noticed meeting and if you were to delegate  
22 authority to make decisions to more than one person, then  
23 that would also have to be a noticed meeting if it's a  
24 decision making - an Advisory Committee can be up to two,  
25 but if you want a decision making, it can be one person

20

1 if you're going to avoid having a noticed meeting.

2 CHAIRPERSON GALAMBOS MALLOY: I have a follow-up  
3 question for Ms. Johnston and then Commissioner Blanco is  
4 in the queue. I had been under the impression that there  
5 is a certain time period in which the Commission is  
6 actually subject to a three-day noticing requirement as  
7 opposed to a 14-day noticing requirement. Is that true?  
8 And if so, under what circumstances would that apply?

9 MS. JOHNSTON: That is true during the month of  
10 September in 2011, that was because, when Proposition 20  
11 changed the date for the Commission's final actions from  
12 September 15<sup>th</sup> to August 15<sup>th</sup>, it did not change the short  
13 meeting time from September to August, so during  
14 September, you can meet on three days' notice.

15 CHAIRPERSON GALAMBOS MALLOY: Thank you.  
16 Commissioner Blanco.

17 COMMISSIONER BLANCO: Well, some of it has been  
18 answered. I was trying to figure out whether there was a  
19 distinction between -- and I think there is -- but  
20 between open session and notice, so they are two  
21 different concepts that we have to comply with both. I  
22 think Commissioner Yao is right, that for litigation, the  
23 open session component changes, but as Ms. Johnston says,  
24 the issue is, even for closed session what the notice  
25 requirement is. It seems to me that one of the things we

21

1 have -- but I think it's important to know that they are  
2 unlinked in a sense because we could have a standing  
3 item, a rolling item, that notices closed session  
4 litigation -

5 COMMISSIONER DAI: We do.

6 COMMISSIONER BLANCO: -- and for this purpose  
7 now, from here on out, not in the past, Commissioner Dai,  
8 I'm talking about going forward. And then, in that case,  
9 it is noticed and because it's always going to be closed,  
10 that's an important consideration. So I think we could  
11 operate within both guidelines here because it has to be  
12 closed for litigation, and we can have a pending noticed  
13 closed session litigation session, in my sense of things.

14 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao  
15 and then Ancheta.

16 COMMISSIONER YAO: If such is the interpretation  
17 of the Prop. 11 and Prop. 20, that we have to provide 14-  
18 day notice on closed session meetings, then I would  
19 propose that we notice every day between now and when we  
20 anticipate litigation to be over, and cancel it on the  
21 day where we definitely decided that we don't need to  
22 meet because, in protecting the State of California, it  
23 just seems like this is absolutely the wrong intent from  
24 a citizen of the state.

25 CHAIRPERSON GALAMBOS MALLOY: In response to the

1 conversation regarding agendizing, last week I had  
2 requested, and Ms. Sargis has been working on identifying  
3 venues and posting standing agendas that include closed  
4 session regarding potential litigation matters, and those  
5 agendas will start from August 7<sup>th</sup> and go every day  
6 through the end of August, and when Commissioner Barabba  
7 takes the helm, he can reevaluate our need, but the  
8 anticipation is that we would want to have a standing  
9 agenda that would allow us the flexibility to deal with  
10 litigation issues as they arise. Commissioner Ancheta  
11 and then Dai.

12 COMMISSIONER ANCHETA: I just wanted to ask either  
13 Ms. Johnston or Mr. Miller just a couple of questions  
14 regarding Bagley-Keene and the concern I have is simply,  
15 between meetings, when there may be a need for sort of an  
16 immediate action. I mean, I think generally whoever  
17 happens to be the Chair typically has delegated power to  
18 act for the Commission, so if we did have to have some  
19 sort of spot decision, the Chair could always act. Is  
20 that --

21 MS. JOHNSTON: That is correct, one person can  
22 act with the delegated authority of the Commission.

23 COMMISSIONER ANCHETA: Okay, now, if we had a  
24 two-person advisory team, could that advisory team advise  
25 the Chair to act in a certain way? Or does that

1 constitute a meeting that has to be noticed?

2 MS. JOHNSTON: That would be an advisory  
3 committee of three, probably.

4 COMMISSIONER ANCHETA: Yeah, even though the  
5 third person is the Chair who has the power to act?

6 MS. JOHNSTON: Well, possibly, I'd have to look  
7 into that.

8 COMMISSIOENR ANCHETA: We could maybe check into  
9 that. You could also have a situation where, I don't  
10 know, one of the two members has delegated power to act,  
11 right? That is another possibility.

12 MS. JOHNSTON: Correct.

13 COMMISSIONER ANCHETA: I'm just trying to figure  
14 it out because obviously we want the full Commission to  
15 weigh in on major decisions, but there may be situations  
16 where counsel just needs an immediate response and we  
17 have to act quickly between meetings.

18 MS. JOHNSTON: And then I would definitely  
19 recommend you give the one person, be it the Chair or  
20 whoever you wish, that authority to take any immediate  
21 action, subject to later ratification by the Commission.

22 COMMISSIONER ANCHETA: Okay, that's fine. Thank  
23 you.

24 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai  
25 and then Yao.

1           COMMISSIONER DAI: Yeah, and so with regard to  
2 that, I had circulated a document that was a compendium  
3 of everyone's suggestions for the future of this  
4 Commission, including the structure of how we're going to  
5 organize ourselves, moving forward. And, of course,  
6 there were a lot of people that had comments on  
7 litigation oversight. So I wanted to check in with  
8 everyone so that we could make a decision on this. I  
9 think Commissioner Forbes summarized it well, which is  
10 there are going to be situations, big decisions, that we  
11 will want to act as a large body, then there will be many  
12 many smaller decisions that we would like to either have  
13 the Legal Advisory Committee have maybe a more frequent  
14 meeting that will relieve the rest of us, of course, they  
15 will be reporting back to us about any decisions made,  
16 and then, you know, a swat team of two people that need  
17 to make very quick, short-term decisions, you know, that  
18 it would just take too long to even organize four people  
19 to get together in one place.

20           So, I wanted to propose that we do delegate  
21 authority to the Legal Advisory Committee, you know, and  
22 with their judgments, I think they can say this is a big  
23 decision that needs to be held by the full Commission,  
24 the full Commission needs to be in on it and understand  
25 the implications and make a big decision, and then,

25

1 within the Legal Advisory Committee, that we create a  
2 SWAT team of two. I personally would -- I think there is  
3 some value to having continuity there, so rather than --  
4 unless we want to change our idea about rotating chairs,  
5 I think that rather than have the Chair be the person to  
6 be advised, that we can get rid of that ambiguity and  
7 just have one of the two be the official person with  
8 decision making authority, but at least that way you'll  
9 have two people thinking about it all the time.

10           So, if that sounds amenable, I'm thinking it  
11 should probably be Commissioners Forbes and Ancheta,  
12 they're both proximally close to the firms, we have  
13 Voting Rights Act experience, and also large firm  
14 experience within those two, you know, again, this is  
15 only for emergencies, otherwise the full Legal Advisory  
16 Committee would be making decisions, maybe meeting, I  
17 don't know, this is something that we'll have to look at,  
18 whether the full Advisory Committee meets every two  
19 weeks, we were thinking that maybe the Commission would  
20 meet monthly for big decisions.

21           CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao,  
22 Barabba, Ontai, Forbes, and Blanco.

23           COMMISSIONER YAO: I want to remind the  
24 Commission that the only Advisory Committee we have  
25 formed in dealing with the litigation is the Advisory

1 Committee in charge of the drafting of the contract.  
2 Outside of that, there has been no advisory committee  
3 formed in dealing with the litigation issue. Bagley-  
4 Keene specifically states that the minority of the  
5 Council can discuss the topic without violating the  
6 Bagley-Keene Act, and we can define the minority as a  
7 group fewer than nine, or fewer than eight, or in the  
8 absolute sense, fewer than seven to be safe, so seven or  
9 fewer Commissioners can and will discuss the litigation  
10 issues without violating the Bagley-Keene. So it's one  
11 of these situations that we got ourselves caught up in  
12 this two or three body because of the Advisory Committees  
13 that we formed during the operation of the committee in  
14 terms of the Finance, Legal, and on and on, but from this  
15 point on in terms of the litigation issues, if we don't  
16 form any small litigating advisory committees, then  
17 basically what we can do is discuss the issues with fewer  
18 than, let's say, in the safest most -- six people, and  
19 make sure that we don't get caught in a situation where  
20 we get into a serial meeting and we have full liberty in  
21 terms of doing that.

22 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
23 Barabba.

24 COMMISSIONER BARABBA: I'm not sure I understood  
25 fully the implications of what --

1           COMMISSIONER YAO: The implication is that we  
2 have to notice the meeting 14 days in advance and we  
3 discussed how to do that, but also, on Bagley-Keene,  
4 Bagley-Keene allows a minority of the Commission to  
5 discuss any issue without violating the Open Meeting Act,  
6 and since, outside of the contracting issue, what we have  
7 an advisory committee, then we cannot exceed two people  
8 discussing the contract issue, but we did not form any  
9 small advisory meeting out of this committee in dealing  
10 with the litigation, then the entire Commission is the  
11 body and the minority of the Commission is allowed to  
12 discuss the details of the litigations without violating  
13 any Bagley-Keene Act.

14           CHAIRPERSON GALAMBOS MALLOY: I'd like to  
15 interrupt the stack and come back to ask our legal staff  
16 to please weigh in on some of the issues that  
17 Commissioner Yao raises.

18           MR. MILLER: The situation that Commissioner Yao  
19 describes is one that is, I believe, similar to the  
20 conference calls that we periodically arranged, which  
21 have certain parameters. The first is that that is not a  
22 decision making opportunity, and I think that  
23 differentiates what we're talking about here; the second  
24 is, where we have enabled conversation, we've been  
25 careful to do a couple of things, most importantly we've

1 avoided judiciously having more than two Commissioners  
2 from any one committee involved in those conversations so  
3 that we've avoided the creation, inadvertently, of a  
4 public body that would be covered by Bagley-Keene. And  
5 then, secondarily, as I mentioned, and quite critically,  
6 is that no decisions have come out of those  
7 conversations.

8 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ontai.

9 COMMISSIONER ONTAI: Let me raise this point for  
10 the Commission to consider. I think the two suggested  
11 members, Commissioner Ancheta and Commissioner -- who was  
12 the other one -- Forbes -- are excellent candidates. My  
13 concern is that we try to maintain some type of partisan  
14 balancing, whatever this committee is, for the purpose of  
15 maintaining an image that we are not partisan and that we  
16 take seriously some composition where that is part of  
17 that composition, lest we be accused of being partisan in  
18 some fashion.

19 CHAIRPERSON GALAMBOS MALLOY: Thank you.

20 Commissioner Forbes.

21 COMMISSIONER FORBES: Well, [inaudible] if we  
22 have a legal subcommittee as the intermediate governing  
23 body, or advisory body, was to add a member from the  
24 Finance Commission [sic], just do that body, because I  
25 think there's going to be enough money involved over the

1 next couple of months that I think it would give  
2 confidence, more confidence to actually the Committee, if  
3 there is somebody from Finance.

4 CHAIRPERSON GALAMBOS MALLOY: Thank you.  
5 Commissioner Blanco.

6 COMMISSIONER BLANCO: It's been answered.

7 CHAIRPERSON GALAMBOS MALLOY: Okay. Commissioner  
8 Yao.

9 COMMISSIONER YAO: Bagley-Keene, again, prohibits  
10 decisions to be made by a group of people meeting, and  
11 the reason that they identify saying only the minority of  
12 the body can meet, is so that they have absolutely no  
13 ability to make any decisions because, in order to make a  
14 decision, you have to have the majority of the  
15 Commissioners involved. So, in terms of making decisions  
16 in the meeting, by having a minority at the body  
17 participate in the discussion, including serial meetings,  
18 that scenario cannot happen. I would encourage the  
19 Commission to take advantage of that because the worst  
20 thing that can happen to this Commission in a litigation  
21 process is when information doesn't flow freely and, by  
22 meeting and discussing issues around a minority body of  
23 the Commission, we would have a better chance in terms of  
24 having a successful litigation. This is not about  
25 drawing maps, this is about defending the State of

1 California.

2 CHAIRPERSON GALAMBOS MALLOY: I'm adding myself  
3 into the stack, I have a couple of thoughts, and I think  
4 to a certain extent we are going to have a much more  
5 robust discussion about CRC operations post-maps as we  
6 lead into Finance and Administration this afternoon.  
7 But, of course, this is queuing up some of our various  
8 philosophies and considerations that we want to have kept  
9 in mind as we determine what governance structure we have  
10 moving forward.

11 So there's a couple of things that I wanted to  
12 raise, one is that I do have a concern that we have been  
13 a very hands-on Commission, and I think that is  
14 commendable, I think that really demonstrates the level  
15 of passion and commitment and dedication that we have all  
16 wanted to invest in this process. As I see the  
17 litigation phase, and I think we have heard this  
18 underscored by the members of our litigation advisory --  
19 our Legal Advisory Committee -- who know the field and  
20 can anticipate some of the issues and the timelines we  
21 may be facing, I have a concern that we not put too many  
22 cooks in this kitchen. We want Commissioners that have  
23 inspired confidence in their technical ability and their  
24 engagement in the process, in their historical  
25 institutional knowledge of what has happened on this

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1 Commission. I think that, you know, one of the issues  
2 we'll have to discuss later this afternoon is that I  
3 think it's very key for Commissioners who have played  
4 lead roles on their advisory committees, that they need  
5 to stay with their advisory committees because they  
6 really hold quite a bit of information that will become  
7 more and more important, and we don't want to lose that  
8 knowledge as it will be key as we move into litigation.  
9 So we want enough cooks in the kitchen that they can do  
10 what they need to do, but not so many that it bogs down  
11 the process and doesn't allow us to move nimbly.

12           And I think that we do need to ensure that we  
13 have a sense that there is a bipartisan or multi-partisan  
14 team that is working on sensitive litigation strategies.  
15 Quite frankly, these Commissioners are going to be  
16 privileged to very sensitive information. There's a lot  
17 at stake for us as a Commission on winning these cases,  
18 it's very important not just to our Commission, but to  
19 the Citizens of California. And so I want to ensure that  
20 whoever is on that committee is somebody that we fully  
21 trust and who has comported themselves in a manner that  
22 has inspired confidence not only on the Commission, but  
23 also outside in the public sphere. So, I think those are  
24 some considerations as we choose who the candidates  
25 should be. Commissioner Ward.

1                   COMMISSIONER WARD: Yeah, going back to  
2 structure, it just seems to me that, rather than -  
3 possibly -- rather than creating a new subcommittee  
4 panel, if we can use the processes we have in place,  
5 whether it be with the Legal Subcommittee, whether it be  
6 the lead, or a new appointed person within that Legal  
7 Subcommittee, to be the contact and continuity for the  
8 legal firms, and that individual can act as short notice  
9 decision making issues come up, can advise the Chair, who  
10 has always been the decision making person for the  
11 Commission, to go ahead and make that decision and act on  
12 behalf of the Commission until we can be briefed. I  
13 understand the desire to have continuity across the next  
14 year with this kind of legal coordination, but it seems  
15 to me that bringing in with the rotating chair the  
16 structure we have, there might be some advantages to  
17 that, as well. But I do agree that we need to have some  
18 continuity as far as the lawyers know who to get a hold  
19 of in a quick moment and advise on issues, and like I  
20 said, that can then be taken to the Chair and we can get  
21 some fresh perspectives, and that way the whole  
22 Commission stays -- or at least the leadership structure  
23 of the Commission stays in the loop and people aren't  
24 left behind, you know, three months, four months down the  
25 road.

1           CHAIRPERSON GALAMBOS MALLOY: I'm going to ask  
2 Mr. Miller to weigh in and then Commissioner Raya.

3           MR. MILLER: Just, it is very important that we  
4 have a mechanism to be nimble, as we're discussing now,  
5 but I think there's another point the Commission should  
6 also keep in mind. It seems to me there is a real  
7 analogy here with a Corporate Board of Directors and a  
8 Bet the Company case, and that is there is an opportunity  
9 to keep the full Board fully informed of the nature of  
10 the litigation and the approach to its defense, and I  
11 would envision that that would occur. Let's just  
12 hypothesize that there are three lawsuits filed; I would  
13 think that we would start by providing to the full  
14 Commission a discussion of the issues and the parties,  
15 and a suggested strategy, and hope that the full  
16 Commission at that point would agree around that  
17 approach, leaving the incremental decisions to support  
18 what the full Commission has envisioned as an appropriate  
19 way to handle the litigation and an appropriate outcome.  
20 Now, that does change like any battle over time, and you  
21 may have to move your lines and change your strategy, but  
22 again -- and usually that doesn't happen overnight.  
23 There ought to be an opportunity to communicate at that  
24 high level, which is really the more important one, about  
25 the manner in which the case is being defended. And as I

1 say, these incremental decisions hopefully implement and  
2 support what the full Commission has agreed to as an  
3 appropriate way to handle each case.

4 CHAIRPERSON GALAMBOS MALLOY: Commissioners Raya,  
5 Forbes, and Blanco.

6 COMMISSIONER RAYA: Okay, I'm going to try to  
7 make this seem organized and sensible just from the  
8 conversation, 1) I have a concern that I don't feel that  
9 I've heard what oversight means, and I think we're  
10 talking about something very different from what the  
11 Legal Advisory Committee, what the function of the Legal  
12 Advisory Committee has been, and the context of the day-  
13 to-day operations of the Commission vs. a group that I  
14 think whose primary function is to keep the lines of  
15 communication open between our litigation team and the  
16 Commissioners, to enable the attorneys to feel that  
17 they're connected to this huge group of clients, and to  
18 enable the Commissioners to feel that we are part of the  
19 decision-making. But I don't want us to think that we  
20 are going anywhere beyond being a communication vehicle,  
21 we're not developing the legal strategy, we're not going  
22 to be trying to give direction to the attorneys, at least  
23 I don't think that's what we should be doing, we're  
24 paying them the big bucks to make those decisions, we  
25 hired them because we think they're the experts.

1           So I think that's one area where I would caution  
2 us to give very specific consideration to how we define  
3 the role of any group that serves as the liaison; I would  
4 prefer that as the concept.

5           The other thing is that, for the same reasons,  
6 we're transitioning into a different phase of our  
7 operations, when we started out, we set up our Advisory  
8 Committees and people took on roles that seemed perhaps  
9 natural at the time, and we have grown into them, and I  
10 think there's something to be said for some continuity in  
11 some respects, at least in the areas that are ongoing.  
12 But as we move into what I think is a completely  
13 different phase of legal work, I think it's worth  
14 considering whether we should make any -- whether we  
15 should take a fresh look at who might best serve as  
16 liaisons between the litigation team and the Commission.

17           One of the most important function is going to be  
18 communication, and I have a concern that, if we invest  
19 authority as we've done so far in the Chair, who is going  
20 to be rotating, I'm not sure that that will always be  
21 consistent with the very important considerations that  
22 Commissioner Galambos Malloy raised about the individuals  
23 occupying that position, and that's a very big concern to  
24 me.

25           CHAIRPERSON GALAMBOS MALLOY: Commissioner

1 Forbes.

2           COMMISSIONER FORBES: Yeah, I have a couple of  
3 comments with regard to Commissioner Yao's six-person  
4 non-committee. The problem I have with that is we need  
5 committee that has decision making authority and that  
6 committee would not - that grouping would not. Also, I  
7 think we need a defined group and if it can be any six,  
8 you have a floating population, and I don't know, if you  
9 have a certain six you've created a committee, and if you  
10 have a floating population, I have trouble that that's  
11 going to achieve the purpose we want to achieve with this  
12 thing. Also, I think the best part of the oversight, if  
13 it's a legal subcommittee, or whatever committee the  
14 Commission determines should have it, if they so  
15 determine, I think regular communications of what we're  
16 doing is going to be absolutely critical and that's, as  
17 we talked about, initially that's what we're going to be  
18 getting from our own attorneys, both retrospective  
19 reports, as well as prospective reports, because we are  
20 quite well aware of the difficulties we've had in the  
21 past with not having as much communication as we might  
22 have wanted, so I think that's clearly what we wanted to  
23 do, and I do think that the purpose of -- at least my  
24 view of the purpose of the subcommittee -- is that you do  
25 need a body in which you can discuss with your lawyers

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1 your legal strategy, you don't leave it to the lawyers  
2 alone. They want someone that they can bounce ideas off  
3 of and see what we think about them, I mean, that's their  
4 request, it's not, "Yes, we want them to do it," and I  
5 don't want to micromanage them, but I think that they  
6 want a body that they can have a discussion of what the  
7 strategies are, that's other than the full Commission,  
8 that being too unwieldy and too hard to pull together on  
9 a regular basis.

10 CHAIRPERSON GALAMBOS MALLOY: Commissioners  
11 Blanco, Dai, and then Barabba.

12 COMMISSIONER BLANCO: So, here's the way the  
13 Professional Rules of Responsibility work in terms of  
14 these issues of client vs. attorney decisions. And it  
15 might help us to step back. First of all, we absolutely  
16 cannot micromanage the attorneys, and I'm not going to  
17 speak about the structure right now, I just want to get  
18 us away from this issue that we're going to be somehow on  
19 a regular basis weighing in on every decision the lawyers  
20 make, I would really advise us against that.

21 And the way the rules, both the model, Code, and  
22 the California Code work, is that client decisions -- the  
23 client decides what the objectives or the litigation are  
24 and that is a client decision. The means by which you  
25 get to the objective are considered something that the

1 attorney decides in consultation with the client, okay,  
2 so a decision about whose deposition to take first, or  
3 how to structure the order of the depositions, that's  
4 none of our business, that's the attorneys' decision.

5 A decision about whether to state litigation in  
6 one venue and consolidate it in another, that is a  
7 decision made by the attorneys in consultation with their  
8 clients, okay? That doesn't mean we decide it, it means  
9 they consult with us about a decision that they make,  
10 that's why we hired lawyers and I feel strongly, we are  
11 not going to have all of - we have one, two, three, four,  
12 five lawyers on this Commission and I would urge us to  
13 not be having our lawyers or others second-guessing the  
14 lawyers we have hired at a very high price because  
15 they're very good lawyers. So that's the second thing  
16 I'd like to say.

17 I think that the issue of consulting with the  
18 client on important decisions that are about how to meet  
19 the objective could be -- I think -- I noticed the  
20 numbers on this and everybody wants to kind of be in on  
21 these important decisions, and I can understand why  
22 people don't want to delegate. So one thing I think, and  
23 I'll get to the issue of other parts of this structure, I  
24 think it is possible that we could have meetings with our  
25 attorneys about litigation by phone with all the

1 Commissioners if there is a decision that has to happen,  
2 or in person, in other words, if there is a major issue,  
3 a decision that has to be made by our co-counsel about a  
4 key strategic decision that they want to consult, then we  
5 have a conference call and we all weigh in. Because we  
6 have three levels here that were discussed, 24-hour  
7 decisions, regular contact, and more infrequent contact.  
8 I'm not sure I agree with that exact division because I  
9 do think the full Commission probably has to be consulted  
10 about all the major strategic decisions, and not a  
11 subcommittee of the Commission. I think, 1) it'll be  
12 better because we have people that, all of us, have  
13 participated, and we'll have different perspectives and  
14 memories, and we'll have ideas, etc., you know, that will  
15 help them reach a decision about something, or consult  
16 with us, which leaves -- if that's true for sort of major  
17 consultations, that those are done with the whole  
18 Commission, then it really, for me, begs the question,  
19 what are the other kinds of contacts that they need, what  
20 is the interface that they need other than the general  
21 consultations?

