

# MEMO

Daniel M. Claypool, Executive Director

July 19, 2011

Commissioners,

In order to plan for the post-map phase of the commission's activities, I request that the commission consider the following questions and provide staff with guidance prior to the submission of the final maps to the Secretary of State on August 15, 2011. First, I will provide you with a brief synopsis of our available funding position which drives the short term and long term decisions facing the commission.

## Available Funding

The commission will have the remainder of the funds available from the original \$4.5 million in allocations that were provided in Proposition 11 (\$3.5 million; three year money available for the remainder of this year) and in last year's budget (\$1 million; three year money available for two more years). It will also have the \$400,000 in general fund allocation from the current budget, available in this year only. Exactly how much remains will be known once we have closed out our contracts with our consultants and complete the meetings planned through August 15<sup>th</sup>. However, I anticipate that all remaining, available funding noted will be used in this current year.

There is also \$1.5 million in "provisional funding" in the current year budget that is strictly reserved for litigation purposes. This funding is only available for this fiscal year. I am currently working with the Department of Finance to determine how quickly we can request the release of those funds, what activities can be included under the expenditure of those funds, and how those funds can be augmented if the extent of the litigation exceeds the amount appropriated.

## Moving Forward

In order to plan for the commission's activities beyond the submittal of the maps and how those activities can be funded, there are many questions that the commission must answer. I will be listing some of the more obvious questions below. The answer to these questions will be the basis for how the commission and its staff proceed during the remainder of this fiscal year and next fiscal year, 2012/13.

- Activities. Does the commission believe that it should be involved in any activity not specifically required by the Constitution or State law? Earlier this year, I provided you with a list of possible activities that the commission could consider as it moved forward. At the most basic level, I suggested that the commission would need to respond to litigation and Public Records Act (PRA) requests. At the highest level, I noted that the commission could play a useful role in Constitutional amendments to improve the operations of the next commission and studies such

as the use of correctional data in assigning inmates to their private address before incarceration as part of the next redistricting process.

As noted in this memo, the remainder of this year will be driven by litigation and PRA related activities. Any staffing plan that I recommend will reflect the number of individuals needed to handle a high level of these activities and the commission's response to them. As the litigation and PRA requests subside staff can be shifted to other activities, as