22 I do think there could be a 24-hour decision  
23 about -- I'm trying to think -- I'm serious, because this  
24 isn't the kind of thing that's going to come up at the  
25 last minute, but the last minute could be do we want to

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1 discuss where we file, you know, the filing is due the  
2 next day, something has happened, another pleading has  
3 come in, and should we do something, and we don't have  
4 time to get everybody on the phone, that kind of thing,  
5 but there needs to be a discussion about what to do. I  
6 think that could either be the two team person that's  
7 been recommended, or it could be the legal advisory  
8 committee, I don't have a strong feeling either way about  
9 that. I think, as I'm hearing this more and more, what  
10 I'm thinking is that the key strategic consultations  
11 probably should be done with the full Commission. I  
12 don't think anybody feels comfortable saying that the  
13 legal advisory committee should make these important  
14 decisions -- or, it's the attorneys' decision, but that  
15 these consultations should be directed only at the Legal  
16 Advisory Committee, I can sense that. And the question  
17 becomes, really, what is the role, if any, for the Legal  
18 Advisory Committee, as opposed to the full body decisions  
19 and consultations vs. the 24-hour, what's in the in-  
20 between? So that's kind of how I'm seeing these things.

21 CHAIRPERSON GALAMBOS MALLOY: Commissioners Dai,  
22 Barabba and Filkins Webber.

23 COMMISSIONER DAI: So a couple of comments. I  
24 completely agree with Commissioner Blanco's comment about  
25 micromanagement, I don't think that's at all what we

1 intended, that's why we used the term "oversight," not  
2 "direction." You know, we are hiring some very qualified  
3 firms who know what they're doing, but I do think that,  
4 you know, what Commissioner Blanco said is right, there  
5 are going to be a lot of little decisions that are,  
6 really, consultations, they're going to be running it by  
7 us, bouncing some ideas off about strategy, and I do  
8 think that, you know, we need a couple of people who have  
9 legal backgrounds, who can say, "Yeah, that sounds like a  
10 good idea," or, "Have you considered X," whatever. But  
11 they're not big decisions. I don't think any big  
12 decision will be made in a two-person group and, really,  
13 I personally do not feel the need to be involved in every  
14 nitty gritty implementation detail of litigation  
15 strategy. I think the full Commission should only be  
16 looking at the big picture of what our goals are.

17           One of the things that Commissioner Forbes and I  
18 talked to the firms about was the need for full, complete  
19 and regular communications to the full body, you know, a  
20 regular report might be weekly, it might be every other  
21 week, of what the major actions have been, the major  
22 directions that we're going to, so that everyone will  
23 feel fully informed, but like I said, the day-to-day  
24 stuff and the nitty gritty, I personally do not feel the  
25 need to be involved in that at all, I'm happy to delegate

1 that to folks who have a lot more background in that than  
2 I do.

3           A couple of other thoughts, I think the  
4 conference call idea is something we would have to plan  
5 for in advance, we've talked about this before, we can  
6 only do this if it's clearly set up that way in advance  
7 because these are closed sessions and, you know, they  
8 don't have to be open to the public, so that will give us  
9 a lot more flexibility. So, again, if the two-person  
10 SWAT team feels like it goes beyond kind of consultation  
11 of small details, call in the full Legal Advisory  
12 Committee, or call in the full Commission, and we're  
13 going to, again, notice every day, so I think that the  
14 only caveat I would say is that, again, in order for us  
15 to be responsive, this has to be -- if it's a decision  
16 that really needs a fast turnaround, it's just going to  
17 be whoever can make it on the call, and we're not going  
18 to reschedule it for you. So, I think as long as that is  
19 the caveat, I think that's fine.

20           One other thought, I also agree with Commissioner  
21 Raya that, and this was in the document that I  
22 circulated, that possibly bringing someone in from F&A  
23 when appropriate when we're talking about the price tag  
24 of a certain strategy. The other committee that I think  
25 will be important moving forward is Public Information

1 because, you know, the Commission will have to have a  
2 Commissions strategy during this period, as well.

3 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
4 Barabba.

5 VICE CHAIRPERSON BARABAA: Yes. This has been a  
6 very interesting conversation, but there is a source of  
7 knowledge here that we're going to be hearing from  
8 tomorrow, which are the two very distinguished law firms  
9 with two lawyers who have been involved in this before,  
10 and I think before we decide how we want to approach  
11 this, it might be appropriate for us to at least go  
12 through tomorrow's discussion before making a final  
13 decision.

14 CHAIRPERSON GALAMBOS MALLOY: As Chair, I am in  
15 agreement with this. I do want to entertain those who  
16 remain in the stack, but the reason that we have it  
17 agendized for unfinished business is that many of these  
18 decisions we need to make are an iterative process, you  
19 know, I think it's good to have an initial pulse on what  
20 are some of the considerations we need to have in mind, I  
21 think we will have opportunity with the firms to discuss  
22 some of how litigation strategies might play out, what  
23 are some of the decisions that would have to be made?  
24 That will provide a fuller context based on which we can  
25 make our decisions, so I do plan on rolling this agenda

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1 over and would like to hear from Commissioner Filkins  
2 Webber and then Commissioner Yao will have the last word  
3 on this agenda item.

4 COMMISSIONER FILKINS WEBBER: I agree that this  
5 should be put over at least as far as making a decision.  
6 I can think of all kinds of scenarios, you know, where  
7 decision making may be necessary, but we as a full  
8 Commission need to hear that from our counsel. And once  
9 they advise the Commission regarding the types of  
10 decisions that they may need on an emergency basis, it  
11 will allow for maybe further confidence or maybe further  
12 lack thereof, or -- I'm not going to read between the  
13 lines here, that's certainly true.

14 But, anyway, once you have an idea of what our  
15 counsel can give us examples of, on what types of  
16 decisions, I envision this certainly as possibly a two-  
17 person team, Commissioner Ancheta and Commissioner Forbes  
18 are fine candidates for the emergency situation; then, I  
19 envision simply like Legal Advisory or, again, some other  
20 type of committee put together that would have updates  
21 from counsel that they would be, then, reporting back to  
22 the full Commission.

23 I don't see that there would be any other, you  
24 know, large decisions -- anything of the magnitude as I  
25 think Mr. Miller had brought up, that the counsel would

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1 be discussing it with us, you know, giving us the  
2 strategy and identifying the litigation, and you know,  
3 we'd have an idea of the scope of work from the  
4 attorneys, and then everybody on the Commission would  
5 already have an idea of what the Commission's pulse is,  
6 as we've been using that term, or what their ideas are.

7           So certainly nobody in Legal Advisory, or even  
8 Commissioner Ancheta or Commissioner Forbes, would I ever  
9 envision that they would step out and make a decision  
10 that would be contrary to what the Commission probably  
11 has already decided, and in a strategy session with  
12 counsel, and certainly against any type of  
13 micromanagement of counsel, that just doesn't happen.  
14 They need to make their decisions; all they need to do is  
15 just present to us in consultation options, choices,  
16 strategy, we agree, disagree, and they move ahead.  
17 That's how I envision it, but I would certainly love to  
18 hear from counsel tomorrow.

19           CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.

20           COMMISSIONER YAO: I see that we're heading in  
21 that direction, so I'll keep my comments very short. I  
22 agree 100 percent with Commissioner Blanco's description  
23 of what she thinks the scenario is going to be and the  
24 word that I wanted to say is, let's don't try to set up  
25 an organization today in terms of how to deal with it

1 because, clearly, we don't know what this litigation game  
2 is going to be like, we won't know that for at least a  
3 few more weeks, maybe a month or so. And forming a  
4 subcommittee and limiting us on our ability to  
5 communicate is probably the worst thing that can happen  
6 to us. So keep the organization loose and don't set up  
7 anything to allow Bagley-Keene to tie our hands behind  
8 our backs.

9 COMMISSIONER FILKINS WEBBER: So it sounds like  
10 we'll move this on for tomorrow. We can probably just  
11 trail this business, and after we hear from our  
12 attorneys, then we can think about this discussion that  
13 everyone has participated in and who our candidates are.

14 CHAIRPERSON GALAMBOS MALLOY: I do feel a certain  
15 sense of urgency based on the conversations I've had with  
16 our outside counsel this week, that we do need to leave  
17 this session with some semblance of what the smaller  
18 committee of Commissioners will be, and the reason I say  
19 that is because we are agendized from August 7<sup>th</sup> onward,  
20 but the position of both our outside counsel is that we  
21 need to move now, and we need to move immediately, and so  
22 there will be work, even in that first week of August,  
23 that they are wanting to embark on and they will need  
24 clear point people in order to move that process along.  
25 So we we'll finish this up under Unfinished Business

1 tomorrow and I would like to ask Ms. Johnston, the issue  
2 of telephonic meetings had come up, if you could just  
3 refresh the Commission's memory as to what procedures we  
4 need to take. If you could just refresh us, please.

5 MS. JOHNSTON: Teleconferencing is fine, so long  
6 as it complies with the other notice requirements. You  
7 would need to have a meeting in place, which I assume  
8 would be in the Commission's offices. But people could  
9 participate by telephone in a closed session without any  
10 problem.

11 CHAIRPERSON GALAMBOS MALLOY: Okay, excellent.  
12 So keep that in mind and I'll pass it back to  
13 Commissioner Filkins Webber.

14 COMMISSIONER FILKINS WEBBER: Okay, so we will  
15 pick this up as Unfinished Business for tomorrow. One  
16 item that we had skipped was item 5, Media Relations  
17 Procedures for Commissioners and Staff during Litigation.

18 What this arose out of was we've had some  
19 discussions, Q2, I believe, has a term in their contract  
20 that would prohibit publications and "publications" I use  
21 as a legal term meaning even speaking, as well as written  
22 format, regarding redistricting matters during the  
23 pendency of litigation. We had this discussion also in  
24 Santa Ana when we had our business meeting about what  
25 fellow Commissioners thought of any type of order or

1 prohibition, or limitation on any either speaking  
2 engagements or publications during the pendency of any  
3 litigation. And as I recall, as far as the Commissioners  
4 were concerned, that was just going to be left up to  
5 litigation counsel to advise and we are likely working  
6 towards a better idea with probably Mr. Wilcox's input,  
7 as well, on how the Commission would be handling speaking  
8 engagements post-litigation. And so we'll probably be  
9 leaving -- I think we've already made a decision on it,  
10 we've already had the discussion.

11           So where this comes up, actually, is where there  
12 might be some holes and, so, somebody had asked, a fellow  
13 Commissioner had asked and we put it on the agenda as far  
14 as staff, and whether -- and I'm not certain that we  
15 really could do anything as far as passing any motion, I  
16 mean, we could as far as staff that exists, but those  
17 that we let go, again, it might even apply to Ms. Sargis,  
18 who has been with us all along, or Kristian, you know. So  
19 it's a question of whether or not there would be any  
20 limitations, whether there could be, I have my personal  
21 opinions about it, but it's just a general discussion on  
22 whether there would be any additional limitations  
23 suggested for existing staff that will remain with us  
24 during litigation and possibly whether there could be  
25 anything with staff that leaves, which I don't think

1 there can be.

2 CHAIRPERSON GALAMBOS MALLOY: This is another  
3 area where we have flagged it as an item for  
4 consideration by our outside counsel and we anticipate we  
5 will be getting some guidance on this matter from them  
6 and would be in a position to make some decisions on it  
7 before we go home from this session.

8 COMMISSIONER FILKINS WEBBER: Okay, so we'll  
9 defer for tomorrow. Is that correct?

10 CHAIRPERSON GALAMBOS MALLOY: Yes. Please.

11 COMMISSIONER FILKINS WEBBER: Okay, then Item 7,  
12 Update on PRA Requests, there have been some concerns by  
13 Commissioners regarding information that has been  
14 released, personal information that has been released, in  
15 the preparation of those documents, as far as I  
16 understand it they are being scanned and placed on the  
17 web. So I would like a couple of things, first of all,  
18 how many PRAs do we have at this point? And what the  
19 status is of response? How many are still left  
20 outstanding for Commissioners to reply to, or staff or  
21 counsel, and then we'll move on to some of the concerns  
22 regarding personal information.

23 MS. JOHNSTON: There are currently five pending  
24 requests. If you look at the website, it lists nine, but  
25 four of those have been completed and sent to Christina

1 for posting, but they haven't yet been switched from the  
2 pending to the closed. Do you want specifics on the five  
3 that are still pending?

4 COMMISSIONER FILKINS WEBBER: Yes, please.

5 MS. JOHNSTON: The first one is the second  
6 request from Ms. Abrams, it's Abrams 2 or PRA Request 12,  
7 and that's the one that asks for emails from a number of  
8 the Commissioners, and while we've gotten some from some  
9 of the Commissioners, others have said they cannot comply  
10 with that until after they have some time on their hands,  
11 so we are holding that in abeyance. And since Lonn is  
12 here, I can say he is now helping me out with these and  
13 he'll be the one who is doing the matrix to make sure  
14 that all the appropriate Commissioners have responded  
15 before we compile any requests.

16 The second one is from Sturgis and that is asking  
17 for the notes taken by the Commission and provided to Q2  
18 during the week of May 29<sup>th</sup> to June 4<sup>th</sup>. Again, we're  
19 waiting for information from some of the Commissioners on  
20 that.

21 The third one is the California Republican Party  
22 request, again, that asks for information from  
23 Commissioners and so we are waiting to get some of that  
24 information.

25 The third [sic] one is from Associated Press for

1 the per diem records and Deborah was working on that  
2 yesterday and hopefully we'll have that ready to be  
3 produced within a day or so.

4           And the final one is not yet on the website  
5 because it just came in July 21<sup>st</sup>, and I sent it to  
6 Christina, but it's not yet been posted. And that asks  
7 for Racially Polarized Voting Analyses. It is similar to  
8 one we received before and, after consulting with your  
9 litigation counsel, only two such documents were  
10 identified and they are not protected by Attorney Work  
11 Product or Attorney-Client Privilege, so I expect that  
12 those will be the same documents produced in response to  
13 that request.

14           COMMISSIONER FILKINS WEBBER: So what I would ask  
15 is that my fellow Commissioners review at least four of  
16 them that pertain to -- actually, it looks like three --  
17 three of those pending PRAs that require Commissioners to  
18 respond, so if you can put this on your list of  
19 priorities for the next couple of weeks, that would be  
20 helpful if you can get it done before August 15<sup>th</sup>, so we  
21 can have all the PRAs completed before, because we don't  
22 know what the likely volume could be in the next coming  
23 months. So I would appreciate it if all the  
24 Commissioners can at least look at those. Obviously, you  
25 don't have to worry about the per diem, and you don't

1 have to worry about the RPB, so it's only the three that  
2 relate to notes and emails from Commissioners.

3 The other issue is, if you could, Ms. Johnston,  
4 as we understand it, some personal information was not  
5 redacted from documents before they were placed on the  
6 website. Has that been corrected?

7 MS. JOHNSTON: That has been corrected and we  
8 didn't realize the concerns. Some of your emails, back  
9 and forth, used your personal emails rather than the  
10 Commission emails, so staff has gone through and redacted  
11 all the personal information such as home addresses,  
12 phone numbers, residences, personal email, anything that  
13 is not Commission, and we'll continue to do that before  
14 we post responses in the future, but as of now,  
15 everything that was posted has been redacted.

16 COMMISSIONER FILKINS WEBBER: Okay, that's as far  
17 as posting, but was the information released to the  
18 individual who had made the original PRA request before  
19 the information was posted?

20 MS. JOHNSTON: The ones, at least that  
21 Commissioner Di Guilio was concerned about, were not  
22 released, except on the website. We have begun a process  
23 of posting both the PRA requests and the responses, the  
24 reason for that being is we were getting a number of  
25 requests for all prior requests and responses, which got

1 into this mushrooming situation of having to produce and  
2 produce, and reproduce and reproduce, so this was a  
3 solution that seemed most satisfactory. So, yes, they  
4 were posted for a period of time, but that has been  
5 changed.

6 COMMISSIONER FILKINS WEBBER: I'm sorry, then  
7 maybe I don't understand the method or the policy of the  
8 CRA response to PRAs. Are we only asking that the  
9 individual who makes the request then obtain the  
10 information from the website when you post the response?

11 MS. JOHNSTON: That's correct.

12 COMMISSIONER FILKINS WEBBER: Okay, that's how  
13 it's working?

14 MS. JOHNSTON: That's how it's working, and  
15 making available in that manner complies with the Public  
16 Records Act.

17 COMMISSIONER FILKINS WEBBER: Okay, so we're not  
18 incurring any costs as far as photocopying and all?

19 MS. JOHNSTON: Photocopying, postage, all of that  
20 got to be a big nightmare, we had staff running down to  
21 the post office to buy some stamps, so this seemed to be  
22 the best solution all around.

23 COMMISSIONER FILKINS WEBBER: That sounds good.  
24 And additional cautionary steps with Mr. Leitch's help  
25 will prevent the further release of other personal and

1 private information.

2 MS. JOHNSTON: I am most grateful for his help.

3 COMMISSIONER FILKINS WEBBER: Thank you. Do any  
4 other Commissioners have any questions or concerns  
5 regarding this issue on our PRA responses?

6 COMMISSIONER DI GIULIO: I think just one in  
7 terms of the other thing that I had noted in the PRA  
8 responses was in terms of, in one of them, it had the  
9 attendance records, and people had been marked absent  
10 when they had just come late, so I know for myself there  
11 were three days when I went back and put the time stamp  
12 of when I had arrived. So, surprise, I was late.

13 MS. JOHNSTON: I think Janeece can address that.

14 COMMISSIONER DI GIULIO: Okay.

15 MS. SARGIS: It's my intent to go back over the  
16 videos and make sure that that is all corrected, and it's  
17 my understanding from Ms. Johnston that I can submit a  
18 correction to the record, so I will be doing that.

19 COMMISSIONER DI GIULIO: Okay, and for other  
20 Commissioners, too, if you review those and you notice  
21 that was a date that you actually were in attendance, we  
22 go back sometimes and we know when it was when we  
23 arrived, so that can help Ms. Sargis, too.

24 MS. JOHNSTON: And I think, at least from some  
25 time in the past, Ms. Sargis has been doing that, marking

1 people who arrive after the meeting has begun, so it's  
2 only the early meetings when that practice was not being  
3 followed.

4 COMMISSIONER FILKINS WEBBER: Okay, anyone else  
5 have any questions on that issue? Okay. So we will  
6 likely carry this over to our next Business Meeting and  
7 make sure that everyone has finished up. So we  
8 appreciate it.

9 The last topic is 9, and I added this on there  
10 because I was fascinated by a reference made by Ms. Mac  
11 Donald that the Legislature had done quite a number of  
12 [quote] "Clean-Up Bills" after their redistricting in the  
13 past. And so I wanted to flag it for Mr. Miller to find  
14 out and confirm, does this Commission have jurisdiction,  
15 I guess, to pass motions subsequent to August 15<sup>th</sup>, and  
16 could we envision what types of motions those would be  
17 for cleanup issues on our own maps. Mr. Miller?

18 MR. MILLER: I'm sorry, clean-up on your maps - I  
19 thought this referred to the structure of the statute as  
20 it relates to the work of the Commission. You're  
21 referring to --

22 COMMISSIONER FILKINS WEBBER: Ms. Mac Donald had  
23 made reference to, for instance, I think that there might  
24 be some discrepancies in Census information, or City  
25 Boundaries, and we might have relied on one aspect and

1 then we find out that the City Boundary might be  
2 different, and so, as I understood, the Legislature then  
3 would pass what they call these "Clean-Up Bills," which  
4 would then allow the maps to be amended, so to speak, to  
5 clean up these types of inconsistencies between maybe the  
6 Statewide Database Census information, whatever it might  
7 be. And so we've seen that with the Legislature before,  
8 I just don't know how this Commission, since it's an  
9 entirely new process, how we would be able to effect  
10 those types of changes after August 15<sup>th</sup>.

11 MS. JOHNSTON: The statutes governing the  
12 Commission actually spell that out. It says that the  
13 Legislature may not amend this Chapter unless all the  
14 following are met: by the same vote required for the  
15 adoption of the Maps, the Commission recommends  
16 amendments. So that's the first step. You've got to do  
17 the special majority vote before the Legislature could  
18 even contemplate any changes. Secondly, it has to be  
19 passed by two-thirds vote of each House, it has to be in  
20 print for 10 days before final passage, must further the  
21 purposes of the Act, and it may not be passed in any year  
22 ending in a zero or a one, so the earliest that any  
23 amendments could be made would be in 2012, and it would  
24 have to begin with a special vote of the Commission and  
25 then the Legislature could proceed with it.

1           COMMISSIONER FILKINS WEBBER: I'm sorry, the  
2 amendments that you're speaking of --

3           MS. JOHNSTON: Amendments to Prop. 11.

4           COMMISSIONER FILKINS WEBBER: Okay, I'm speaking  
5 of something different. But what --

6           MS. JOHNSTON: Well, I think it would apply  
7 because Prop. 11 sets out the procedure for drafting Maps  
8 and if you want to change that procedure, I think you  
9 have to follow the restrictions in the Proposition.

10          COMMISSIONER FILKINS WEBBER: Okay, I'm not  
11 talking about changing Proposition 11 yet because we're  
12 going to have that meeting and discussion next --  
13 probably next meeting. What I'm talking about, and  
14 again, this is why I had sent an email to Mr. Miller, so  
15 maybe we can just follow-up with Ms. Mac Donald as to  
16 what she was referencing. What she is talking about is,  
17 let's say, for instance, here is an example I can think  
18 of off the top of my head, the boundaries of the City of  
19 Eastvale, which is one of the newer cities in the State  
20 of California, and it is a City, and it was a City last  
21 year at the time the Census was taken, so let's say that  
22 we drew a boundary line on one of our districts that,  
23 based on the information that Ms. Mac Donald and Q2 had  
24 received, the intent was to include the City in its  
25 entirety. And what she had stated just last week was

1 that there were occasions in which they may not have  
2 through their mapping process have correctly identified  
3 that line or that border, and so there were these types  
4 of [quote] "clean-up" issues where there was different  
5 information from the Census, or the Statewide Database,  
6 that superimposed on our Maps, and if it was an error,  
7 you know, in that data that got superimposed on our Maps,  
8 there could be [quote] "clean-up" and that is what  
9 apparently happened in the past with the Legislature and  
10 what they called these clean-up bills.

11 EXECUTIVE DIRECTOR CLAYPOOL: If I could, I  
12 believe that your Maps will stand as they are certified  
13 on the 15<sup>th</sup> without taking these Clean-Up Bills into  
14 consideration, that that's going to occur after this  
15 process. Now, we can look into this and find out because  
16 it is certainly something that wasn't contemplated in the  
17 Proposition. The Proposition was strict and you will  
18 certify these Maps, and then that will be it. So if we  
19 could follow on with some investigation into this and  
20 see, it would be better than to try and figure out what  
21 we don't know right now.

22 COMMISSIONER FILKINS WEBBER: Exactly, okay.  
23 Well, that's why I put it on there. Okay, so please do  
24 so because, again, I am talking about post-August 15<sup>th</sup>  
25 issue and errors that were not intended, that certainly

1 could come about based on, you know, computer data, which  
2 is not unusual from what I understand from Ms. Mac  
3 Donald. So we will defer this to an August meeting and I  
4 would like to ask Mr. Miller, or Mr. Claypool, or staff,  
5 essentially, to provide us a report on whether we do have  
6 jurisdiction or power to do this, what types of clean-up  
7 bills may be considered, or if there is some other  
8 process or procedure that we must follow to correct  
9 unintended errors in the maps, similar to what the  
10 Legislature had to do at other redistricting.

11 And it appears, unless there is any other issues  
12 that any fellow Commissioner would like to add for Legal  
13 Advisory next time, that we can take a look at, I would  
14 conclude this report-back by Legal Advisory.

15 CHAIRPERSON GALAMBOS MALLOY: Excellent. So I  
16 would like to take a five-minute bio break, please.  
17 Kristian, if you could have us go off line momentarily?  
18 We'll come back in five minutes and pick up where we left  
19 off with technical discussion topics.

20 (Recess at 10:26 a.m.)

21 (Reconvene at \_\_\_\_\_ a.m.)

22 CHAIRPERSON GALAMBOS MALLOY: Thank you, welcome  
23 back to this session of the California Citizens  
24 Redistricting Commission. We are moving through our  
25 Advisory Committee discussion topics and we will at this

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1 time turn our attention to the Technical Discussion  
2 topics led by Commissioner Di Giulio.

3 COMMISSIONER DI GIULIO: Sorry, and I apologize  
4 for being late this morning. Between a sick child and  
5 some kind of crazy traffic that required me to do an  
6 illegal U-turn in the median, but don't tell anyone,  
7 through random back was between Lodi and Elk Grove, but I  
8 made it.

9 Okay, so a narrative report, and I appreciate you  
10 waiting, I know this Commission could have well  
11 functioned without me here, as much of this actually is  
12 under other people's direction at the moment. A  
13 narrative report, before I turn it over to Commissioner  
14 Dai, I will also remind everyone that we are required to  
15 have our narratives done by this Sunday, I believe, have  
16 them done and completed and just in pristine condition,  
17 so Commissioner Barabba and Commissioner Dai don't have  
18 to spend as much time, and I think she'll mention more,  
19 but there's a great template to use, just to recall the  
20 discussions that we as a Commission have had in all those  
21 districts and to fill those in on each district, AD, SD  
22 and CDs, and BOE to the extent that it's applicable, as  
23 well. So with that, I'll turn it over to Commissioner  
24 Dai to actually fill in more of the details.

25 COMMISSIONER DAI: Yes and although I have not

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1 received any early submissions, I have overheard  
2 Commissioner pairs discussing the work, so I am confident  
3 they are well underway. I just wanted to correct the  
4 deadline, it is actually Saturday, it's the 30<sup>th</sup>, that way  
5 Commissioner Barabba and I can spend Sunday compiling it.  
6 So, again, please don't recreate the wheel. Ms. Kubas  
7 had provided very detailed and Encyclopedic notes as we  
8 did our verbal discussions and did line drawing  
9 directions, so feel free to reference those on the  
10 website to jog your memory as we're going through, and  
11 it's done by district, so hopefully that will be helpful  
12 to you and this really won't end up taking too much time.

13 I received a question about getting a final Split  
14 Report, so I was actually going to check in with  
15 Commissioner Di Guilio on that because I know Q2 is busy  
16 doing our final line drawing direction, and I know they  
17 are also preparing these final reports. So, in terms of  
18 the timing on that, I mean, I think, again, you can  
19 probably write most of it and then just go back and  
20 double-check and make sure you've accounted for all the  
21 splits. Commissioner Di Guilio, did you have a --

22 COMMISSIONER DI GUILIO: Yes, Commissioner  
23 Ancheta and I are looking at each other like "who is  
24 going to take that one?" I wasn't sure if that had been  
25 discussed yet this morning, but I'll let Commissioner

1 Ancheta talk about that if you'd like to hear a little  
2 bit more.

3 COMMISSIONER ANCHETA: Yeah, and this came up  
4 because Ms. Mac Donald had late last night just sent  
5 Commissioner Di Guilio and I an email inquiring about the  
6 various variables that Q2 might be generating for their  
7 parts of the report and she did mention things like --  
8 and we've seen these in all of our Visualizations and  
9 things like total population, deviation, voting age  
10 population, citizen voting age population - City splits  
11 and County splits, I think, we're all looking for that, I  
12 don't think we're looking at any other split reports  
13 other than the Cities and Counties?

14 COMMISSIONER DAI: That's correct.

15 COMMISSIONER ANCHETA: That's correct. She  
16 mentioned compactness, although I think there is that  
17 issue about -- there are a number of existing measures of  
18 compactness which the program can certainly generate, but  
19 again, we have a brand new definition which doesn't  
20 usually align with existing compactness scores, so I  
21 don't know if you want to have that.

22 COMMISSIONER DAI: Yeah, I think we had decided  
23 not to precisely because the automatic scores that are  
24 located, you know, that are available in the software do  
25 not correspond to California's definition of compactness,

1 so rather than put a number that is misleading, that I  
2 think people can see compactness by just eyeballing it,  
3 so...

4 COMMISSIONER ANCHETA: So the question then  
5 became for Ms. Mac Donald, is there anything else she  
6 ought to be looking at, and I was sort of looking at some  
7 other proposals and the lovely CAPAFR proposal, which is  
8 really aesthetically pleasing, but also very informative.  
9 For example, their proposal includes, for example,  
10 nesting reports, a table of nested districts, you could  
11 certainly indicate whether a particular Senate District  
12 is nested. It had a table of Section 2 Districts and the  
13 covered groups under each of those districts. It  
14 certainly can include various benchmark and VAP numbers  
15 for the Section 5 counties. Those are all, I think,  
16 pretty easily available. There may be others, but if  
17 maybe folks want to just either suggest it now, or get  
18 something to Commissioner Di Giulio and I fairly soon  
19 because I think Ms. Mac Donald needs to generate these  
20 reports today.

21 COMMISSIONER DAI: Yeah, I think all those, we  
22 want. And it's consistent with our legal counsel's  
23 recommendation of providing the data that supports the  
24 legal basis of our decision, which by the way everyone  
25 should have received last night for your reading and

1 reviewing pleasure, that's the second major portion of  
2 the Final Report, so please, you've received the first  
3 installment a couple weeks ago that Mr. Claypool had put  
4 together, just the background on the Commission and the  
5 process, the second section is the legal basis for our  
6 decisions, so that's there for your review, as well. By  
7 the time we have the entire report collated for your  
8 review, hopefully on or about August 6<sup>th</sup>, you will have  
9 seen two-thirds of the report. So, hopefully by then  
10 you'll only have to review the Final District narratives.

11 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
12 Barabba, Yao, and Filkins Webber.

13 COMMISSIONER BARABBA: Commissioner Ancheta, on  
14 the districts affected by Section 5 counties, will we get  
15 the benchmark data, as well, so we can do the comparison?

16 COMMISSIONER ANCHETA: You mean for reports?

17 COMMISSIONER BARABBA: Yeah.

18 COMMISSIONER ANCHETA: Individual ones?

19 COMMISSIONER BARABBA: Yeah.

20 COMMISSIONER ANCHETA: We can make sure those are  
21 provided. I think a number of copies have been floating  
22 around which we can make sure we -

23 COMMISSIONER BARABBA: Some of the districts have  
24 been changed since we saw those first ones, so...

25 COMMISSIONER ANCHETA: Right, right, so I think

1 in the report that we generated, they're trying to get  
2 something to us basically by tonight or tomorrow morning,  
3 and I think those, among those many sets of data we  
4 should be getting it for those.

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.

6 COMMISSIONER YAO: Commissioner Dai, one problem  
7 I ran into in the process of working on the write-up is  
8 my inability to precisely define what a particular city  
9 is or a Census place, or an unincorporated area. There  
10 are officially 488 Cities in the State of California, but  
11 over the last many months, we refer to [quote unquote]  
12 "Cities" in a very loosely defined way. How important is  
13 it to be precise in our write-up when it comes to  
14 describing a particular place?

15 COMMISSIONER DAI: That's a good question.  
16 Basically, the Voters First Act for Criteria No. 4 only  
17 mentions "Cities" specifically, it doesn't mention Census  
18 Places, so when you get the Splits Report from Q2, it  
19 will indicate City splits, so you only need to reference  
20 city splits and county splits, if appropriate.

21 COMMISSIONER YAO: All right, if we call a city  
22 that's really not an official city in the description, or  
23 in the write-up of the description, do you find that  
24 acceptable?

25 COMMISSIONER DAI: Well, again, it's not

1 necessary to mention splits in places that are not  
2 cities. If you think it's important to mention --

3 COMMISSIONER YAO: I was not referencing to the  
4 split, I was referencing to the use of the term "Cities"  
5 in the write-up.

6 COMMISSIONER DI GIULIO: Are you saying that --  
7 there are Census Place splits that they can run if we  
8 want, but that's not -

9 COMMISSIONER DAI: Yeah, we're not planning to  
10 run that.

11 COMMISSIONER YAO: Okay. All right, sounds like  
12 it's unimportant, so I got that -- but in terms of the  
13 report itself, we probably need to clarify as to the  
14 official definition of the City. Are we going to  
15 basically include -- use that term loosely? Or are we  
16 going to use that term as defined by the incorporation  
17 within the State of California?

18 COMMISSIONER DAI: That's correct because,  
19 otherwise, it won't show up in the City Splits Report.  
20 And, again, you know, these don't need to be grossly  
21 detailed and I really hope that you don't make them  
22 grossly detailed, we are looking for something pretty  
23 succinct. If you look at the narrative examples, I  
24 encourage you to follow them very strictly. We are  
25 talking about, you know, major cities, major counties --

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1 I mean, counties are major, but -- major neighborhoods,  
2 major communities of interest. You don't have to mention  
3 every single tiny community of interest that --

4 COMMISSIONER YAO: Right, the narrative example  
5 is from Northern California, where a county is the size  
6 of a city when you go into Los Angeles --

7 COMMISSIONER DAI: That's right, so just use  
8 cities instead of counties.

9 COMMISSIONER YAO: -- the difference is very  
10 obvious. Thank you.

11 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
12 Filkins Webber.

13 COMMISSIONER FILKINS WEBBER: Commissioner Dai,  
14 you mentioned something about an email that we should  
15 have received last night, I don't have it.

16 COMMISSIONER DAI: I did forward it to -- let me  
17 just double-check it, maybe it wasn't sent to everyone.  
18 If it hasn't been, I will forward it to you.

19 COMMISSIONER BLANCO: What is it?

20 COMMISSIONER DAI: It's called "Confidential  
21 Attorney Work Product, CRC..." -- it looks like it was not  
22 forwarded, let me go ahead and forward it right now and  
23 then you'll have a chance to read it tonight.

24 CHAIRPERSON GALAMBOS MALLOY: Any other questions  
25 or comments on the reports?

1           COMMISSIONER DI GIULIO: I do -- I think  
2 Commissioner Yao maybe does bring up an issue that we  
3 hadn't talked about much, which is how to maybe  
4 incorporate the neighborhoods and areas which are very -  
5 neighborhoods in some places in LA are as large as cities  
6 in other places, so I'm not sure if there had been any  
7 talk about -- I don't believe we will be incorporating  
8 that in the reports in terms of splits, but I think in  
9 your narratives, it may be helpful to discuss those in  
10 terms of neighborhoods in addition to not just the City  
11 of LA, but specifically the neighborhoods that you're  
12 referencing.

13           COMMISSIONER YAO: Right. What I find difficult  
14 is not precisely knowing what it's called if I reference  
15 to a neighborhood, at the same time and talk about an  
16 official city, it comes across in the description as  
17 being talking about apples and oranges, and so it sounds  
18 like we're not looking for a lot of precision in that  
19 area, in the write-up, so I won't worry about it.

20           COMMISSIONER DI GIULIO: I have a feeling  
21 Commissioner Dai will give you any further direction you  
22 may need.

23           COMMISSIONER DAI: Yeah, if you have any more  
24 questions on specifics, like, for example, I can give you  
25 an example, for example, in Los Angeles, in the San

1 Fernando Valley, absolutely some of these neighborhoods  
2 are larger than Cities and Counties elsewhere in the  
3 state, and again, to the degree that it's relevant to  
4 your description, we heard a lot about in San Fernando  
5 Valley about neighborhoods that were to the east of the  
6 Freeway, and those over to the West of the Freeway, and  
7 we got a lot of feedback about not splitting certain  
8 neighborhoods. So, to the degree that it's important to  
9 mention that we were able to keep certain neighborhoods  
10 whole, then mention it; if it's not really relevant to  
11 the discussion, and it wasn't particularly controversial,  
12 then don't feel compelled to mention it.

13 COMMISSIONER YAO: No, it is mentioned, but the  
14 difficulty I had was do I need to identify it as a  
15 neighborhood and compare to identifying a city as a city,  
16 or anything else.

17 COMMISSIONER DAI: No, not necessary.

18 COMMISSIONER YAO: So we'll just reference it by  
19 name and let the reader make that interpretation.

20 COMMISSIONER DAI: That would be fine.

21 COMMISSIONER YAO: So I got that message, thank  
22 you.

23 COMMISSIONER DAI: Okay, so I will go ahead and  
24 forward the legal section for your review and then, if  
25 you have any questions about it, Mr. Brown will be here

1 tomorrow. And, again, the schedule is we get all the  
2 stuff from you on the 30<sup>th</sup> and hopefully it's in excellent  
3 shape, and then Commissioner Barabba and I will go  
4 through and supplement and correct as needed and try to  
5 make it sound like one person wrote it, and then we will  
6 also have our VRA Counsel review particularly the  
7 districts that involve Section 2 and Section 5 Districts,  
8 and then we will get the whole thing for everyone to have  
9 one final eyeball over hopefully by August 6<sup>th</sup>, and that  
10 will give you several days to give any final comment that  
11 we can try to incorporate.

12 CHAIRPERSON GALAMBOS MALLOY: I have a question  
13 for Commissioners Di Guilio and Ancheta. In regarding to  
14 -- when we talk about nesting, I think there are  
15 districts where we have done blending, where there's a  
16 large proportion of a district that is comprised of two  
17 other districts, but not exclusively. Do you have a  
18 sense of Q2's ability to reflect that in the report,  
19 which would be not a straight nesting, but, you know, if  
20 there is 80 percent of two Assembly Districts that is in  
21 a Senate District, I think that would be useful  
22 information for the public to know.

23 COMMISSIONER DI GUILIO: Well, I think they can  
24 run the nesting report and that will just give us the  
25 numbers that are associated with that. I think it would

1 probably behoove us as the Commissioners in the area when  
2 we do the narrative to explain the concept that we did  
3 keep with nesting, but because nesting was the lowest of  
4 our criteria, that there were times when we had to blend,  
5 to more accurately reflect COI, or to meet other criteria  
6 that were higher in the nesting priority. That would be  
7 my sense in terms of how to address the issue, and the  
8 responsibility of Q2's, and the responsibility of those  
9 Commissioner pairs writing the narrative. But  
10 Commissioner Ancheta may have some additional comments.

11           COMMISSIONER ANCHETA: Yeah, I think that's  
12 right. I think a table of nested districts would be  
13 purely nested districts, and I think it might be hard to  
14 -- although they could certainly identify blended  
15 districts. I think, having it in tabular form by  
16 percentages, I think, would be very difficult, if not  
17 impossible -- not impossible, but it would be hard to do.  
18 But certainly for purposes of individual district  
19 narratives, and we can ask Q2 to maybe just sort of  
20 identify the ones that -- to the extent that they're very  
21 close to nested, I'm sure they could identify some of  
22 those just based on their knowledge of the districts and  
23 we can incorporate those into our individual narratives.

24           CHAIRPERSON GALAMBOS MALLOY: Yeah, that would be  
25 useful. I had initially envisioned something -- I

1 certainly don't want to over-complicate the matter, but  
2 similar to when we were having the discussion regarding  
3 deferral, you were actually able to see the relationship  
4 between previous districts and what proportion of the  
5 population was reflected in the new district, and I don't  
6 know if they have the simple capacity to be able to do  
7 that, but I think, even if not, we can certainly address  
8 that matter in our narratives and that will accomplish  
9 the same goal. Commissioner Ontai.

10 COMMISSIONER ONTAI: Real quick, what time do you  
11 want it by on Saturday.

12 COMMISSIONER DAI: Midnight.

13 CHAIRPERSON GALAMBOS MALLOY: Okay, so back to  
14 Commissioner Di Guilio.

15 COMMISSIONER DI GULIO: Okay, so I think  
16 basically what we'll do is, based on what Commissioner  
17 Ancheta originally mentioned, in addition to the total  
18 population, the VAP, the CVAP, splits, it will also  
19 request Q2 to make sure we have the benchmark figures for  
20 Section 5, that the Section 2 Districts and covered  
21 groups, and then the nesting report. So I think that  
22 will be the basis for what we're asking Q2 to do for us,  
23 and if there is anything else that the Commission can  
24 think of between now and tonight, drop us a line and  
25 we'll make sure to pass that on.

1           The next issue would probably be the District  
2 Numbering: Report and Action. As you recall, we did  
3 decide upon a way to do deferrals to minimize the impact  
4 to the public and a way for numbering that on a  
5 geographic basis from north to south, in consecutive  
6 manner, so as I understand it, that will be presented  
7 with us along with the maps tomorrow, and maybe, I'm not  
8 sure, maybe Commissioner Galambos Malloy can confirm  
9 that, but I think that was the intention, when the maps  
10 are presented to us tomorrow that that will include the  
11 numbering, as well?

12           CHAIRPERSON GALAMBOS MALLOY: It will.

13           COMMISSIONER DI GIULIO: Yeah. Okay, are there  
14 any questions on that? Good, okay, great.

15           The Calendar - I put in a Calendar discussion in  
16 the event that we still needed to move things back and  
17 how that would impact us. I believe, at this point, even  
18 with the inclusion of a very late Sunday night, we are  
19 still on track to have at least the maps available for us  
20 to review and to continue in our discussion and doing a  
21 vote on Friday, I believe. We did allow for Q2 to have  
22 an extra day to run the reports because we had gone an  
23 extra day in our line drawing directions, they needed an  
24 extra day, but they were able to at least get the maps to  
25 us in the timeframe that we had had. And we checked with

1 our legal counsel that those reports were -- it was  
2 possible to have the reports finalized, as long as there  
3 were no changes to the maps that we were agreeing upon.  
4 So I don't believe there is any -- I could defer to the  
5 Chair on that, but it is my understanding there haven't  
6 been any calendar changes that are required of Technical,  
7 on a technical basis.

8 COMMISSIONER YAO: On the discussion of the  
9 calendar, when will we decide on the meeting date in  
10 August?

11 CHAIRPERSON GALAMBOS MALLOY: So we are currently  
12 -- the dates that we had agreed on as a Commission that  
13 we will be meeting for sure in August are August 13  
14 through 15, and those are the dates immediately preceding  
15 and including the date that we will need to certify our  
16 maps with the Secretary of State; however, I did take the  
17 liberty last week in order that we are positioned for  
18 maximum flexibility as we move into litigation, to  
19 agendize all days between August 7<sup>th</sup> and the close of  
20 August, and I think, based on our discussion tomorrow  
21 with outside counsel, and as we choose what is our  
22 interim structure of how we are providing liaison to the  
23 firms, we will be able to leave this session with a  
24 clearer sense as to what other days in August might be  
25 necessary for either the full Commission or some subset

1 of the Commission.

2 COMMISSIONER YAO: May I follow-up? So all the  
3 comments in this meeting, when we said that we deferred  
4 to August, by implication is August 13?

5 CHAIRPERSON GALAMBOS MALLOY: Yes, it's for that  
6 business meeting, however, we if we do have need to meet  
7 as a full Commission prior to those dates, we may take  
8 advantage of the fact that we are all convened to  
9 actually move some of that work along sooner than that  
10 date.

11 COMMISSIONER YAO: Right, I'm just talking about  
12 planning purposes. Thank you.

13 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ontai.

14 COMMISSIONER ONTAI: And just to confirm, the  
15 Chair will be Commissioner Barabba and the Vice Chair  
16 will be Commissioner Aguirre?

17 CHAIRPERSON GALAMBOS MALLOY: For the upcoming  
18 meeting in August, which is currently scheduled for  
19 August 13 to 15, however, those dates may change, we may  
20 have an earlier August meeting, and therefore the Chair  
21 rotation would shift along with that.

22 COMMISSIONER DI GIULIO: Okay, so again, the  
23 calendar for myself was simply in regard to the Technical  
24 issues, but I think that Commissioner Galambos Malloy --  
25 maybe Finance and Administration will have some more

1 issues with calendars --

2           CHAIRPERSON GALAMBOS MALLOY: There may be one  
3 other point which we actually, in conferring with  
4 Commissioner Ancheta before this meeting, we decided to  
5 actually bump until tomorrow, but we will need to have  
6 some small delegated authority to work on the Department  
7 of Justice Preclearance, and so we'll take that on in  
8 Unfinished Business tomorrow. We are fully confident we  
9 will be able to move it forward on a rapid timeline, but  
10 just need to clarify roles and responsibilities around  
11 that.

12           COMMISSIONER DI GIULIO: Okay, and the last  
13 thing, actually Commissioner Aguirre just reminded me, it  
14 was a good point, that our understanding is that when we  
15 review these districts, they will be in an electronic  
16 format, as opposed to us having hard copies of the maps.  
17 I am assuming that that was okay for the Commission, but  
18 I should check in to see if you would like an actual hard  
19 copy. I think the issue is, to do the screen shots of  
20 the hard copy, that is not -- once we ask them to put it  
21 on the Statewide Database, I haven't tried to the  
22 printing, but as I understand, printing from the  
23 Statewide Database is different from the groups that  
24 actually take our data and then create their own maps  
25 from which we can have staff print. But at this point, I

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1 wasn't sure of the level of comfort that people have in  
2 reviewing them electronically vs. wanting to have a hard  
3 copy in front of them. I think there is an issue, by the  
4 time that the staff gets -- by the time that we can get  
5 those files up and someone is able to translate them into  
6 a screen shot, or something else, and then having our  
7 staff do that and run 177 districts for 14 Commissioners  
8 would be a lot of time, I would imagine, and probably a  
9 lot of expense. But if the Commission feels that is  
10 worthwhile, then we could do that -- a lot of trees, but  
11 the trees are falling as we speak. But I think, if we  
12 really had questions about the districts, we would be  
13 able to have the ability to really go in and zoom in on  
14 those details electronically better than we would on a  
15 hard copy anyways, I think that was the assumption, but I  
16 apologize for making that assumption, so I wanted to  
17 check in with the Commission on that.

18           CHAIRPERSON GALAMBOS MALLOY: I think for the  
19 interim, that's a fine policy, we will have access to the  
20 same information. I could foresee a point in the future  
21 where, you know, individual Commissioners might need hard  
22 copies in order to prepare for depositions, or any type  
23 of additional research that they would want to do, but we  
24 can cross that bridge when we get to it and I think I  
25 have personally recycled reams of paper since I have

1 become a Commissioner, so I err more on the side of  
2 trying to use the electronic tools that are at our  
3 disposal now. Commissioner Barabba.

4 COMMISSIONER BARABBA: I would just check with  
5 Mr. Wilcox as to - for a press conference not this coming  
6 one, but for the 15<sup>th</sup>, whether he thinks we may need some  
7 printed materials.

8 COMMUNICATIONS DIRECTOR WILCOX: As far as the  
9 having the maps there, I would still suggest that we go  
10 along with our current practice, which is making them  
11 available online because making those and putting them in  
12 color would be cost prohibitive.

13 COMMISSIONER DI GIULIO: Okay, I think with  
14 that, that's probably the last item that needed immediate  
15 attention from Technical.

16 CHAIRPERSON GALAMBOS MALLOY: Okay, excellent.  
17 Commissioner Raya, would you lead the Public Information  
18 Discussion Topics, please?

19 COMMISSIONER RAYA: Yes, I will. Okay, well,  
20 clearly our focus right now is on this week. And we've  
21 had a couple of things that we've been working on,  
22 obviously our message, our grand message, message to be  
23 included with the release on Friday, preparation of  
24 talking points for the Commissioners following the Press  
25 Conference, and maybe I'll let Mr. Wilcox address how the

1 press conference is -- what is anticipated. Some things  
2 are still pending until we've had an opportunity to  
3 review them with our litigation counsel tomorrow, so  
4 obviously we're operating somewhat in generalities at  
5 this point.

6 COMMUNICATIONS DIRECTOR WILCOX: Right, and the  
7 four documents, the Narrative, High Level Message,  
8 Talking Points, Q&As, and those have been transmitted to  
9 our litigation legal counsel. We are hoping that they  
10 will have an answer for us hopefully sometime today so  
11 that we can then send that out to all of the  
12 Commissioners so you have those in advance of the Press  
13 Conference. The Press Conference is 1:00 p.m. in Room  
14 1190, which is the Governor's Press Conference Room, and  
15 we are working now with the Department of General  
16 Services to do a call-in number and ability for other  
17 Reporters remotely to ask questions, and that's the plan  
18 for the Friday News Conference.

19 COMMISSIONER RAYA: And Commissioner Galambos  
20 Malloy, you sent a - is it time for mediation? [Bells]  
21 You sent an email requesting that a number of people act  
22 as points of information. Can I go ahead and report --

23 CHAIRPERSON GALAMBOS MALLOY: Oh, please do. The  
24 thought was that we do have many Commissioners with  
25 various specialized areas of expertise, and that we,

1 although I will be Chairing the Press Conference, would  
2 like to have Commissioners available to discuss certain  
3 items so that many of us can play a role in responding to  
4 the Press. So I've made some initial thoughts with Mr.  
5 Wilcox and Commissioner Raya on what those assignments  
6 would be, and I haven't heard any "Nos" back yet, so I'll  
7 let Commissioner Raya explain.

8 COMMISSIONER RAYA: Okay, well, once it's out  
9 here, you're committed. We tried to anticipate areas of  
10 questions that will come up at the Press Conference and  
11 suggest appropriate Commissioners to respond. So those  
12 would be questions on the VRA would go to Commissioner  
13 Ancheta, questions on pending litigation going forward on  
14 litigation would be Commissioner Forbes, Commissioner  
15 Filkins Webber gets the fun one, explaining the Senate  
16 Deferral issue --

17 COMMISSIONER FILKINS WEBBER: And I don't believe  
18 I have any expertise on that.

19 COMMISSIONER RAYA: Okay, well, I don't know if  
20 this -- we had asked our counsel, and he did give an okay  
21 on a draft that Commissioner Barabba did, so we can get  
22 that to you so you'll have it, I thought it was a pretty  
23 succinct and straightforward --

24 COMMISSIONER BARABBA: That's only relative to  
25 describe what we did. I think the more complicated

1 question that will come up is what happens when there is  
2 an elected official who is not in that district anymore.

3 COMMISSIONER RAYA: Yeah, this is a starting  
4 point.

5 COMMISSIONER FILKINS WEBBER: Has that been sent  
6 to me?

7 COMMISSIONER RAYA: No, it has not yet, but we'll  
8 send that --

9 CHAIRPERSON GALAMBOS MALLOY: I actually sent  
10 both drafts to Commissioner Filkins Webber this morning,  
11 so I am sure by Friday you *will* be an expert.

12 COMMISSIONER RAYA: Okay, going on. Finance  
13 issues and, I guess, sort of general governance going  
14 forward after the Maps is Commissioner Dai. I will  
15 handle questions on public information outreach, and  
16 Commissioner Barabba will answer any questions about how  
17 fabulous this process is compared to previous ones.

18 CHAIRPERSON GALAMBOS MALLOY: And where there are  
19 other Commissioners who have ideas, I mean, we did our  
20 best pass working together to anticipate the types of  
21 questions that might arise during the Press Conference  
22 and to prepare for those, and where there are  
23 Commissioners who have other ideas on what some of those  
24 questions might be, or would like to volunteer a specific  
25 type of question or area of expertise they would like to

1 offer, please definitely flag that for Mr. Wilcox,  
2 Commissioner Raya, or myself, and we will make sure we're  
3 organized to have our team ready on Friday.

4 COMMISSIONER RAYA: Any questions?

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.

6 COMMISSIONER YAO: I'm sure questions associated  
7 with specific maps will be asked. How do we intend to  
8 handle that, not only in the conference, but the period  
9 thereafter or before the post-July 29 and prior to August  
10 15?

11 CHAIRPERSON GALAMBOS MALLOY: Let me preface Mr.  
12 Wilcox's response by saying this topic will be a topic of  
13 major discussion tomorrow with our outside counsel. We  
14 have provided them with all the materials that we're  
15 thinking of using for talking points. They will actually  
16 be providing us specific guidance on how we both navigate  
17 through the Press Conference that will happen this week,  
18 and also begin to suggest for us a structure on how we  
19 communicate with the Press as we move into the litigation  
20 phase, so I think we will have a much more clear  
21 framework on what that looks like. At the same time, we  
22 did not want to wait until Thursday night anticipating  
23 what we would need to do at the Press Conference, so we  
24 were just attempting to move the work forward.  
25 Commissioner Yao and then Commissioner Blanco.

1           COMMISSIONER YAO: Another question moving  
2 forward is, I'm sure the Press and everybody will focus  
3 on the redistricting very heavily over the next two  
4 weeks. Do we intend to have any kind of formal press  
5 release associated with that? Or are we going to be in  
6 an information vacuum for the next two weeks?

7           COMMUNICATIONS DIRECTOR WILCOX: Well, I think  
8 that is also a question that will be dealt with tomorrow  
9 with the litigation legal counsel, and it, you know, is  
10 my hope that we will be an up and running Communications  
11 operation and that there will be consistent and clear  
12 messages, but that's something that needs to be discussed  
13 tomorrow with the litigation legal counsel.

14          CHAIRPERSON GALAMBOS MALLOY: Commissioner  
15 Blanco.

16          COMMISSIONER BLANCO: Yes, I would recommend just  
17 one slight addition or change to the roles. I think,  
18 given the interest of the Latino community in this  
19 redistricting process, as evidenced by a lot of maps and  
20 emails and comments, that it would be good to have a role  
21 in Friday's Press Conference by a Latino member of the  
22 Commission.

23          CHAIRPERSON GALAMBOS MALLOY: Are you  
24 volunteering?

25          COMMISSIONER BLANCO: No, I'm just -- no, it's

1 just a global issue.

2 CHAIRPERSON GALAMBOS MALLOY: Well, at this  
3 moment, I would like to entertain a volunteer and, if  
4 not, I will assign, and Commissioner Blanco, since you  
5 brought it to our attention. We do have Commissioner  
6 Raya is on hand for public information issues, but you  
7 are suggesting that it really relate more to Latino VRA  
8 issues?

9 COMMISSIONER BLANCO: I just think it's going to  
10 come up, especially around the LA area and all that  
11 stuff, and I'm really not volunteering myself. It's  
12 actually more of an issue of representation in the team  
13 that will be presenting, but I'm really not volunteering  
14 myself.

15 COMMISSIONER RAYA: Well, this sort of starts us  
16 down a path because there are questions about - there are  
17 questions from -- there will be, I guess we should  
18 anticipate questions from a number of interest groups,  
19 and that would include Conservative Action Group,  
20 perhaps, Environmental, Ethnic Groups, I'm sure if we  
21 think about it for a second, I could come up with a  
22 number of them. So, perhaps we need to take a little bit  
23 of time to think how many ways we would need to respond  
24 and whether we would want to think perhaps a little more  
25 globally because I think there will be plenty of

1 opportunities to respond to specific questions, not that  
2 we don't want to respond on Friday, but anticipating that  
3 they're not the only ones that are going to be asking  
4 questions.

5 COMMISSIONER BLANCO: No, I would agree, but I'm  
6 just saying, you know, let's know that it's going to be a  
7 topic and that we should be ready. I haven't seen the  
8 talking points that were sent to counsel, so maybe it's  
9 all in there. And I assume it is.

10 CHAIRPERSON GALAMBOS MALLOY: I think we'll be  
11 talking about it extensively tomorrow with counsel, so  
12 this again is just some draft ideas and we can revisit  
13 and finalize roles later tomorrow afternoon. Any other  
14 questions for Mr. Wilcox or Commissioner Raya on the  
15 Press Conference and Press Relations immediately  
16 following the vote? Okay, we'll pick that back up  
17 tomorrow in closed session with outside counsel.

18 So it's time for Finance and Administration led  
19 by Commissioner Dai.

20 COMMISSIONER DAI: Thank you, Chair. Mr.  
21 Claypool, I don't know if Ms. Davis is planning to join  
22 us, I'm sure this is a lot earlier than she expected.

23 EXECUTIVE DIRECTOR CLAYPOOL: She had planned on  
24 joining us about 1:00 p.m. for our 2:00 start time.

25 COMMISSIONER DAI: Shall we cover some of the

1 other issues first, then?

2 EXECUTIVE DIRECTOR CLAYPOOL: We can.

3 COMMISSIONER DAI: Okay. So there are a couple  
4 of items that I wanted to cover today, one is our normal  
5 financial reporting and, when Ms. Davis is able to join  
6 us, we can go through that.

7 I also wanted to chat about our post-August  
8 operations plan. I think that's something we can talk  
9 about now. You all received a late night email from me  
10 that summarized --

11 COMMISSIONER ANCHETA: Chair? This is a rather  
12 -- this came late last night, which some things come  
13 late, obviously, because they're coming in late. It's a  
14 rather lengthy document and I haven't had a chance to  
15 review it, I don't know if others have had a chance to  
16 review this document. I feel -- I'm happy to discuss it  
17 now, but because of the detail in it, I would like a few  
18 minutes just to sort of look at it, and I don't know if  
19 it's appropriate to take a break or not. Mr. Claypool is  
20 going to highlight, obviously, I would think, a lot of  
21 things in here. But it is a 12-page document which has a  
22 lot of information.

23 COMMISSIONER DAI: I'm sorry, the document I sent  
24 was very short, so it's not lengthy at all, it's a  
25 summary of the ideas from various Commissioners on our

1 post-August operations. It should not be more than a  
2 couple pages.

3 COMMISSIONER ANCHETA: Okay, I'm sorry about  
4 this, I may have been referring to a different item.

5 COMMISSIONER DAI: You are referring to a  
6 different item.

7 COMMISSIONER ANCHETA: Are you going to be  
8 covering that, as well?

9 COMMISSIONER DAI: Later, yeah, when we get to  
10 it. We have to have this discussion first, however.

11 COMMISSIONER ANCHETA: Oh, that's fine, no, I  
12 have no problem with that, it's just this particular  
13 document, because of the length of the document, I didn't  
14 want to just sort of jump into it after a few minutes.

15 COMMISSIONER DAI: Not at all, in fact, we have  
16 hard copies of both documents that are coming around and  
17 Mr. Claypool will actually be presenting that document,  
18 so even if you didn't have time to do your homework last  
19 night, we will be going through it as a group. So,  
20 anyway, I think it's most appropriate that we have the  
21 discussion about what we want the Commission to be when  
22 we grow up, so to speak, after August and about half the  
23 Commission sent me thoughts and ideas, which I tried to  
24 organize and put in logical groupings. And I believe,  
25 Mr. Claypool, that has been posted as well? Has Ms.

1 Shoup been able to get that up on the Web?

2 EXECUTIVE DIRECTOR CLAYPOOL: I'll confirm with  
3 her that she has. Again, we were looking at a noon  
4 posting, so I'll make sure that she's got it up.

5 COMMISSIONER DAI: Okay, so if it's not up there  
6 yet, it will be up there shortly.

7 So the first shorter document is basically a  
8 compendium summary of ideas that have been submitted by  
9 Commissioners in the past week to me, that I tried to  
10 organize. And let's have that discussion first because  
11 what we decide about what we want this Commission to be  
12 moving forward will help us with the next discussion,  
13 which is the longer document, which is what is the  
14 staffing structure that we'll need to support that. And  
15 Mr. Claypool will actually present that to us. And his  
16 plan is basically a short term plan, so, if you noticed,  
17 I tried to approximately divide this by timeframe into  
18 short term, mid-term, and longer term, ongoing, and these  
19 are obviously approximations, short term being kind of  
20 through the end of the calendar year, approximately, mid-  
21 term through the end of the fiscal year, which goes  
22 through June of 2012, and then longer term and ongoing,  
23 you know, maybe activities we start now, but will  
24 continue into future fiscal years. So that was roughly  
25 how I grouped these.

1 I did try to use your own words, so there are  
2 some things that might require explanation by certain  
3 Commissioners because I wasn't sure what was intended, so  
4 I didn't try to edit those too much.

5 So if we can have a discussion first about our  
6 functions, what kind of activities we want to undertake,  
7 and then after that we can talk about how we organize to  
8 achieve that, and we had started the discussion already  
9 about litigation oversight, but you know, I think longer  
10 term we need to think about advisory committees that make  
11 sense and what our leadership looks like, and  
12 compensation, what's a legitimate CRC activity moving  
13 forward, and what would be considered an individual  
14 activity. And then there's also some discussion here  
15 about when do we bring the full body together, when is it  
16 necessary to have the full Commission meeting as opposed  
17 to having advisory committees act, there will be kind of  
18 a lot of miscellaneous things that really won't require  
19 the full group, would be a waste of State money to bring  
20 us together, but we do anticipate having semi-regular  
21 meetings as we go through the rest of this fiscal year,  
22 at least, and then we can see what the lay of the land  
23 looks like in the future.

24 So, I think, first of all, let's talk about the  
25 short term kind of activities. There were kind of three

1 main things that came up here, obviously litigation  
2 response is the main activity that has some urgency. We  
3 expect to continue to have Public Records Act requests, I  
4 probably should have put that under ongoing, as well, but  
5 there may be a flurry of these requests that may also be  
6 related to litigation.

7           And then there's an attempt to have what was  
8 terms "Accurate Archival." We've been posting a lot of  
9 documents up, you know, to get them up in a timely  
10 fashion, that there have been comments about the accuracy  
11 of some of the items, and the completeness of some of  
12 these items, as well. So a few examples people gave was  
13 creating a database of kind of all past Districts for  
14 each City in California that would be kind of a reference  
15 database. You've heard Commissioner Di Guilio brought up  
16 the issue that our attendance records are not completely  
17 accurate, so that is something that Ms. Sargis has  
18 already undertaken, to go back and make sure the record  
19 is correct on that.

20           Another suggestion was, you know, we have  
21 generated quite a bit of media coverage and that's part  
22 of history, too, and I know that -- I am sure that Mr.  
23 Wilcox has gathered a lot of it, but I know that I've  
24 given interviews that I haven't seen the results of  
25 because we were in a meeting at the time, so there's

1 perhaps an opportunity to flesh out the rest of our  
2 YouTube channel and make sure that all of this is  
3 captured for historical archival. So these are a couple  
4 of the different things that might be some of the main  
5 activities in the coming months, basically and, again,  
6 litigation response will be a lot of it.

7 I want to get some comments on this to see if  
8 there is general agreement. If people have additional  
9 items and neglected to get them to me, now would be a  
10 good time to chat about it.

11 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
12 Ancheta.

13 COMMISSIONER ANCHETA: First, I think this is a  
14 very good lesson for short term activities. And also, we  
15 are all very well -- litigation responses. One thing  
16 that comes to mind and I don't know, it's been sort of  
17 tossed around, it's actually on our agenda for today or  
18 tomorrow, but maybe a short term function, which is if  
19 there is a referendum that is qualified for the ballot.  
20 And I'm only throwing this out because I'm not sure what  
21 our response is, actually, in terms of a referendum. I  
22 think we want to say our maps are good, therefore, I  
23 don't know, that's a question, right? Because our maps  
24 are good, and should you vote no on the referendum -- I'm  
25 sorry, yes on a referendum, it's a referendum, it's an

1 approval of the maps. But that may be a question tied  
2 with litigation because obviously if the referendum  
3 fails, the voters disapprove of the maps, it goes  
4 straight into the Supreme Court. But I'm not sure if  
5 there is a role for us in terms of if a referendum is  
6 qualified, for doing any kind of public information. I  
7 don't know, there may be none, but --

8 MS. JOHNSTON: If I may, I actually had this  
9 exact same issue with the Commission on the Status of  
10 Women who wanted to support the Equal Rights Amendment  
11 about 25 years ago. No public funds may be spent on  
12 advocacy on matters before the Voters. You can provide  
13 information, as long as it's fair and balanced, but you  
14 cannot advocate one way or the other on issues to be  
15 presented to the Voters.

16 COMMISSIONER ANCHETA: Okay. So, and obviously  
17 we will have a report, there will be sort of normal media  
18 activities, presumably, I suspect that, again, if one is  
19 qualified, media will inquire about that, but I think  
20 just normal -- well, it's part of the response strategy,  
21 but I would assume that as long as we are just sort of  
22 limiting ourselves with those kinds of activities, that  
23 that is necessarily beyond the normal scope of our work,  
24 therefore there wouldn't be any additional -- any public  
25 funds expended, or is that even going too far in terms of

1 media responses?

2 MS. JOHNSTON: You could put out information  
3 explaining what you did and how the process was, you just  
4 can't say, "Voters, vote for this."

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
6 Forbes.

7 COMMISSIONER FORBES: Yeah, are we allowed to --  
8 if a claim is made, are we allowed to provide facts and  
9 information that may refute or support that claim?

10 MS. JOHNSTON: Certainly, any factual information  
11 you can provide.

12 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
13 Barabba.

14 COMMISSIONER BARABBA: If an editorial board,  
15 which wants to take a position on the referendum wanted  
16 to discuss with some of the Commissioners the background,  
17 what would our response be?

18 MS. JOHNSTON: As individual Commissioners, you  
19 have First Amendment rights you can exercise speaking  
20 personally.

21 COMMISSIONER FORBES: I think we may get further  
22 guidance, too, from our litigation counsel.

23 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.

24 COMMISSIONER DAI: Yeah, I just want to clarify,  
25 I didn't put the normal activity that goes on, in other

1 words, accounting is still happening, our website is  
2 still being updated, you know, all of these normal  
3 activities are still going on, I'm just trying to talk  
4 about kind of major functions here that have not been  
5 what we have done in the past.

6 CHAIRPERSON GALAMBOS MALLOY: Other  
7 Commissioners, response to the short term functions of  
8 the CRC or additions? I know this represents a good  
9 cross section of the Commission, but there are  
10 Commissioners that did not submit ideas ahead of this  
11 meeting.

12 COMMISSIONER DAI: Does it look pretty good? If  
13 it does, we'll just go on to the next category.

14 COMMISSIONER FILKINS WEBBER: The reason that I  
15 didn't chime in yet is only because I think that it goes  
16 -- some of my ideas come out of the thoughts of what the  
17 proposed amendments might be to the Constitution, for  
18 instance, I had some thought that maybe -- if it was at  
19 all Constitutionally possible, I just am thinking about  
20 it factually and not as a lawyer, but starting this  
21 entire process, or having the Commission select it  
22 earlier, so that then we have -- the next Commission  
23 would have a longer period of time in which to build  
24 their infrastructure again as far as staff, and getting  
25 together outreach plans and all of that. So some of my

1 ideas were in conjunction with the proposed amendments  
2 and I see a little bit of that on here as far as  
3 infrastructure and public input and personnel, and I was  
4 thinking more along the lines of some recommendations on,  
5 you know, outreach plan, public hearing schedules, you  
6 know, pros and cons of what we experienced in that  
7 regard, and how if they are still stuck with a six-month  
8 schedule, maybe we can build a timeline for the next  
9 Commission as to just those types of ideas is what I  
10 thought we could help out with, but it just depends on  
11 maybe the likely success of any Amendment to the  
12 Constitution.

13 COMMISSIONER DAI: Excellent segue into the next  
14 category.

15 COMMISSIONER FILKINS WEBBER: Good, I just wanted  
16 to help you out there.

17 COMMISSIONER DAI: Thank you. So I put this as  
18 mid-term because it's probably something we can start in  
19 the next few months, but we probably won't finish --

20 COMMISSIONER YAO: Before we go to the mid-term,  
21 one item I think in the short term is transitioning to a  
22 sustainable organization, whatever that means at this  
23 point in time. I don't have the name for it, but clearly  
24 the organization is going to change and I think we  
25 probably need to include that as part of the short-term

1 activity, how to transition, and I know you may have  
2 included that as part of our normal operations, but I  
3 think that is defining what that organization is and  
4 working on the transition, I think, is a clear task.

5 COMMISSIONER DAI: Thank you for bringing that up  
6 and I did assume that would be part of the normal task  
7 because, you know, once we look at our activities, and we  
8 decide our Commission structure, then we will be looking  
9 at the staffing structure that we need to support those  
10 activities under these different timeframes and I think  
11 probably the immediate decision is what is the staffing  
12 structure we need for the short term, and Mr. Claypool  
13 has put a plan together for us to review on that. And  
14 then, obviously, that is going to need to be revisited as  
15 we go into kind of the mid-term and longer term, as well.  
16 So I think there will be checkpoints along the way where  
17 we're going to be reevaluating what our staff structure  
18 looks like because the level of activity is going to drop  
19 and the frequency of our meetings is going to drop, and  
20 certain things may not make sense anymore in terms of a  
21 staffing structure.

22 But what we have for consideration today that Mr.  
23 Claypool has prepared is really for the short term, so we  
24 will hear a presentation from him and, then, that's when  
25 we can go into closed session and discuss personnel

1 matters and see, you know, whether we want to adopt it,  
2 whether we have some tweaks, etc., because it involves  
3 individuals who are staff members.

4           Okay, so going on to mid-term, I think it  
5 addresses a lot of the suggestions that Commissioner  
6 Filkins Webber was holding out on us for, and that is  
7 basically there were a lot of suggestions that come down  
8 to -- I categorize them as a valuation and assessment and  
9 coming up with recommendations on how to improve the  
10 process, so these are all kind of related to that.  
11 Commissioner Galambos Malloy had done some research and  
12 spoken to some folks over at the Irvine Foundation  
13 because they have already funded an independent study to  
14 see how the whole Citizens Redistricting Commission  
15 process has worked, and one of the things that we had  
16 talked about very early on was actually setting aside  
17 funds to do that kind of study on our own, you know. It  
18 may be interesting -- of course, we would certainly like  
19 to participate in that study, it may be interesting to  
20 supplement it, but perhaps with more of an internal view.  
21 That's something we can decide. Obviously, you know,  
22 there needs to be funding to cover that kind of a study,  
23 but some of the suggestions ranged everywhere from, you  
24 know, just general how do we improve the processes, what  
25 was effective, what wasn't, what would we want to change,

1 to looking at what are the outcomes. I mean, what  
2 happens in the next election based on assuming that we  
3 adopt our maps and in the State, what happens, what are  
4 the changes that have happened based on the maps that we  
5 created as an independent redistricting commission. So  
6 there are a lot of specific ideas that have to do with  
7 outcomes, as well as ideas around just process and  
8 improvement. So that's kind of the study and then I  
9 think the next thing is formulating recommendations based  
10 on the study, and there are a couple of different ideas  
11 here, one is actually to come up with recommendations for  
12 the next Applicant Review Panel. In other words, knowing  
13 what we know now in terms of how the Commission was  
14 formed, do we have any thoughts on, you know, tweaks or  
15 enhancement to even the application selection process.  
16 Are there thoughts about what makes an effective  
17 Commission, does that change at all, do we think the  
18 criteria that was used to select us is adequate, so there  
19 might be some thoughts around that in terms of the  
20 selection process and the makeup of the Commission.

21           And then a lot of things that fell under  
22 recommendations to the next Commission, how can we make  
23 this a smooth and less painful process for them. We kind  
24 of are in the unique situation of being the start-up  
25 group, they will be taking an ongoing concern, so to

1 speak, and we put in place a lot of policies, you know,  
2 there is a staffing structure that we adopted, we're  
3 going to learn a lot from this whole litigation  
4 preparation period, so there are just a number of kind of  
5 infrastructure policy kinds of - you know, we've had a  
6 lot of challenge with the whole State contracting  
7 process, I mean, so there are probably a ton of  
8 recommendations we can make to the new Commission. Some  
9 of these might actually result in suggestions for both  
10 statutory and Constitutional Amendments, as Commissioner  
11 Filkins Webber suggested. But we can't work on those in  
12 the year ending in '01 [sic] as you heard, so we can't  
13 actually work on the actual amendments until 2012, but  
14 certainly understanding what happened, analyzing it, and  
15 formulating recommendations, and then perhaps taking it  
16 to the next step and actually proposing amendments that  
17 we would like the Legislature to pass is a natural kind  
18 of progression.

19 Another category was, you know, the whole public  
20 input process, you know, how do we improve the quality of  
21 public input and I put down here "preventing gaming of  
22 the system." We have seen, you know, we got very sincere  
23 public input, I think, as a first Commission to do this,  
24 I think the difference between the kind of input we've  
25 received in the last week vs. what we got early on in the

1 process, can show the learning that's happened in the  
2 public about how to provide input to the Commission. You  
3 know, I think the fact that we did a lot of -- allowed  
4 people to submit information over the Internet is  
5 something that certainly wasn't used 10 years ago, so  
6 that was new this year, and 10 years from now, that's not  
7 going to be new. There is extremely sophisticated  
8 software that can spoof email addresses, even today, I  
9 don't think we saw a lot of that this time, but I think  
10 in 10 years there will probably be a need to authenticate  
11 people if we're going to -- if the next Commission is  
12 going to accept written testimony that way. So there are  
13 some issues to consider about how to make sure that the  
14 public input process is not used for the benefit of  
15 certain groups, to the detriment of Californians who are  
16 just trying to inform the Commission what makes sense for  
17 their communities, so a whole bunch of potential  
18 recommendations and analysis around what happened in our  
19 couple rounds of public input hearings and our dealing  
20 with the volume that we received in email, especially at  
21 the last minute.

22           And then there was also the thought about setting  
23 expectations for Commissioners in terms of what kind of  
24 commitment this really requires and, I mean, many of us  
25 have put both our personal and professional lives on

1 hold, particularly in the last few months. This may or  
2 may not be necessary the next time, by the way, because  
3 they won't have to do all the start-up stuff that we did,  
4 but again, lots of ideas on how to prepare the next  
5 Commission.

6           So that was kind of the stuff that I thought  
7 would fit kind of in the mid-term, which maybe would  
8 cover items through the end of the fiscal year, which is  
9 June 2012. And I believe, Commissioner Galambos Malloy,  
10 that the Irvine Study Foundation is scheduled to come out  
11 in the spring?

12           CHAIRPERSON GALAMBOS MALLOY: It is scheduled to  
13 come out in the spring. I can say a few more words about  
14 the study, and I could even send some notes out to the  
15 full Commission. It's really going to be a broad look at  
16 how the process was formed, how it was implemented by the  
17 Bureau of State Audits, by the Secretary of State, and  
18 ultimately by the Commission, itself. It's going to look  
19 at issues such as how did we create the maps, how did the  
20 timeline work.

21           It will not go extremely deep on any area because  
22 it is designed to be very broad in scope. They have on  
23 hand a team that is, to my understanding, being chaired  
24 by the Department of Political Science at Cal State  
25 Fullerton, a Voting Rights Act Council, outreach

1 specialists, and a GIS Mapper. The Irvine Foundation is  
2 funding the study, but has a firewall between themselves  
3 and the editorial team that's actually creating the  
4 report, and then another firewall between the team and  
5 the League of Women Voters, who will be ultimately  
6 publishing and distributing the report, so it is to  
7 protect any perception of influence on the part of the  
8 Irvine Foundation.

9           Because of the fact that the Irvine Foundation's  
10 charter is to serve the California Citizens, it's very  
11 focused on only California, so it won't be something  
12 that, you know, provides any recommendations or  
13 implications on a national basis, although I am sure that  
14 there will be some recommendations that definitely could  
15 be inferred from that. I think the hope is that  
16 Commissioners will be in a position that we can offer our  
17 time to participate in interviews for this study, and of  
18 course those questions that we are asked and our  
19 potential responses to them would have to be vetted  
20 through our outside counsel, given that this study will  
21 be taking place while we are in the litigation phase.  
22 So, I personally can see that, you know, this evaluation  
23 will be a valuable one, and particularly, I think,  
24 because we've been so deep on the inside of this process  
25 for so long, it will be illuminating to have outside

1 groups being able to express some of the things that they  
2 saw that really worked and didn't work about the process.  
3 But there will be very different things that we know from  
4 having been on the inside that, you know, definitely  
5 fueled some of those things that worked and didn't work,  
6 and so I think at some point, you know, it wouldn't  
7 necessarily have to be a large scale effort, but that it  
8 would behoove the Commission to do some capturing of our  
9 own thoughts and our own recommendations about the  
10 process, both for informing future Commissioners,  
11 Constitutional changes, and I think that is also going to  
12 be key for us to be able to be effective Ambassadors,  
13 there are, you know, I've already had my first request to  
14 come and speak in another state regarding potential  
15 reforms in other states for Citizens Redistricting  
16 Commissions. And I think having some sense of agreement  
17 amongst the Commission on what do we want to say as  
18 Ambassadors so that we have our sort of talking points  
19 before we undertake those types of speaking engagements  
20 would be useful. So that's what I know about the Irvine  
21 Foundation Study. They anticipate completing writing and  
22 editing during the spring of next year, and they will be  
23 disseminating the paper through the League of Women  
24 Voters and there may be some sort of conference or  
25 speaking tour that comes in 2012. Commissioner Blanco.

1           COMMISSIONER BLANCO: This is not so much about  
2 the Irvine Foundation Study, but just about this post-  
3 August since -- we're going to discuss it now, right? I  
4 guess I'm curious to hear from counsel, and I just re-  
5 read as much as I could of the Prop. 11 stuff; to the  
6 extent that some of this is discretionary, because we  
7 decide to do it ourselves, you know, as part of the 10-  
8 year appointment, and the statute and the Constitution  
9 are silent on what gets done in the 10 years after the  
10 maps are certified, I wonder if this is something that  
11 would be paid for in our per diem since it's not -- you  
12 know, we're sort of deciding ourselves what our business  
13 is going to be. And I guess my concern is that we could  
14 - if I were in the public, I would be concerned that we  
15 would be creating a lot of work for ourselves that we  
16 would be getting paid for, and I'm not sure that that was  
17 part of the Voters mandate, to have us drawing a salary  
18 doing these tasks that we've decided ourselves are what  
19 we want to do in the next 10 years. And so I'd like to  
20 have some discussion about that because that does concern  
21 me.

22           CHAIRPERSON GALAMBOS MALLOY: I have one item to  
23 add in, which is I definitely share some of the same  
24 concerns and I can see some of the different roles of  
25 Commissioners falling into different categories, one are

1 activities that we have all preapproved as falling within  
2 our policies of official business that qualifies for per  
3 diem.

4 I think another set of activities may be  
5 activities that we think are in the best public interest,  
6 but that we are simply agreeing to take on because we are  
7 public servants and we view it as part of the greater  
8 good. And, for example, with the type of thing I just  
9 mentioned, if there is the ability for the requesting  
10 party to pay for the trip to bring me out there and  
11 speak, and it's at no cost to the Commission, and I would  
12 need to charge per diem, but I'm willing to donate the  
13 time, you know, I think there could be some flexibility  
14 for Commissioners to take on those kinds of roles, again,  
15 when they fall within certain agreed upon buckets of  
16 activities. You know, as having served on Finance and  
17 Administration Committee, and knowing that the parameters  
18 around our budgeting are much stricter moving forward,  
19 that our activities need to be strictly tied to  
20 litigation, I think we do need to revisit our policies  
21 regarding per diem, and I actually am of the mind that we  
22 could have some potentially delegated authority, or some  
23 structure where there are Commissioners that are actually  
24 reviewing at a high level to make sure that the per diem  
25 requests that are coming in do fall within the policy

1 guidelines. I think there's been, you know, a certain  
2 level of flexibility, or variance amongst Commissioners  
3 as to the requests that have been coming in, clearly they  
4 are all available up on our website through the Public  
5 Records Act requests that have come in, but moving  
6 forward, we need to have a much tighter eye on that  
7 because we won't be seeing each other so often and having  
8 these conversations so often. So those are my thoughts,  
9 and Commissioner Yao is in the stack.

10 COMMISSIONER YAO: Just scanning through the  
11 list, one item and I don't know whether Commissioner Dai  
12 has put it in, one of the categories, and I failed to  
13 detect it or not, is the issue of budget. When we came  
14 on the Commission, we understood there was X amount of  
15 money available and we worked toward fitting our work  
16 scope into that understood budget. But going forward,  
17 that may not be the best process. Is there a way that we  
18 can include that as part of the work scope? In other  
19 words, we took on a lot of tasks and we made it work, but  
20 it may not be the best process.

21 COMMISSIONER DAI: Yeah, actually, as I had  
22 mentioned at previous meetings, there is a budgeting  
23 process that we go through every year and this is the  
24 reason we're going through this exercise right now,  
25 because we actually need to make our budget request for

1 2012 -- 2013.

2 COMMISSIONER YAO: No, again, this probably fits  
3 in the long term or mid-term recommendation to the next  
4 Commission in terms of saying that you've got to have  
5 enough money to do the job right, and you just can't skim  
6 on putting just together a website because that's all the  
7 money we have, we can't count on a lot of volunteer  
8 activity because we don't have money to pay for it, on  
9 and on. If it's included in one of the categories --

10 COMMISSIONER DAI: Infrastructure.

11 COMMISSIONER YAO: Yeah, well, I'm not sure it is  
12 infrastructure because it's something that we were forced  
13 to work to, because it was given to us in that manner,  
14 but going forward, we may want to make sure that there is  
15 enough money to do the job right.

16 COMMISSIONER DAI: I hear you, and I think that,  
17 again, recommendations to the next Commission, we were  
18 kind of dealt a hand and we had to deal with it --

19 COMMISSIONER YAO: Right.

20 COMMISSIONER DAI: I completely agree, we with  
21 our staff have managed to pull rabbits out of the hat  
22 repeatedly. I don't know 10 years from now whether the  
23 next Commission will be as successful in negotiating free  
24 venues everywhere --

25 COMMISSIONER YAO: Again, maybe, but by the time

1 the next Commission is formed, it's way too late, just  
2 like we were given a budget of \$2.5 million or \$3.5  
3 million. In other words, there's a set of  
4 recommendations that we want to make to the voters, in  
5 general, saying that, "If you really want this job to be  
6 done right, then these are the things that must be in  
7 place."

8 COMMISSIONER DAI: Yeah, and I think, again, that  
9 can fall under some of the recommendation formulation and  
10 recommendations for both Constitutional Amendments and  
11 statutory changes moving forward, based on our  
12 experiences. And in response to Commissioner Blanco's  
13 concern, I think that the Act is quite clear that we are  
14 supposed to do kind of evaluation of how we did and all  
15 of that, so this kind of all falls in that category. And  
16 there is an item under Commission structure to talk about  
17 per diem policy, which, again, we don't have to decide  
18 right now, but that things, as Commissioner Galambos  
19 Malloy said, we've got to be really clear that this is  
20 official Commission business and this is your own extra-  
21 curricular activity. And we tried to do that for this  
22 period, and I think that's going to change moving forward  
23 because we are going to have much much more limited funds  
24 for doing anything besides litigation, and we can  
25 request, you know, we can say, "This is what we think the

1 Commission should be, and this is the budget we're  
2 requesting, therefore." And the Legislature can come  
3 back and say, "That's great, we're going to give you  
4 \$50,000 next year." So, I mean, this is again our -  
5 we're trying to put together a vision, the Legislature  
6 may or may not buy that vision, and it's up to them to  
7 choose how to fund the Commission, and then again we will  
8 adjust based on the cards that we're dealt.

9 CHAIRPERSON GALAMBOS MALLOY: Commissioners Yao,  
10 Di Giulio, then Ward.

11 COMMISSIONER YAO: On the discussion of  
12 Commission per diem going forward in the short term, we  
13 had hoped that the Attorney General would have taken over  
14 the litigation activity from this point on and they chose  
15 not to do so. And I think we understood what the impact  
16 on the legal costs is, and I have a little concern about  
17 asking -- select a commission to fulfill that activity,  
18 not so much -- not only in the [quote unquote]  
19 "Management," and I don't mean the micromanagement, but  
20 the oversight and overview of that activity, and our  
21 existing requirement for per diem repayment because these  
22 type of activity rarely add up to our standard of six  
23 hours a day type of activity. And considering that we're  
24 asking Commissioners to exert their professional  
25 expertise to help the State out in this particular task,

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1 I think we need to find time to discuss as to what is  
2 appropriate in terms of compensation. So, if we find  
3 time to have a little bit of discussion on that over the  
4 next week, month that would be good.

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di  
6 Guilio.

7 COMMISSIONER DI GUILIO: Yeah, it sounds like  
8 this issue has maybe already been addressed, Commissioner  
9 Dai said there is a spot for it, for Commissioner per  
10 diem down the road in determining policy, but I think it  
11 is a very good discussion and I think Commissioner Blanco  
12 raises a very good point. I think, up until this point,  
13 this really has been a job for a lot of us, and I think  
14 there's been some legitimacy to the per diems and the  
15 amount of time, I mean, for most of us probably our  
16 amount of time far exceeds what we were billing, but that  
17 was part of the fact that we believed in this process.  
18 And I think, even moving forward, I think there will be  
19 some exceptions, I think Legal and Public Information  
20 will probably have a lot of work still to do in terms of  
21 making sure this Commission continues to move forward.  
22 And this, again, will just be a point of discussion, but  
23 the way I look at it, any other Boards or Committees I've  
24 been on has been an act of -- it's been an act of  
25 service, and of course there's limits for all of us, but

1 even moving forward, you know, unless there was some  
2 significant amount of work that really is required, I  
3 think a lot of our effort, whether it is speaking  
4 engagements, or whether it's even our meetings, our once  
5 a year meetings or couple times a year meetings, I mean,  
6 I see those as kind of an act of, again, a service of the  
7 Commission and I think it would be very helpful if we all  
8 kind of got on the same page because I think we all may  
9 -- if we leave it up to the discretion of Commissioners,  
10 which has happened a little bit, I think, to some degree  
11 with billing up until this point, we could be on a lot of  
12 different pages, so I think the more formalized we get  
13 with our policies as we move forward, probably the  
14 better, particularly if we have limited funds.

15 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ward.

16 COMMISSIONER WARD: Yeah, I just wanted to make  
17 sure that, under the mid-term functions, understanding  
18 now that this is going to be the basis for budgeting, and  
19 supporting a budget request, that we have training  
20 listed. I believe that a number of our training  
21 obligations were one and two-year refresher or re-  
22 accomplishment requirements, and I just want to make sure  
23 that's accounted for on the list.

24 COMMISSIONER DAI: Thank you. I'll actually put  
25 that under ongoing because, unfortunately, we're going to

1 have to do that training every two years. So we'll  
2 probably get a little reminder.

3 CHAIRPERSON GALAMBOS MALLOY: I have a question  
4 or a thought, and then Commissioner Filkins Webber and I  
5 believe Commissioner Aguirre. So, my thought is that I  
6 think we need to be thoughtful in striking a balance  
7 between having very clear, agreed upon per diem  
8 procedures, and also being conscious of the fact that  
9 this Commission was constructed in a way that there would  
10 be economic diversity across the Commission, and I  
11 completely agree with the spirit and the concept that, I  
12 mean, I think we have all given countless hours that we  
13 will never be compensated for, and that is perfectly  
14 fine, however, there may be some Commissioners who are in  
15 a better position to be able to absorb five days' worth  
16 of work, without receiving per diem and others. And so,  
17 without going into too much detail, I think that clarity  
18 around policies and, at the same time, be conscious that  
19 not everyone is coming in at the top of the income  
20 bracket, we have to strike a balance there because,  
21 again, I think we've been conscious of the diversity and  
22 how it enriches the substance of what we have done, and  
23 of course, as we try to recruit for the next Commission,  
24 we don't want the economic impacts of the task at hand to  
25 prohibit individuals from applying who may have otherwise

1 been strong candidates. Commissioner Filkins Webber,  
2 then Aguirre, then Dai.

3 COMMISSIONER FILKINS WEBBER: I just have two  
4 minor issues, I guess, not issues, questions. I agree, I  
5 think that if we're considering potential, you know,  
6 litigation guidelines and billing parameters for our own  
7 litigation counsel, that we certainly should be able to  
8 set up some guidelines as to what would be allowable  
9 activities that would be billable on a per diem for this  
10 Commission over the course of the next 10 years, and  
11 certainly do not -- we are already being chastised based  
12 on the amount of per diem and we're still within budget,  
13 and that's with money that we actually have to complete  
14 this task, let alone what it will look like in the next  
15 10 years.

16 The other question I have, it might be kind of  
17 dumb, but I was thinking about budgeting, is our little  
18 Verizon cards, or our cell phones, you know, are we under  
19 contract? Should we be turning those over? Is there a  
20 certain date that we should no longer be paying for it?  
21 Are these valid questions?

22 COMMISSIONER DAI: These are all considerations.  
23 I mean, I think we can work these details out later --  
24 yeah, no, I appreciate that. And I know there are other  
25 people in the stack, but I actually wanted to bring this

1 discussion back to mid-term, which is where we were and  
2 we kind of got off on this per diem stuff, which is later  
3 in my list here, and my suggestion would actually be to  
4 let, you know, to let Finance and Administration pull  
5 together some suggestions and then we can actually have a  
6 fruitful discussion, rather than having an abstract  
7 discussion. And I just want to point out, we do have  
8 guidelines now, so it's not like we don't have  
9 guidelines, what we haven't had is enforcement and the  
10 point is that --

11 COMMISSIONER FILKINS WEBBER: [Inaudible]

12 COMMISSIONER DAI: -- yeah, we would want to  
13 modify these guidelines, I don't think we want to  
14 dramatically depart from them, but the types of  
15 activities will be different and, so, you know, just  
16 providing a tweak on that for everyone to review and then  
17 we can see if we want to make changes as a group, I  
18 think, would be a more efficient use of our time.

19 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
20 Aguirre.

21 COMMISSIONER AGUIRRE: Yes. And I would echo  
22 just a quick point on per diem, comments by Commissioner  
23 Galambos Malloy regarding the consideration of economic  
24 diversity and future panels for redistricting. I just  
25 wanted to add a little footnote under mid-term evaluation

1 and assessment, the fourth bullet where you mentioned the  
2 impact of map configurations between minority groups in  
3 Central LA and San Gabriel Mountain Region. I would  
4 expand that to look at the whole issue of the  
5 applicability of VRA as currently configured to current  
6 realities that are not polarized black and white, but  
7 actually are very multi-ethnic and multi-racial dynamics  
8 in increasingly diverse communities, not only in  
9 California, but across the nation.

10 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.

11 COMMISSIONER DAI: Okay, so there probably is  
12 some question about whether that would fall under the  
13 long term category, but unless there is any more  
14 discussion on the mid-term, why don't I just -- I wonder  
15 if it would be useful for me to just run through the  
16 long term category and get any clarification on some of  
17 these items, I think we're going to need some  
18 clarification. And then we can just see if there are any  
19 other suggestions to this kind of overall framework.

20 So, for longer term and ongoing, as I mentioned,  
21 I should have put PRA on that because that will be  
22 ongoing, the volume will probably fall significantly over  
23 time, and I've added training per Commissioner Ward. The  
24 main thing that I thought would be longer term would be  
25 what I classified as education and our advocacy of the

1 CRC model, essentially, within the State of California,  
2 for local jurisdictions, you know, speaking engagements  
3 with other groups, and of course, we know there are many  
4 other states who have been watching this process closely  
5 and I guess, depending on how things go in the coming  
6 months, may decide that they're interested in adopting it  
7 themselves and may want to ask a Commissioner to come and  
8 speak, etc. And, again, we can talk about whether this  
9 is something that should be compensated with per diem or  
10 not. I think there are a couple of different ideas about  
11 that, so this is something I think some segment of some  
12 group within the Commission may be interested in engaging  
13 in; other Commissioners may be less interested. But,  
14 again, it's something that we can ask staff to help us  
15 coordinate as appropriate, if we think this is an  
16 appropriate activity for Commissioners to engage in and,  
17 depending on whether we think it's something that should  
18 be compensated with per diem or, you know, whether  
19 honorariums should be turned in to the CRC, etc., these  
20 are some policies that we can come up with around that.

21           There were things that I kind of classified as  
22 review of future kind of redistricting issues, you know  
23 we talked before about over and undercount, the Census  
24 releases that information at some point, that may be  
25 something that this group wants to take a look at. Other

1 people suggested other racially polarized voting studies.  
2 We've talked about the whole prison population and where  
3 they should be counted; there's a bill pending on that.  
4 I guess one of the questions is what would we do with  
5 this information, are we just going to talk about it? I  
6 mean, these are some questions about exactly what our  
7 function would be, what we would hope to do with this  
8 information.

9 Commissioner Yao, I'm going to have to ask you to  
10 explain what I categorized as "tool development" because  
11 I wasn't sure whether you were actually suggesting we  
12 become a software firm or not.

13 COMMISSIONER YAO: There are a lot of tools  
14 around, I think we're all familiar with a certain segment  
15 of it, some are for use mainly in the marketing area, for  
16 example, getting feedback on products, getting feedback  
17 on services, and so on. You receive emails, you receive  
18 coupons for participating in surveys, and all these type  
19 of things. And all the companies do have tools to  
20 collect all these inputs and consolidate and summarize it  
21 into a usable form. None of these tools have been  
22 marketed for redistricting, per se. My proposal is to,  
23 before the next Commission is in place, to have a set of  
24 tools that are ready for them to use, so that they don't  
25 have to go through and kind of invent it on the fly, we

1 try to take the emails, shorten it, enter it into a Excel  
2 spreadsheet, and we try to do a sorting as a means to  
3 extract the information from there. Those are a very  
4 primitive way of handling that task.

5 So, not only with the tools in terms of  
6 collecting the public input, but also the computer  
7 certainly is fully capable of automatically identifying  
8 potential Section 2 districts, just based on Census data.  
9 And without having us to give directions to the map  
10 drawing and coming up with possibilities and on and on.  
11 And these are just some examples of automated tools that  
12 are available in the marketplace, and one of the tasks I  
13 thought would be good is to have these things be put into  
14 a ready to use state when the next panel is formed.

15 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
16 Barabba.

17 COMMISSIONER BARABBA: I hadn't thought about it  
18 in that sense, but one of the things that the Commission  
19 might want to do is, during one of our intercensal  
20 periods, is to host a conference on alternative  
21 mechanisms that may be available to us in the future, and  
22 I would think that we could probably get companies like  
23 Google and Facebook to probably participate in that as  
24 the potential of improving the way things were done.

25 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.

1           COMMISSIONER DAI: Yeah, I think those are all  
2 interesting ideas. I'll put the idea of hosting a  
3 conference on the docket here. I do think that, as I  
4 said, one of the issues is not going to be getting  
5 information, but how do we sort out what's real and  
6 what's not, so I think the whole issue of authentication,  
7 it may be more structured input, might be the way to deal  
8 with the fact that we had to pretty much hand code a lot  
9 of public input this time. If we had a structured form  
10 that forced people to answer certain questions, that  
11 might really resolve a lot of problems and be able to  
12 allow it to be entered automatically into a database.

13           COMMISSIONER YAO: That reminds me of many emails  
14 I received saying, "Don't split up my district." And I  
15 have no idea what state the person lives in based on the  
16 email address, based on --

17           COMMISSIONER DAI: Well, it's probably  
18 California! Right. And that actually was a big problem  
19 with a lot of the input. We sometimes got very  
20 impassioned emails with no identification of which  
21 district, you know, what city this person was from, so a  
22 lot of the input we essentially had to disregard because  
23 it didn't turn out to be useful. So, anyway, we're  
24 getting into content now, but I think that's something,  
25 again, that committee can discuss.

1           The last item that I had here is transition and  
2 training for the next Commission, so this will happen  
3 probably in the tail end of our 10-year term. I could  
4 completely foresee that we as Commissioners might be  
5 asked to participate in the outreach efforts to talk  
6 about what it is like to be a Commissioner, and you know,  
7 kind of encourage people to apply, you know, tell them  
8 what the process was like, all that other good stuff, you  
9 know, what the State did since there was no Commission to  
10 do that for us. They spent a lot of money on a PR firm  
11 to get the word out; that might still be something that's  
12 also done, but I could imagine that, as Commissioners, we  
13 could put a personal face on it and let people know what  
14 they're getting into. So, outreach, and then of course,  
15 as the Commission goes -- as the new Commission is being  
16 selected, I could see that there might be some transition  
17 that we would be asked to help with, as well.

18           So those were the items under the longer term  
19 and, again, we'll have a chance to revisit this as we go  
20 along, but these were some of the ideas that people  
21 submitted. I just want to see if there are additional  
22 ones, you know, are these all good ideas? Are some of  
23 them not so good? Do we want to refine any of them?  
24 Again, we're trying to give our staff enough meat here so  
25 that they can start thinking about the next budget year.

1           CHAIRPERSON GALAMBOS MALLOY: Commissioner Ontai.  
2           COMMISSIONER ONTAI: Early on in our process, we  
3 had gone through at least a month, I think, talking to  
4 the people at Outreach Committee, group out of Sacramento  
5 State University, and I forget the group's name -- CCP, I  
6 believe. And the attempt there was to try to be more  
7 effective in outreaching to the communities that  
8 essentially did not have the skills or the knowledge  
9 about what redistricting was all about. We subsequently  
10 abandoned that route and allowed that to happen  
11 essentially to occur without partners. I'm wondering if  
12 that's something we should revisit in the future in terms  
13 of discussion to better improve that educational piece.  
14 It's probably in here, but it's not explicitly stated, so  
15 that's an additional comment.

16           CHAIRPERSON GALAMBOS MALLOY: I do know that that  
17 is something that various advocacy groups are taking a  
18 look at, and I imagine it will be in some way referenced  
19 in the Irvine funded report. I know there are other  
20 advocacy groups who have come through to provide public  
21 comment. I had heard that some Commissioners  
22 participated in a Greenlining Institute survey of some  
23 sort where they were trying to gather information or  
24 feedback from the public regarding the education efforts  
25 that the Commission undertook and get some feedback as to

1 how that worked, or that did not work. I wanted to do a  
2 time check because we do have our staff here and,  
3 clearly, this will be -- there are sort of parts 2 and 3  
4 to this conversation, which I definitely want to take on,  
5 but I'm thinking we might want to do some of this after  
6 lunch and take advantage of the staff that we have here  
7 for their reports.

8 COMMISSIONER DAI: I completely concur. Thank  
9 you for coming, Ms. Davis. So, if we would just take a  
10 little break on this and go back to Item 1 on our agenda,  
11 which was to take a look at the year to date  
12 expenditures, and you've all received some beautiful  
13 charts and graphs that have been created by our staff,  
14 and Ms. Davis, would you talk us through where we are?

15 MS. DAVIS: Absolutely. You have a packet of  
16 five documents, most of which are documents that you've  
17 received over the last few months. The first one is a  
18 combination of your per diem used through July 25<sup>th</sup> and  
19 we're at about \$445,000, about 93 percent of our budget.  
20 The second page is the corresponding travel that went  
21 with that per diem of \$169,852.

22 COMMISSIONER DAI: And we continue to be well  
23 under budget in terms of travel spending.

24 MS. DAVIS: Absolutely.

25 CHAIRPERSON GALAMBOS MALLOY: Can I inquire, were

1 you able to close out the last fiscal year with all  
2 needed travel reimbursement forms?

3 MS. DAVIS: Not all, there was a few that were  
4 outstanding, however, I was in contact with the  
5 Commissioners and I put estimates in, into the financial  
6 statement, so it's covered.

7 Our third document covers our predicted  
8 expenditures with the available balances. The first  
9 couple of lines marked "Actual and Encumbrances," those  
10 are the actual dollars, final numbers that are included  
11 in the year-end financial statements that will be  
12 submitted to the State Controller's Office. I've also  
13 included other additional expenditures that weren't part  
14 of the finance - the 630 Financial Reports, such as  
15 additional travel claims, or per diem requests that have  
16 been submitted, and those that are yet to be submitted  
17 for the July and August continuing map drawing  
18 activities. So on this document, we're showing a savings  
19 of roughly \$382,000 that we'll be able to finalize our  
20 expenditures for the map drawing add-on.

21 And then the last two charts represent the staff  
22 hours, the second chart has those same hours in dollars.  
23 So, as you can see from the chart, that we have quite a  
24 few dollars for overtime, as well as the unpaid, or non-  
25 paid overtime from the senior staff.

1           COMMISSIONER DAI: Great, thank you, Ms. Davis.  
2    So just a couple of items here, so we do have a little  
3    bit of a reserve left and this is money that is the  
4    three-year money. The money that will kick in when the  
5    first lawsuit is filed is only for litigation and is very  
6    restricted to that, so that's just -- there are different  
7    pots of money here. Are there any questions about this  
8    for Ms. Davis?

9           CHAIRPERSON GALAMBOS MALLOY: Commissioners Di  
10   Guilio and Ontai.

11          COMMISSIONER DI GUILIO: And just as a reminder,  
12   any other travel or per diems that are associated with  
13   doing the litigation will fall out of that money? Is  
14   that how we've determined it? Okay.

15          CHAIRPERSON GALAMBOS MALLOY: Commissioner Ontai.

16          COMMISSIONER ONTAI: Going back to the traveling  
17   expense, we're only at 35 percent, essentially. So I  
18   would imagine that we saved a chunk of money by bypassing  
19   the second hearing process release because, if I recall,  
20   part of that process involved the Commission going around  
21   the State again and meeting with various jurisdictions,  
22   so that went out the window and I would imagine that is  
23   where we saved a lot of money, as well.

24          EXECUTIVE DIRECTOR CLAYPOOL: In actuality, you  
25   have cancelled that out with the number of meetings

1 you've come here, whether you were going to travel to  
2 another location or travel to Sacramento, the additional  
3 meetings that you've had here really kind of offset that.  
4 A lot of your savings and your travel have been in the  
5 way that you've commuted together. And also, in the fact  
6 that we had originally thought that a lot of your travel  
7 might be to travel to a place and travel back, whereas we  
8 chained them up successfully so that you didn't have  
9 airline fees, and so forth. So, good planning and being  
10 frugal has brought you a significant savings.

11 COMMISSIONER DAI: Any other questions? So we  
12 are within budget and continuing to manage that, and like  
13 I said, it looks like we will have a little bit of a  
14 reserve that is three-year money that we'll have some  
15 flexibility with. So, hopefully we'll be able to use  
16 some of that to fund these other ideas. Mr. Claypool.

17 EXECUTIVE DIRECTOR CLAYPOOL: The only other  
18 thing that needs to be added to this is that the money  
19 that you've saved, as well as the \$400,000 that is added  
20 into this for this fiscal year, that has specific  
21 designation, will go back as part of this bridging money  
22 that we're talking about as we move into litigation, and  
23 then the money that comes out of the provisional funds  
24 that we're hoping to have the Department of Finance  
25 release will then become money that, as Commissioner Dai

1 said, has very specific requirements as far as how it's  
2 tied to its expenditure. So, the more money out of this  
3 that we can save, the better off we are.

4           There is also some additional money that's going  
5 to flow back to you that isn't reflected in this, and  
6 that's for money that's encumbered, so a very good  
7 example in this is the fact that we originally had bid,  
8 or had sent a bid out to Q2 for \$700,000 and we  
9 encumbered that specific amount to ensure that, whatever  
10 expenses there were, we had that gap in between what they  
11 actually billed for and what we actually paid for, and  
12 then the remaining amount would flow back to the  
13 Commission. So you will see some money flowing back, but  
14 until we close out these contracts, we won't know how  
15 much that is. Any questions?

16           COMMISSIONER DAI: Okay, thank you, Ms. Davis,  
17 for updating us on that. So, Chair, I wanted to do a  
18 time check and see if you wanted to break now, or do you  
19 want to keep going?

20           CHAIRPERSON GALAMBOS MALLOY: I think that this  
21 is a good stopping point because the parts 2 and 3 of the  
22 rest of F&A will be time-consuming and I know I would  
23 like to eat lunch, and I know my Vice Chair would really  
24 like to eat lunch, so it is almost 12:10, let's say we  
25 will reconvene at 12:45.

1 (Recess at 12:09 p.m.)

2 (Reconvene at 1:00 p.m.)

3 CHAIRPERSON GALAMBOS MALLOY: Good afternoon,  
4 welcome back to the Citizens Redistricting Commission.  
5 We are reconvening our meeting following our lunch break  
6 and we left off with Finance and Administration Advisory  
7 Committee, with Commissioner Dai in the lead and I  
8 believe at this time, we'll be transitioning into a  
9 presentation by our Executive Director, Mr. Dan Claypool.  
10 Is that correct?

11 COMMISSIONER DAI: We can do that, and we did  
12 have a discussion here about Commission structure. I  
13 don't know if you want to do that first before we go into  
14 the staffing structure, or --

15 CHAIRPERSON GALAMBOS MALLOY: Your call.

16 COMMISSIONER DAI: It might actually, you know,  
17 it's kind of up to the pleasure of the Commission. I  
18 mean, I just wanted to briefly run through - maybe this  
19 is not something we can decide today, anyway, but I want  
20 people to think about this, so...

21 COMMISSIONER ANCHETA: I think you should finish  
22 your memo, that's my feeling.

23 COMMISSIONER DAI: All right, let's go in order,  
24 then. So it sounded like there was kind of general  
25 agreement with some of these ideas, a couple of

1 additional ideas, I can incorporate those, in terms of  
2 long term and ongoing activities. And then the thought  
3 was, well, how do we manage ourselves moving forward?  
4 And there are a lot of us who are going to try and  
5 reclaim our personal and professional lives and that's  
6 very understandable, and it's just going to be a lot more  
7 efficient and cost-effective for smaller groups of people  
8 to keep the business of the Commission moving forward, of  
9 course, not counting the fact that we will be called  
10 together as a full group to make decisions on litigation  
11 as we move forward, for sure. And to the degree that  
12 we're together anyway, we can obviously take care of many  
13 of these items as a larger group.

14           So, in terms of the advisory committees, you  
15 know, people had a couple of comments there, you know,  
16 there doesn't appear to be a need for either - there  
17 hasn't been any for outreach for a while, and there  
18 doesn't appear to be a need for a technical committee  
19 anymore, it sounds like, you know, if for some reason a  
20 district, or a map were overturned in court, it would go  
21 most likely to the Special Masters and it's unlikely, at  
22 this point it's unclear, whether they would call on us to  
23 assist them with that task. So those two committees  
24 don't appear to be something that we will need going  
25 forward, but we do -- there seems to be consensus that we

1 will have a need for, obviously, the Legal Advisory  
2 Committee, Finance and Administration, and Public  
3 Information, and a desire to kind of build on the  
4 expertise and the history that Commissioners who served  
5 on those committees have without those topics, so on  
6 behalf of the full Commission.

7           There are also a couple ideas for new committees  
8 based on the tasks that we just finished discussing, and  
9 one could be a committee that works on evaluation and  
10 outcomes assessment, and really works on really doing the  
11 analysis of, you know, how we did, essentially. And that  
12 committee could interface with the Irvine folks and also  
13 oversee any internal study that we decide to do, and then  
14 also wanted to work on, again, Constitutional statutory  
15 amendments that would probably be the outcome of whatever  
16 the evaluation outcomes assessment is and, of course,  
17 that really couldn't get started up until probably the  
18 end of the year because we can't actually propose  
19 anything until 2012. So those are some new committees  
20 that I think makes sense to have a smaller working group,  
21 kind of advancing stuff and fleshing ideas out, and then  
22 presenting it to the full Commission for consideration.

23           We had talked a little bit this morning about  
24 litigation oversight, we talked about a couple of  
25 different incarnations for this litigation oversight, you

1 know, this is still - we can again bring this up after  
2 we've heard from our outside counsel and see if that  
3 changes our thoughts on how the structure of the  
4 litigation oversight should be, and that will be a short  
5 term committee that is special. And then, of course,  
6 there is the discussion about the leadership of the  
7 Commission. Nobody suggested switching from this, but we  
8 want to throw it out for consideration, whether we  
9 continue with our rotating Chair or Vice Chair.  
10 Obviously, the period of time will be longer because the  
11 time between meetings will be longer; on the other hand,  
12 the amount of work will be substantially reduced, so it  
13 might just be fine. You could imagine, you know, in Year  
14 7, it might even be an annual meeting. So, you know, you  
15 might be kind of ostensibly the Chair for the next  
16 meeting, which might be a year from now, so just thinking  
17 ahead of what that might look like. So, anyway, these  
18 are again food for thought and, you know, we can continue  
19 to discuss this after people have time to ponder this.

20           There has been talk about having some kind of  
21 management committee that kind of keeps things moving  
22 forward when it is really unnecessary to call the full  
23 body together, but you know, there needs to be some kind  
24 of group that works on smaller decisions that may need to  
25 interface with our Executive Director, that go beyond a

1 simple decision the Chair and Vice Chair might make. So,  
2 some thoughts about that were maybe the Chair, whoever  
3 the Chair and the Vice Chair are, plus the committee  
4 leads, that that could function in between meetings to  
5 keep things moving forward and make sure issues get  
6 brought to the full body. And then, you know, so that  
7 was a possible configuration that was suggested, you  
8 know, there is also a thought about how, again, how will  
9 this all look after the litigation period is over. And,  
10 again, we don't have to make all these decisions, but  
11 this is just food for thought, given that, like I said,  
12 people will be going back to their lives and I think  
13 various Commissioners are going to have different levels  
14 of interest and willingness to be available, and I think  
15 that's fine. I don't think we need all 14 people to be  
16 engaged in the way that we've had to for the map drawing  
17 task.

18           And then we had started this conversation before  
19 about per diem because we are going to have, frankly,  
20 much less money for per diem moving forward, not a lot of  
21 discretionary money, that we're going to have to have a  
22 tighter policy, tighter review, we've kind of made a  
23 policy not to police each other, we've kind of let staff  
24 just handle all that, it's been very very intense the  
25 last few months, and it's kind of based on each

1 Commissioner's interpretation of the policy, but that is  
2 likely going to have to be enforced much more strictly  
3 across the board. We've had very significant variations  
4 among Commissioners in what they're claiming for per  
5 diem, and I think that, moving forward, that's going to  
6 be harder to explain unless you have a special role in  
7 one of these specific tasks.

8           One thing we should think about, and again, my  
9 recommendation is actually that we let the Finance and  
10 Administration Committee hash this out and bring  
11 something to the full body to consider, there are  
12 activities that may be kind of related to our term on the  
13 Commission, but, you know, maybe not something we would  
14 want taxpayer money to fund, so for example, I think the  
15 idea of doing speaking engagements, particularly in other  
16 states, you know, that's something that I think there are  
17 a couple of different ways to handle that, it's obviously  
18 something that certain Commissioners are interested in  
19 participating in, there's a question of whether that  
20 benefits California at all to have us do that, so, you  
21 know, I think that might be an extra-curricular activity  
22 and, again, we can talk about whether, if you receive an  
23 honorarium, whether that gets donated back to the state,  
24 you know, that travel expenses would have to be covered  
25 by the other parties, and then it's basically a donation

1 of your time. So, there may be certain examples of  
2 activities that we really don't feel it would be  
3 appropriate for per diem compensation, and we should call  
4 those out. Again, we have a policy now, we gave several  
5 examples of what we thought were not reasonable things to  
6 ask for compensation, and probably we want to provide  
7 examples again, moving forward.

8           And then, finally, in terms of when we meet as a  
9 full Commission moving forward, and what does that look  
10 like, we started that discussion a little bit last week,  
11 and the thought was, again, try to queue up all our  
12 business so we can condense it into one or two days, so  
13 that it has a limited impact on people's day jobs, and  
14 the thought was that it probably, due to venue  
15 constraints, it would be easiest if we had it at our  
16 offices in Sacramento, that it would be videotaped by  
17 staff so we don't have to use an outside vendor for that,  
18 people seem to have a desire to still have transcription,  
19 but, you know, having a live Court Reporter vs. some  
20 other less expensive option, to look into that. And then  
21 thoughts on frequency, people were thinking monthly  
22 during the litigation period as a full Commission,  
23 understanding, of course, that probably we're going to  
24 approve some kind of delegated authority to a smaller  
25 group, and maybe, after that, as the intense period is

1 over, maybe we go to every other month, maybe the  
2 following year we go to quarterly, and at some point you  
3 could imagine where we would go to once a year. So,  
4 that's again food for thought, and we don't have to make  
5 all these decisions now, we just need to make decisions  
6 for the near term now. These are some of the ideas that  
7 everyone had, so, thoughts?

8 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
9 Filkins Webber.

10 COMMISSIONER FILKINS WEBBER: One thing you might  
11 want to add, because my memory needs to be refreshed as  
12 to our continuing obligations to update the Form 700. I  
13 thought that there was some regulation regarding the  
14 timing, for instance, if things change, so if maybe staff  
15 or Mr. Miller could refresh our recollection, because  
16 that might be an ongoing issue, and you might very well  
17 forget it in the next 10 years, so....

18 COMMISSIONER DAI: I'm sure we'll get reminders.

19 COMMISSIONER FILKINS WEBBER: Well, we haven't  
20 throughout the course of this, and I think that it's  
21 quite possible that many of us might have already been  
22 under an obligation to renew or update those Forms 700's,  
23 but I'd like Mr. Miller's opinion.

24 MR. MILLER: It is an annual obligation and then,  
25 not that this would occur, but if one were to leave the

1 office, that also triggers a filing obligation.

2 COMMISSIONER FILKINS WEBBER: So, given I think I  
3 can foresee this in the short term, those of us, the  
4 first eight of us that were selected, well, actually the  
5 other question becomes what constitutes annual because we  
6 needed to do it for April's supplemental application  
7 stage, or the second stage if I recall correctly, so  
8 technically we're already at a year from our initial  
9 submission of the Form 700, or beyond it at this point,  
10 or would it be a year from our - I think we had to update  
11 it in December, so then maybe it would be running from a  
12 year in December.

13 MR. MILLER: Yes, the filing is on a calendar  
14 basis, so if you filed for the end of last year, then  
15 your next filing obligation would be in 2012 for calendar  
16 year 2011. You file in the rear for the prior year. In  
17 January 2012, you'd file a new Form 700 that covers your  
18 activities in Calendar 2011.

19 CHAIRPERSON GALAMBOS MALLOY: It's like filing  
20 taxes.

21 MR. MILLER: That's the correct analogy, yes.

22 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di  
23 Guilio.

24 COMMISSIONER DI GUILIO: Yes, I just wanted to  
25 make a clarification on a comment I made earlier about

1 the per diem policy in case it was misunderstood. I  
2 think definitely when we, for all moving forward, that  
3 the per diem policy that we've had in terms of what we  
4 did in all these activities is very important, in  
5 particular when we're talking about allowing individuals  
6 to be able to apply for this and know that their expenses  
7 will be covered, and I think that was another aspect of  
8 even in that line that I put to Cynthia when I've given  
9 her my ideas was that we have to be honest with people,  
10 too, that even with a per diem, there's going to be a lot  
11 of impacts on your work, and on your life, that are going  
12 to go beyond what you can compensate in a per diem. So I  
13 think that's very important that we are as open and  
14 transparent and we are supportive of continuing that  
15 policy for the next Commission. And simply my comments  
16 were made that, as we move forward in Years 7 and 8, 6,  
17 when there's really not a lot going on, that as we look  
18 at this per diem policy, that we're just judicious with  
19 our funds.

20 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao,  
21 then Ward.

22 COMMISSIONER YAO: I made a couple comments  
23 already on the advisory committees, and I just wanted to  
24 put in one last word before we leave the item. The  
25 unintended consequences of the previous position we made

1 on the Advisory Committee was that it limited our ability  
2 to communicate to no more than two people because of the  
3 size of the advisory committees that we have had. Going  
4 forward, we really at this point don't have a real clear  
5 picture as to what we need to do, we are having our first  
6 discussion on it, and I know we're going to hear from the  
7 counsel tomorrow before we make any further decisions on  
8 it. It really is best for you not to form any advisory  
9 committees. The reason we formed the advisory committees  
10 was to do a divide and conquer at the time that we formed  
11 these committees, because it was almost impossible to get  
12 everybody involved with everything. But because of the  
13 activity is so much lighter looking forward, by forming  
14 any kind of advisory committee, you really again fall in  
15 the same trap of not being able to communicate.

16 Let me see if I can expand on that a little bit.  
17 If you just simply have the Chair and the Vice Chair, and  
18 we don't have any advisory committees, the Chair and Vice  
19 Chair can consult up to six or seven people to get the  
20 input that the issue needs in coming up with [quote  
21 unquote] "advice" to put before the entire Commission.  
22 But once you start forming smaller subcommittees, then  
23 you have to go through all kinds of rigmarole in order to  
24 get more people involved in the discussion, and so I see  
25 the need for having subcommittees is not the same as we

1 had in the past, and I think you'll find that a  
2 subcommittee will get in the way of good communication  
3 moving ahead, especially when we don't even know what the  
4 environment of everything is.

5 In terms of knowing -- the Chair and Vice Chair  
6 knowing who to call to get the information, I think we  
7 have worked together now for the past eight months and we  
8 know who we need to get the input from, and it's a  
9 perfectly legal and valid way within Bagley-Keene to get  
10 that input from the minority number of the Commissioners.

11 CHAIRPERSON GALAMBOS MALLOY: Commissioners Ward,  
12 Forbes, and Blanco.

13 COMMISSIONER WARD: Thank you, Chair. Yeah, I  
14 just wanted to add on to Commissioner Dai's comments  
15 which were great, and just make sure that the public  
16 understands that the Commission did pass per diem  
17 policies and procedures, understanding the strict  
18 scrutiny that we would be under, and that although  
19 Commissioners themselves didn't review them, such as the  
20 Finance and Administration Committee, we did have a  
21 Finance Administrator who reviewed all per diem  
22 submissions and ensured, as I understand, ensured  
23 compliance with the policies and procedures. My  
24 understanding is that per diem has not been something  
25 that has been unregulated or haphazardly accomplished, so

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1 I'm getting weird looks, so perhaps I'm wrong, but my  
2 understanding was that we had a Finance Officer that  
3 reviewed these things.

4 COMMISSIONER DAI: No, we had a Finance Officer  
5 that approved them, you know, again, we've had this  
6 discussion before about putting our staff in the weird  
7 situation of policing us, when they report to us, which  
8 is why any review really needs to come from within the  
9 Commission first.

10 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
11 Forbes.

12 COMMISSIONER FORBES: Well, I've been thinking  
13 about what Commissioner Yao had to say this morning and,  
14 I mean, to me, the main thing we have to deal with in the  
15 next three or four months is the legal issues. And so  
16 what I would suggest, we're still going to need the  
17 strike team, the two-person strike team for the instant  
18 response, but it may not be necessary to have a legal  
19 subcommittee, just think about this, is that if we simply  
20 schedule bi-weekly meetings every two weeks as a full  
21 Commission, either by phone or by presence, to keep us up  
22 to date, just for the next three months, I mean, this is  
23 a sufficiently important thing, and it's something that  
24 we all really want to participate in, I mean, I clearly  
25 get that feeling. And simply scheduling relatively

1 frequently, but not meeting for a day, or time, as I say,  
2 it could be done by phone if you wanted to, and just do  
3 that and just get rid of the subcommittee. Because I  
4 don't imagine, I mean, we should not be micromanaging  
5 these lawsuits, and so therefore I'm thinking that  
6 perhaps a two-week period would be -- if you do it by  
7 telephone, it could even be weekly, where we get together  
8 and get an update, that might not necessitate having an  
9 advisory subcommittee.

10 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
11 Blanco.

12 COMMISSIONER BLANCO: Yeah, I was going to say  
13 something similar. I think the full Commission is going  
14 to want to be, without the micromanaging, is going to  
15 want to be informed and feel involved in the litigation  
16 discussions and, to the extent we have guidance to give  
17 the lawyers about even just things that we know,  
18 remember, etc., that they need to know in order to  
19 prepare for the litigation. I think it's more  
20 appropriate that we do it as a full Commission through  
21 some kind of conference call, like I think, as  
22 Commissioner Forbes is describing, every two weeks, and  
23 so I agree with that completely. To me, it's like, if we  
24 have the strike team, the Legal Advisory, and then the  
25 full Commission, it's almost too much.

1 I also think that, I agree with Commissioner Yao,  
2 that I'm not sure we need the same advisory committee  
3 structure post-maps that we have now; in fact, we haven't  
4 really had it for the last month and a half in terms of  
5 meetings. We would come and we would have a business  
6 meeting, and we would have a discussion grouped around  
7 the subject matter that we had decided, you know,  
8 finance, etc., but we really weren't having advisory  
9 committee meetings anymore because of our schedule. And  
10 I think, going forward, if we were to set -- I think we  
11 could for the next at least three months, and whatever,  
12 Commissioner Dai might have a more precise timeframe,  
13 have meetings every two weeks that we schedule, and we  
14 cover like we did in these last few months, where Legal  
15 is on the agenda, technical is on the agenda, public  
16 information is on the - you know, the way we've been  
17 doing it, and the Chairs do what we've been doing up to  
18 now, they check in with the people that are the leads on  
19 that, to see if there's something that needs to be put on  
20 the agenda, or in this case we check with the strike team  
21 for the Legal to see if they have something. And I think  
22 that then we would have a substantive meeting that could  
23 cover a lot of the things that we might want to cover as  
24 a group. And I think in some way it helps with the per  
25 diem issue, as well, because it's a well defined meeting

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1 that we're all coming to, we know who prepared what for  
2 it, and so it could also serve the goal of managing our  
3 time and slash money better. So I'm sort of thinking  
4 along the same lines as Commissioner Forbes and Yao.

5 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ontai.

6 COMMISSIONER ONTAI: I agree with that approach.  
7 I think that would mitigate the appearance of  
8 partisanship if we took that approach, but I do want to  
9 see what counsel has to say tomorrow about exactly what  
10 the nature of what type of advice they need on the SWAT  
11 team, I'm still very curious about what that means.

12 CHAIRPERSON GALAMBOS MALLOY: So, Commissioner  
13 Dai, I'm sorry, Commissioner Di Giulio, what I'm trying  
14 to get to is I think for Commissioner Dai to be able to  
15 give us a sense of whether there are any decision points  
16 you feel like we'd be able to take on today, or whether  
17 this is really to service food for thought, then we can  
18 revisit following our meeting with outside counsel  
19 tomorrow.

20 COMMISISONER DAI: Yeah, I think that's really  
21 what it is. I tried to put it together all in one  
22 document, I want people to ponder it. I think the only  
23 decision that we need to make in this series of meeting  
24 is what we want to do about a SWAT team. I kind of like  
25 the idea of doing a call every couple of weeks. We had

1 talked, Commissioner Forbes and I, had spoken with both  
2 firms about maybe doing a bi-weekly written status  
3 update, but there's no reason why that couldn't be done  
4 over a phone call instead, it might be a lot less time,  
5 and therefore less money, to have them do it just  
6 verbally, and then whoever is available can call in, and  
7 if you're not available, oh, well, make it on the next  
8 call and just get the update regarding the status of the  
9 litigation at that point.

10           And I think, on the other stuff, we can make  
11 decisions at our August 13<sup>th</sup> meeting, but at least this  
12 lays out several -- the Commissioners who bothered to  
13 send me something, what the thinking was, and you can  
14 ponder it and bring it up for discussion and we can try  
15 to make a decision at the next meeting, I think.

16           CHAIRPERSON GALAMBOS MALLOY: Commissioner Di  
17 Guilio.

18           COMMISSIONER DI GUILIO: So I'm kind of going  
19 back to what this litigation oversight, these two areas  
20 that have been developed, and I think it sounds like  
21 there's a lot of good logic to maybe having the SWAT team  
22 kind of aspect with two delegated, and then to have the  
23 ability to have the full Commission be involved in those  
24 larger discussions, but I'm wondering still with this  
25 idea with maybe two from Legal, one from F&A, and one

1 from Public Information, if there's still not a need for  
2 that, not in the sense that maybe it was originally  
3 proposed, in terms of being involved with the litigation  
4 and making decisions, even as the right word, but you  
5 know, potentially micromanaging -- that's not even right  
6 -- but if there's still a need to have some kind of  
7 structure like that because it seems like there still  
8 will be issues that maybe there are some individual  
9 Commissioners from these committees who, regardless of  
10 their interaction with the firms, there are still issues  
11 around F&A and there are still issues around public  
12 information and what's going on with our Legal, that a  
13 smaller working group would be able to work in  
14 conjunction, and knowing what's happening with  
15 litigation, would be able to review things in regards to  
16 F&A, who might be able to review things for Public  
17 Information. I'm just wondering if there's a need for  
18 that subcommittee, but maybe with a different focus than  
19 what it was originally presented as.

20 CHAIRPERSON GALAMBOS MALLOY: Commissioners Raya  
21 and Yao.

22 COMMISSIONER RAYA: Just one caution, that the  
23 lead of PI and the lead of Finance are both Democrats,  
24 the SWAT team is a Democrat and a Decline to State, so I  
25 would have some concern about forming that particular

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1 group, and maybe there would be some other way to do it,  
2 and I apologize for bringing it up now, because I have to  
3 leave the room for a half hour or so.

4 CHAIRPERSON GALAMBOS MALLOY: Oh, and just a  
5 clarification, the Finance and Administration lead has  
6 been rotating, so we have alternately a Democrat and a  
7 Decline to State in recent months. Commissioner Yao.

8 COMMISSIONER YAO: The work you get done  
9 regardless of what structure you set up, by not setting  
10 up a formal Advisory Committee up to six or seven people  
11 that can meet at will and discuss any topic that they so  
12 choose, so as long as no decision is made, as long as no  
13 formal -- and the word is "formal" -- committee is  
14 formed, everything that we have been doing can go on,  
15 it's the fact that, once we set up an advisory committee,  
16 then basically you have to operate under the structure of  
17 the Bagley-Keene, that's the only difference. The work  
18 can continue the way we have been doing it and so there's  
19 absolutely no disagreement on what work crew has to meet,  
20 and on and on. It's just refraining from setting up a  
21 *formal* advisory committee would give us a lot more  
22 flexibility that we ever had in the last eight months.

23 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.

24 COMMISSIOENR DAI: Yeah, and I think, you know,  
25 this is really about delegated authority to a

1 Commissioner pair, which we have done many times in the  
2 past couple of months. And since, it's regarding  
3 litigation, they're going to be in closed session anyway,  
4 so, really, the only limitation on the Bagley-Keene is  
5 the noticing requirement and, since we're planning to  
6 notice every day, I don't think that is really going to  
7 be a constraint. So, you know, I think at some point, it  
8 starts to get too large to be nimble, and I don't know  
9 that the non-lawyers -- I mean, we need to know about  
10 these things, but I don't think we need to be weighing in  
11 on whether something should be -- whether a lawsuit  
12 should be consolidated or not. I mean, I would be happy  
13 to leave that to Commissioner Forbes and Commissioner  
14 Ancheta.

15 CHAIRPERSON GALAMBOS MALLOY: Okay. Well, would  
16 you like to transition, unless there are other  
17 Commissioners who would like to weigh in at this time,  
18 and again, these are issues that we need to be thinking  
19 on, we will get some additional guidance from outside  
20 counsel that may inform particularly how we choose to  
21 delegate authority related to serving as liaison with the  
22 two firms that we have hired, so this will become a  
23 standing agenda item as we move forward into August.

24 COMMISSIONER DAI: Yeah, so with that, I think  
25 that this is the appropriate time to talk about the

1 staffing structure that will be needed in the short term  
2 to act on all of these items that we've identified as  
3 activities. So, Mr. Claypool.

4 EXECUTIVE DIRECTOR CLAYPOOL: Thank you. I'm  
5 assuming that everyone has a copy of this document?  
6 Janeece, did you make sure everybody in the public has  
7 one? They're right by you, right here.

8 Okay, so I'd like to start out by just  
9 reiterating what it says in the first two sentences of  
10 this document that I've given to you. "It is rare that a  
11 Commission is charged with such a far reaching and  
12 fundamental Constitutional responsibility, and this  
13 suggested plan which contemplates immediate reductions in  
14 workforce is also designed to preserve the essential  
15 elements needed to successfully conclude the work of the  
16 Commission that you began in January."

17 The CRC is transitioning from a very favorable  
18 position at this point in controlling the line drawing  
19 process and heading into the unknown of litigation and  
20 referendum. During this time, the Commission must  
21 continue certain historic functions, but will also be  
22 facing some new challenges. As we look on the screen up  
23 here, we see litigation, PRA requests, archiving, audits,  
24 and informing the public. Audits can be construed two  
25 different ways. You're going to have the continued

1 function of auditing the contracts that you have out with  
2 individuals, auditing your staff that you choose to  
3 retain while continuing to audit your TECs, all of the  
4 different things that the State requires be checked  
5 before it's turned in for invoice and payment.

6           There's also an external audit function that you  
7 may face, and it's important that this Commission  
8 remember that the Joint Legislative Audit Committee can  
9 be requested by any member of the Legislature to have the  
10 Bureau of State Audits audit this Commission.

11 Commissions are audited quite frequently. And, in fact,  
12 there was recently one on Teaching and Credentialing that  
13 made the newspapers. I can say from personal experience  
14 on this that they will be very thorough in their audit of  
15 you, and so you need a staff that can manage this process  
16 for you.

17           Regardless of what occurs, the Commission will  
18 have to remain operational as a State entity performing  
19 all of the tasks that are expected of it, and this  
20 includes budgeting, procurements, and payroll. I've  
21 heard a lot of conversation today about the volume  
22 changing; the volume changes, but the requirement  
23 remains. If there is one of you drawing per diem,  
24 somebody is going to have to be checking every one of the  
25 functions that we've got in the back on your behalf.

1 You've had a very dedicated staff that has worked  
2 tirelessly to help you get to the verge of releasing  
3 California's first redistricting maps, and to accomplish  
4 that, your field staff and your office staffs have  
5 accumulated more than 3,000 hours of overtime in four and  
6 a half months. Of that, over 1,500 hours were unpaid  
7 hours by senior staff, who aren't paid, senior staff  
8 don't get paid for this time, they are required to finish  
9 the job, regardless. So, that's a savings to the State  
10 and the Commission of about \$116,000. I want to say that  
11 your senior staff gave that willingly because every  
12 person that you've hired has been very committed to  
13 making sure that you get where you go and that you finish  
14 these maps. It's been a labor of love and, trust me,  
15 it's been a labor. [Laughter] No, it's been more love.  
16 But it's been a labor.

17           Okay, now we have to reorganize the Commission  
18 staff to support the final push to get the maps into  
19 operation and, although we can't know what the actual  
20 demands will be, I'm assuming, for example, that document  
21 posting and certain other needs will decline, and for  
22 that reason, I'm proposing deep staffing cuts that will  
23 reduce the Commission staffing by 47 percent. In  
24 actuality, it will be a 55 percent reduction when you  
25 take the overtime out of it that we've been working up

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1 until this point. In pure savings, it will reduce our  
2 payroll and benefit costs by over \$34,000 per month over  
3 the next two months, and that will be an ongoing savings  
4 unless we have to increase your staff. There's no  
5 guarantee what we're going to get and what we're going to  
6 draw in litigation, and in discovery requests, and in  
7 PRA, and if that ramps up, you need to have a staff in  
8 place that can ramp up with it.

9           At the same time, this plan reserves a minimum  
10 infrastructure to protect your Constitutional mandate.  
11 As you see on the screen, this is the staffing plan that  
12 I would propose to you. There are nine people listed,  
13 but they represent eight personnel years, State talk - as  
14 you're learning to talk in State language, you always  
15 talk in terms of personnel years, two of those  
16 individuals, your Assistant Legal Counsel and Budget  
17 Officer, would be half-time personnel. So, that's how we  
18 get to the eight. As you review these functions in your  
19 handouts, and there's a detailed list of what each person  
20 is going to do and the matrix that is provided in your  
21 handout, it's important for you to remember that there  
22 are intangible elements that your current staff bring to  
23 this process on your behalf. Let me give you some  
24 examples. Recently, we lost your \$1 million  
25 augmentation. We called over to the Department of

1 General Services and we found out that they had reduced  
2 our budget by a million dollars. And it was because  
3 there had been a clerical error and they hadn't realized  
4 that your one million dollars that was in last current  
5 year was three-year money, which is very rare, and so  
6 they typically take your budget, you know, whatever is  
7 leftover, and they just revert it back in, and then you  
8 have to ask for it again. Deborah Davis looked at this  
9 and started her telephone calls, she called the  
10 Department of General Services, the Department of  
11 Finance, and the State Controller's Office, and spent  
12 many hours remedying this error on your behalf. It got  
13 done quickly for you because, 1) she has the  
14 institutional knowledge that comes with her position  
15 working with you, and 2) she's got 25 years of experience  
16 working with State agencies, and the relationships that  
17 come with that 25 years.

18           Also early in our process, the Department of  
19 General Services Human Resources in the State  
20 Controller's Office were not going to allow the overtime  
21 payment to your field staff, and to Christina for the  
22 enormous amounts of overtime that they were working, and  
23 that they were entitled to under the Federal Labor  
24 Standards Act. Raul, your Business Manager, worked for  
25 over a month to obtain the sufficient documentation to

1 convince the State Controller's Office to pay that  
2 overtime. These are things in State Government that  
3 happen quite frequently, it's not an uncommon occurrence.  
4 And when it happens, you need people, you need staff that  
5 can maneuver through these areas and know the people that  
6 they're talking with, that have that personal  
7 relationship.

8 I also want to point out this excellent facility  
9 you're sitting in. It's been graciously provided to us  
10 for an entire month, and those were arranged by Janeece.  
11 This is a gift of tens of thousands of dollars to this  
12 Commission and to the State, and it's a result of the  
13 relationship that Janeece and her husband have with this  
14 campus. Again, just an example of what your staff bring  
15 to this table for you. You have people on the staff who  
16 can make a telephone call over to the Office of Legal  
17 Services, and talk with the Chief Legal Counsel. I mean,  
18 there are not many people who can do that and have them  
19 pick up the phone. There is a process that's usually  
20 involved in getting there. I can call over to the  
21 Department of Finance and I can talk with our principal  
22 Program Manager, and it's just a relationship I have with  
23 those people. So these are the things that your staff  
24 bring to the table for you.

25 And so now I'd like to go to -- next slide -- the

1 personnel costs that we bring to you, or that we're going  
2 to bring in this reduction. Off the bat, we're going to  
3 reduce by five student interns, and that's going to be a  
4 savings of \$6,850.00 a month, then we have a staff  
5 position, as you see, at \$4,950, which is going to be  
6 reduced and are proposing to reduce at our budget level,  
7 then we have two retired Annuitants, one going to part-  
8 time, that would be Deborah Davis, and one that's leaving  
9 us, Oral Washington will no longer be working with us as  
10 of this week, it was his agreement, he's happily looking  
11 forward to going back into retirement, although I want to  
12 tell you, he loved working for you, he enjoyed every time  
13 he got a procurement through, it was something that he  
14 felt a great sense of personal pride and because he was  
15 working for this cause. And then you can see at the  
16 bottom, approximately \$14,000 a month in overtime that  
17 we're hoping to reduce, which comes out to about three  
18 and a half people. So, when you look at this plan, we're  
19 definitely looking at reducing your staff down by 55  
20 percent, maybe 58 percent. Next slide, Raul.

21           If you can see this very color coded plan, the  
22 red at the bottom, the red boxes, are the ones that we  
23 propose to eliminate, the blue and purple are the  
24 permanent positions that we would like to keep, the green  
25 are your positions that are consultant positions. Now,

1 we've included this in your handout along with the same  
2 documents that you saw that show the number of hours that  
3 staff have worked for you. And then, behind those  
4 handouts, you've got a matrix that will give you a  
5 detailed list, if you go to pages 6 through 12, and it  
6 shows all the functions -- not all the functions, I  
7 should say -- but all the functions that are really on a  
8 macro level the things that you have to consider, and who  
9 is involved with it on your behalf. If you look at page  
10 6, you see the budget function and the accounting  
11 function, and that resides with myself, the Business  
12 Manager, the Budget Officer, and the Staff Service  
13 Analyst position that we're proposing. Page 7 shows your  
14 Legal Counsel, Chief Legal Counsel, and the different  
15 places they touch, including the things that your  
16 Communications Director, your Business Manager, and your  
17 Senior Operations Analyst, Christina, provide in that  
18 mix. Page 8 are your payroll functions and your major  
19 contracts, your RFIs and your RFBs that you can expect to  
20 have going into the future. There will be more RFIs and  
21 RFBs, Commission. There will be more people that you  
22 will need to interview and to hire as you move forward,  
23 and you're going to need somebody or staff that can put  
24 that together and run the process for you. Page 10 is  
25 Procurement, and this is really a tough one because, I

1 have to tell you, if you get a box of staples, then these  
2 people all get involved, and all those steps have to  
3 occur. Page 11 is your staff and Commission services,  
4 your Public Relations and your Website Services,  
5 Commission Advocacy, the question as to how you're going  
6 to represent yourself when you're finished. Page --  
7 well, mine is out of order -- we have Standard Contracts,  
8 State Contract Services, and Single Service Contracting,  
9 and finally your meetings, where your Commission Liaison  
10 works for you, or kicks in for you.

11           When you review this, what I want you to think of  
12 is this, I've heard a lot of talk about Commissioners  
13 taking over responsibilities, and I think that's great, I  
14 think that it shows your commitment to the task that many  
15 of you want to be involved at a very micro level in this  
16 process, but look at the tasks that are attached there  
17 and realize that, whether we're doing that for you, or  
18 you're doing it yourself, you've got to be doing those  
19 functions for the long haul; until you close the doors,  
20 those functions have to be done, and that may be for  
21 years, so if you're reviewing your own TECs and somebody  
22 is going to have to be reviewing them, you know, one of  
23 you is going to have to take on that responsibility and  
24 be the signatory for those to the State. If you become  
25 your Contract Manager for your different contracts,

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1 that's great, but until those contracts are complete, you  
2 have to be the ones who review the contracts, review the  
3 invoices, and guarantee the payments, and take  
4 responsibility for those payments.

5           So I just want to close out this by just saying  
6 or asking a few questions and giving you our thoughts on  
7 it. How many meetings will you hold in the future? That  
8 decision will drive the operation requirements involved  
9 with holding the meetings and paying the associated  
10 costs. You can see that. Will the Commission advocate  
11 for itself? I just cannot see how you won't, how you can  
12 possibly not consider the possibility that you need  
13 someone to operate and manage your message for you the  
14 same way that your Communications Director has done that  
15 for you up until this point, it's just logic to me. Does  
16 the Commission foresee the need for ongoing Legal Counsel  
17 for both General and Redistricting purposes? If so, it  
18 will not find a less expensive alternative in any outside  
19 counsel. You need both General and Redistricting  
20 expertise, and I think you have that in the counsel that  
21 we have right now.

22           The only other thing that I'd like to ask you to  
23 do is just consider that, in the termination of staff, if  
24 you'll go to page 2 of this handout, it is typical in  
25 State Agencies that you get a certain amount of grace

1 period, or staff do, as they leave. We currently have  
2 funding for staff through September, which would be about  
3 a 60-day period for people to find new jobs. I would  
4 hope that the Commission would allow that grace period to  
5 occur, and then, in the future, allow a 30-60 day release  
6 period for terminated staff. This has an added dimension  
7 for you in that it allows you to not have to worry about  
8 the unemployment insurance that goes with it. If  
9 somebody has the time and somebody has worked very hard  
10 for you, who has the time to look for work, then they can  
11 take that time while they transition their job to whoever  
12 is going to have to assume that responsibility because  
13 that responsibility will not go away.

14 I would also like you to allow your staff to use  
15 their accumulated leave balances once they're released.  
16 This is pretty typical in State Government. It says  
17 here, "The cost of the accumulated leave balance is a  
18 contingent liability for which this Commission is legally  
19 obligated. The use of this leave time following staff  
20 release will not affect the Commission's ability to hire  
21 behind the released person, if necessary, but will give  
22 the Commission flexibility in requesting that that person  
23 return to work without an interruption in service if it  
24 is advantageous to the Commission, and permitting staff  
25 to use their vacation time when terminated also adds no

1 cost to the Commission and may defer any unemployment  
2 insurance obligations.

3           So you see what I'm asking for, I'd like you to  
4 keep these nine people that I'm showing on the board  
5 until October, and at that time revisit the staffing  
6 structure that we have. By then, we'll know who has  
7 filed in State Court, and we'll know generally, I think,  
8 who has filed in Federal Court. And then, in October, if  
9 you decide that you want to reduce your staff or you need  
10 a different set of skill sets, that would be the time to  
11 take that up. Are there any questions?

12           CHAIRPERSON GALAMBOS MALLOY: I'd like to allow a  
13 few minutes for Commissioners to ask questions and  
14 clarifications. We will be going into closed session in  
15 a few minutes because there are some very tangible  
16 decisions and discussions that we need to have regarding  
17 personnel matters related to this proposal. So the floor  
18 is open. Commissioner Filkins Webber.

19           COMMISSIONER FILKINS WEBBER: Mr. Claypool, you  
20 had said that if there has to be a decision by this  
21 Commission to, I guess "lay off" would be the appropriate  
22 word, any members of staff, you had made an inquiry or  
23 request that we do so with notice, I think you said 30  
24 days, or 60 days, 90 days, and then you said that such  
25 could be done in a manner that would avoid an

1 unemployment claim? So I guess, first of all, what would  
2 be as a State Commission our legal obligation for notice  
3 to State employees, one, and then, two, are the rules  
4 different as far as unemployment? I mean, if you give  
5 notice or don't give notice as far as unemployment  
6 claims?

7 EXECUTIVE DIRECTOR CLAYPOOL: Well, first I  
8 should clarify, you have a special set of rules that  
9 govern you, you're not governed on the hiring end of  
10 this, meaning the State's requirement, you are however  
11 patterned after the State. We've patterned most of the  
12 things that we've done after the way State entities  
13 operate. In the State, it can be up to 120 days that  
14 notice is given, as they terminate individuals. Do I  
15 know how long you and this particular Commission have to  
16 give? I do not. I'm only recommending 30-60 days  
17 because it gives us a grace transition period where that  
18 person can find new work while they transfer their  
19 position and the things that they're doing to the person  
20 that will take over those responsibilities. Insofar as  
21 the unemployment insurance claim, it's mainly that if  
22 somebody has 30-60 days to look, and then find a job, we  
23 avoid having to pay unemployment. If after they leave  
24 they haven't found a job, I'm assuming it would be our  
25 liability and we would have to pay that claim. So it's

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1 more just giving that period and avoiding unemployment  
2 insurance claims, if we can, by just that grace period.

3 COMMISSIONER FILKINS WEBBER: Thank you.

4 CHAIRPERSON GALAMBOS MALLOY: Other  
5 Commissioners? Commissioner Yao.

6 COMMISSIONER YAO: The proposal that you just  
7 presented to us stated post-August 15, so basically what  
8 you're recommending is that, starting on August 15, we  
9 start working towards this nine-person staff. Is that  
10 the understanding?

11 EXECUTIVE DIRECTOR CLAYPOOL: We'll start  
12 transitioning to that nine-person staff.

13 COMMISSIONER YAO: In other words, start working  
14 toward this new plan?

15 EXECUTIVE DIRECTOR CLAYPOOL: Yes, sir.

16 COMMISSIONER YAO: Now, with the understanding  
17 that any layoff would take 30 to 60 days at the minimum,  
18 from August 15, so the most likely that October 16<sup>th</sup>, and  
19 say August 15 - October 15, that will probably be the  
20 earliest moment that we can come anywhere close to this  
21 staffing plan, is that the way you see it?

22 EXECUTIVE DIRECTOR CLAYPOOL: No, actually we're  
23 going to be very close to that staffing plan on August  
24 30<sup>th</sup>. Five of those individuals that we are reducing  
25 staff by will be headed off to college, they are student

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1 interns. Or, Mr. Washington's last week is this week, so  
2 that's six. There's only one person in that group that  
3 we would be carrying beyond that, and that would be --

4 COMMISSIONER YAO: Okay, so this 30-day, 60-day,  
5 you're basically requesting for a single individual and  
6 not across the board for this particular transition point  
7 for everybody?

8 EXECUTIVE DIRECTOR CLAYPOOL: No, I'm actually  
9 requesting that for all staff that you reduce in the  
10 future, so in the future, if we revisit this in October  
11 and it's your decision to reduce down by some number --

12 COMMISSIONER YAO: All right, that part I didn't  
13 understand, I didn't think you were going beyond the  
14 October pace on this presentation alone. Okay, thank  
15 you. That's the only one.

16 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di  
17 Giulio.

18 COMMISSIONER DI GIULIO: Maybe this is the same  
19 question that Commissioner Yao just asked, so this  
20 recommendation is just through October, but it's not -  
21 you haven't given any recommendations past that?

22 EXECUTIVE DIRECTOR CLAYPOOL: No, and it's  
23 because we'll know by the end of October what we've got.  
24 If we have as many PRA requests or discovery requests as  
25 would come with the amount of litigation that people have

1 hinted at, then this staffing pattern would probably  
2 extend well beyond October. If, on the other hand, we  
3 don't, then it's time to say we need less people.

4 COMMISSIONER DI GIULIO: So, past October, do you  
5 see other than we may still be in ongoing litigation, I  
6 don't know how long those things last, we may still have  
7 maybe some PRA requests after October, but what do you  
8 anticipate will be the biggest bulk of activities for  
9 this Commission, and therefore for the staff, past  
10 October?

11 EXECUTIVE DIRECTOR CLAYPOOL: I see the biggest  
12 activity to October, so as people gather information by  
13 which to, you know, sue us if that's what they intend to  
14 do, after that, it would probably spike as we have  
15 different interests, or different things that occur. If  
16 there's some new suit, or something new happens, then I  
17 would expect there to be a momentary spike in people  
18 wanting information to try to see what was going on with  
19 that, but that's as far forward as I can see.

20 COMMISSIONER DAI: I also wanted to comment that,  
21 as Mr. Claypool mentioned, there probably will be the  
22 need to look at other kinds of vendors to support some of  
23 the litigation response and we'll probably need to look  
24 at some of that stuff to see if it's a function that can  
25 be performed more cost-effectively in-house, or do we

1 out-source it? So those kinds of things will also affect  
2 what our staffing needs are, but we probably won't know  
3 that immediately.

4 EXECUTIVE DIRECTOR CLAYPOOL: Now, there is a --  
5 that's a very good point, Commissioner, and there are  
6 some things that you could go ahead and, for instance,  
7 you could take your payroll and your travel expense  
8 claims and you could ask the Department of General  
9 Services to do that for you. And it won't be much less  
10 than having it done by your own people, but what I will  
11 tell you is, it's far easier for you to take your travel  
12 expense claim to Deborah Davis and get an answer than  
13 it's going to be to take it to the Department of General  
14 Services, which is why most people maintain this  
15 infrastructure in-house. So that's why I prefaced this  
16 with all the things that are in this matrix remain, no  
17 matter where you have it done.

18 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
19 Blanco.

20 COMMISSIONER BLANCO: So I'm looking at this and  
21 I have a question, since I think the answers to these  
22 questions are going to inform our closed session,  
23 correct? Okay. As to -- we have on this chart three  
24 different people dealing with PRA requests and that seems  
25 too much to me, and so along those lines I see you're

1 recommending two full-time counsel, and I know what our  
2 need has been up to now, but I'm wondering why -- if the  
3 two counsel you have on here is just through October or  
4 if it goes beyond October, and given that we're not  
5 having all the input hearings and all the subcommittee  
6 hearings and all the stuff that we have been doing where  
7 we needed a lot a lot of Bagley-Keene advice, what you --  
8 so, for how long do you see this two-attorney structure  
9 is one question; and why three people overseeing the PRA  
10 requests?

11 EXECUTIVE DIRECTOR CLAYPOOL: First of all,  
12 really only one attorney and an attorney on demand. Ms.  
13 Johnston has always been as needed, so there have been  
14 many weeks where we've had no charge for her whatsoever,  
15 and I would think that this Commission would want to keep  
16 that relationship So I'm not - I'm only looking at Ms.  
17 Johnston as performing any duties for this Commission as  
18 it's needed. If our Chief Counsel were to leave on a  
19 vacation and you were having some important -- you needed  
20 an important decision made and you needed your counsel,  
21 then Ms. Johnston could step in and provide that  
22 function. On the PRA, I'm assuming you're talking about  
23 page 6? Is that it?

24 COMMISSIONER BLANCO: I'm looking at the colored  
25 matrix and we have Mr. Leitch, we have Ms. Sargis, and

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1 then we have Ms. Johnston all dealing with PRA.

2 EXECUTIVE DIRECTOR CLAYPOOL: Right, and this is  
3 not their sole functions and the thing that I have to  
4 tell you about this staffing plan, as you go back into  
5 the matrix, if you look you are going to see that a lot  
6 of people are doing a lot of different things. If we  
7 have a tremendous volume of PRA requests, it will be more  
8 than Lonn and Janeece are going to be able to handle, and  
9 so we might have four or five different people doing PRA  
10 requests. If, on the other hand, the PRA requests  
11 disappear, we're also cross-training Mr. Leitch to do the  
12 procurement and Janeece would be doing our archiving. So  
13 it's not their sole commitment. And then you see Marian,  
14 Ms. Johnston, doing the oversight and it's just to make  
15 sure that it all runs up through one person. So we don't  
16 really have three doing it, unless we have so much work  
17 that three need to do it, and those individuals have  
18 other functions.

19 CHAIRPERSON GALAMBOS MALLOY: I have a question  
20 for Mr. Claypool and, to a certain extent, Mr. Miller.  
21 Clearly, we've had a lot of conversation today regarding  
22 our two litigation firms and how we as a Commission want  
23 to interface with them and we haven't made any hard  
24 decisions, but in looking at page 7 under Legal Counsel,  
25 I notice several areas under here that it would help to

1 have a better sense of what staff is thinking of as the  
2 unique role that our Chief Counsel or Assistant Counsel  
3 would be playing with the firms, as opposed to the role  
4 for Commission Leads. I see at the bottom of the list on  
5 page 7 Litigation Counsel to the Commission and staff,  
6 liaison to outside counsel, identification and vetting of  
7 expert witnesses, so to a certain extent, these sound  
8 like things, or some of them are things that I had  
9 interpreted our outside counsel would in fact be doing,  
10 so if you could just clarify, that would help as we move  
11 forward and make some decisions around that delegated  
12 authority in the next couple days.

13 MR. MILLER: Sure. It's been my experience in  
14 major litigation and bet [phon.] the company litigation,  
15 which is what this is for the Commission, the maps are  
16 the Commission's only product, and hence that's the  
17 company on the maps, that when outside counsel get a  
18 case, it is virtually impossible for them to bring the  
19 same familiarity with the facts and with the organization  
20 that insiders have, so working on a daily basis  
21 responding to various questions and inquiries, finding  
22 things, helping them to craft their arguments in a manner  
23 that is consistent with the operations the commission has  
24 historically had, is substantially a full-time activity.  
25 Similarly, you are correct that certain tasks could be

1 performed either inside or outside. One thing that one  
2 might consider in that analysis, let's say identifying an  
3 expert witness, the hourly costs of outside counsel is  
4 about the same as a half day's pay, or excuse me, a full  
5 day's pay for inside. So, wherever you can -- in fact,  
6 I've overstated that, it's really about two days' pay for  
7 inside counsel. So that's something you might want to  
8 think about when you analyze where a task would go for  
9 those that could go either place.

10 CHAIRPERSON GALAMBOS MALLOY: Thank you.  
11 Additional questions from other commissioners.

12 COMMISSIOENR DAI: If there are no more  
13 questions, then I would say let's go into closed session,  
14 and then we can have a discussion about this plan and  
15 then invite people back in again when we're done.

16 CHAIRPERSON GALAMBOS MALLOY: Okay, so at this  
17 time, we would like to ask members of the public and our  
18 own staff to actually excuse themselves. We will be  
19 going into closed session for consideration of personnel  
20 matters. Commissioner Dai, how much time would you like  
21 for closed session?

22 COMMISSIONER DAI: Optimistically, half an hour.  
23 Does that sound okay?

24 CHAIRPERSON GALAMBOS MALLOY: Yes, I'd like for  
25 all members of the public to take their belongings with

1 them and to also request that our CRC staff please allow  
2 us to conduct this discussion regarding personnel matters  
3 by ourselves, according to Government Code 11126(A) (1).  
4 We will reconvene at approximately 2:30 p.m.

5 (Closed Session at 2:00 p.m.)

6 (Reconvene at 2:46 p.m.)

7 CHAIRPERSON GALAMBOS MALLOY: Thank you. I'd  
8 like to welcome everyone back to this session of the  
9 California Citizens Redistricting Commission. We are  
10 back in session after having gone into closed session for  
11 consideration of personnel matters pursuant to Government  
12 Code Section 11126(A) (1), and at this time I'd like to  
13 invite Commissioner Dai, Lead from the Finance and  
14 Administration Advisory Committee, to report out.

15 COMMISSIONER DAI: Thank you, Chair. So we  
16 reviewed the proposal from our Executive Director, Mr.  
17 Claypool, and it is our general agreement that the 60  
18 days after August 15<sup>th</sup> are very uncertain, that we're  
19 going to need a well oiled and seasoned team to continue  
20 to work together, so we are willing to go ahead and  
21 approve the staffing recommendations through October 15<sup>th</sup>,  
22 with a plan to kind of revisit in the mid-point, we  
23 should have a better lay of the land at that point and we  
24 would be looking for opportunities to streamline our  
25 operations and better clarify the roles of various staff

1 as we look at tightening up our operations, as the level  
2 of activities for the Commission starts to wind down.  
3 But for the 60 days after August 15<sup>th</sup>, there is a lot of  
4 uncertainty and it's wise to have a good set of resources  
5 in place. So, with that, I'd like to make a motion that  
6 we go ahead and approve through October 15<sup>th</sup> the staffing  
7 plan, the essential staff that Mr. Claypool has  
8 identified.

9 COMMISSIONER DI GIULIO: I'll second that.

10 CHAIRPERSON GALAMBOS MALLOY: The floor is open  
11 for discussion. Well, seeing none, I will weigh in on  
12 one of the issues that has been on my mind, is that, as  
13 we move forward, we will now have on hand our own Chief  
14 Legal Counsel, we have an Assistant Legal Counsel, we  
15 will have two well oiled machines, Gibson, Dunn &  
16 Crutcher, and Morrison & Foerster, and so part of what we  
17 need to do, I would say, in the weeks ahead as we move  
18 into the litigation phase is to really create an  
19 infrastructure between the Commission and the staff and  
20 the firms to make sure that we have a clear division of  
21 labor, a clear reporting structure, and that we are  
22 getting the job done, so I am certain that our Legal  
23 Advisory Committee will be willing to work with staff on  
24 refining that piece of our operations puzzle.  
25 Commissioner Raya.

1           COMMISSIONER RAYA: I would just like to ask that  
2 somewhere in the very near future we confirm exactly what  
3 the requirements are for notice to employees so that we  
4 are in compliance with whatever the State requirements  
5 are, and so that we -- and also just in the general  
6 spirit of fairness.

7           COMMISSIONER DAI: So, Mr. Claypool, can you go  
8 ahead and research that? We know that our employees --  
9 this is a very special commission, I know that our  
10 employees are under Special Class II [phon.], so if there  
11 is a legal requirement, we'd like to know what it is and  
12 we'll make a decision on that, or as soon as we get that  
13 information from you, probably at our next meeting in  
14 August.

15           EXECUTIVE DIRECTOR CLAYPOOL: Okay.

16           CHAIRPERSON GALAMBOS MALLOY: Any additional  
17 questions, comments on the motion? Okay, seeing none,  
18 are there any members of the public who would like to  
19 comment on the motion, and let me ask Ms. Sargis to read  
20 the motion back to us, please.

21           MS. SARGIS: The motion is to approve through  
22 October 15<sup>th</sup> the staffing plan that was presented by the  
23 Executive Director, Daniel Claypool.

24           CHAIRPERSON GALAMBOS MALLOY: Okay, seeing no  
25 members of the public, let's do roll call.

1 MS. SARGIS: Commissioner Aguirre - Yes;  
2 Commissioner Ancheta - Yes; Commissioner Barabba - Yes;  
3 Commissioner Blanco - Yes; Commissioner Dai - Yes;  
4 Commissioner Di Guilio - yes; Commissioner Filkins Webber  
5 - Yes; Commissioner Forbes - [Absent]; Commissioner  
6 Galambos Malloy - Yes; Commissioner Ontai - Aye;  
7 Commissioner Raya - Yes; Commissioner Ward - Yes;  
8 Commissioner Yao - Yes.

9 The motion passes.

10 CHAIRPERSON GALAMBOS MALLOY: Excellent. Does  
11 that wrap up our Finance and Administration Committee?

12 COMMISSIONER DAI: It does. I just want to note  
13 that we have had as an ongoing item here, the Q2  
14 contract, we have spoken before about items that were not  
15 in the original scope of the contract, and overages on  
16 what was in the contract. We have gotten some paperwork  
17 from Q2 and we hope to deal with some of those exceptions  
18 at our next meeting.

19 CHAIRPERSON GALAMBOS MALLOY: Thank you very  
20 much.

21 So at this time, I'd like to invite if there are  
22 any members of the public who would like to comment on  
23 items on the agenda or not on the agenda. Seeing none, I  
24 will take this opportunity to provide an overview of  
25 tomorrow's agenda.

1           We will reconvene here at 9:00 a.m. tomorrow  
2 morning and, as always, we'll start with public comment.  
3 We will soon after go into closed session no later than  
4 9:30 a.m., we'll spend about half an hour together. Our  
5 closed session tomorrow is regarding litigation and we  
6 will be having closed session with each of our newly  
7 chosen firms, Morrison & Foerster and Gibson, Dunn &  
8 Crutcher. And we will also be having a closed session  
9 time where both firms will be together. We have tasked  
10 them with a number of items to provide formal  
11 presentations to the Commission regarding litigation, and  
12 we anticipate that we will reconvene for open session in  
13 the early afternoon, probably around 2:00 p.m. At that  
14 time, we will have Q2's entire team here with us, and  
15 they will be walking us through the maps that we  
16 finalized on Sunday evening. We will take the Assembly,  
17 the Senate, the Board of Equalization, and the  
18 Congressional Districts, and have an opportunity to walk  
19 through the maps, ask any questions, and this will really  
20 provide us with an interactive opportunity to analyze the  
21 work that we've done, and so that Commissioners have time  
22 to review the maps before we consider them for formal  
23 votes on each separate set of maps on Friday morning.  
24 So we anticipate that will take the bulk of the  
25 afternoon, and that we will have a few items that we have

1 carried over from today's business meeting that we will  
2 need to wrap up at the end of the day, not the least of  
3 which is considering delegated authority, well,  
4 structure, for who will be interfacing with the  
5 litigation firms on behalf of the Commission moving  
6 forward.

7 Any questions regarding the agenda? Commissioner  
8 Ancheta.

9 COMMISSIONER ANCHETA: I know one of the  
10 carryover items is going into closed session regarding  
11 the litigation, but there was a public comment that came  
12 in, which I think raises a good point, which is that, if  
13 we had a plan to discuss in closed session the potential  
14 for a referendum, that that might not be appropriate for  
15 closed session and, in fact, because the referendum  
16 section, which I was just reviewing, is not necessarily  
17 litigation or adversarial action against the Commission,  
18 which does require us to hire counsel and defend those,  
19 and is appropriate for closed session, but the  
20 Referendum, if it goes to that point, we're actually not  
21 necessarily defending the maps as potential litigants.  
22 So, it may be inappropriate to talk about the Referendum  
23 in closed session, but we could certainly talk about it  
24 in open session. So, to the extent that maybe it's an  
25 ambiguity in the agenda item, I think we should just make

1 sure that's clear as we go into closed session.

2 CHAIRPERSON GALAMBOS MALLOY: Perhaps I could ask  
3 Mr. Miller to weigh in. He had been requested on behalf  
4 of the Commission to provide us with an overview so that  
5 we, as a Commission, are on the same page to understand  
6 what exactly the Referendum process entails. And we  
7 would anticipate there may be some additional discussion  
8 in closed session, which would really talk about the  
9 interaction of litigation at the same time as a  
10 Referendum effort is underway. Mr. Miller, would you  
11 have anything to add?

12 MR. MILLER: Well, as an approach to the  
13 procedure, I would suggest that we discuss thoroughly  
14 what's clearly closed session material with respect to  
15 the litigation tomorrow and, after that, address any  
16 issues that remain regarding the Referendum. We've  
17 actually kind of rolled this out incrementally a couple  
18 of times, including today, and the Commission's  
19 relatively limited opportunity to engage in the  
20 Referendum process. We talked, for example, about what  
21 one can do as an individual Commissioner, you can talk  
22 about the Referendum; the inability to expend State funds  
23 as a Commission limits an opportunity to -- I'll say --  
24 conduct a campaign as a Commission. We can speculate as  
25 to exactly what the Supreme Court would do with other

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1 cases and a Referendum, would be useful perhaps to the  
2 Commission to think about how that might play out in our  
3 discussions tomorrow right after the closed session.

4 CHAIRPERSON GALAMBOS MALLOY: Commissioner  
5 Blanco.

6 COMMISSIONER BLANCO: Yes, I looked at that  
7 letter, too, with some interest and, you know, I think a  
8 couple things I would like to know are, there will be  
9 legal issues associated with the Referendum, you know,  
10 the title that gets placed on the ballot, the accuracy of  
11 a ballot argument as it relates to the Referendum, and so  
12 I think -- I'm not saying that's litigation for us, but I  
13 think there will be legal issues associated with the  
14 Referendum and so it will be important to know who  
15 exactly are the parties, in other words, who deals with  
16 the arguments about the ballot, who is keeping track of  
17 the timing because sometimes you have to meet the  
18 signatures by a certain deadline, and all -- you know, it  
19 has to be in place, there are all kinds of issues that  
20 accompany something like this. So that's one thing, is I  
21 think it would be good for us to know all the legalities,  
22 you know, who are the parties and is it a Legislature  
23 that is the party to the Referendum because, if so, that  
24 to me poses some interesting issues as to whether a  
25 vigorous defense, you know, if a Legislature who has had

1 this process taken out of their hands is going to be the  
2 actual party to the Referendum, I don't know. And the  
3 other thing is, I know the two things are different, but  
4 to the extent that, say it's some districts, or an entire  
5 set of our maps are challenged on a Referendum on the  
6 basis of partisanship, or that they disfavored a  
7 political party, that's something that we're also not  
8 allowed to - you know, that's prohibited under Prop. 11  
9 and Prop. 20, so the legal issues, there might be an  
10 overlap in the legal issues, so that whatever we litigate  
11 in the Prop. 20 and Prop. 11 context, the way we do that  
12 could have an impact on the defense of the Referendum.  
13 So, those are all questions I have, so I think it's  
14 possible that the Referendum discussion is not for a  
15 closed session, but because there are these other legal  
16 issues, including that one set of litigation could impact  
17 other legal issues in the Referendum, I'd really like to  
18 have clarity on all those issues.

19 CHAIRPERSON GALAMBOS MALLOY: So, Commissioner  
20 Barabba and I will work with Mr. Miller and with outside  
21 counsel to determine the best use of tomorrow's agenda  
22 time to make sure that this gets addressed before we  
23 leave Sacramento for this session.

24 Are there additional questions or thoughts  
25 regarding the agenda for tomorrow? Okay, with that, we

1 will -- Commissioner Ancheta, oh, you can have the last  
2 word -- with that, then, we will adjourn for today. We  
3 will reconvene tomorrow morning at 9:00 a.m. here at  
4 McGeorge School of Law. We will be in open session  
5 briefly, probably for about half an hour, then we will be  
6 in closed session up until around 2:00 p.m., and tomorrow  
7 afternoon is when we will be joined by Q2 and will spend  
8 the afternoon reviewing the Draft Final Maps for State  
9 Assembly, Senate, Bureau of Equalization, and  
10 Congressional Districts, along with any unfinished  
11 business that remains. Thank you, we'll see you  
12 tomorrow.

13 [Adjourned at 3:00 p.m.]

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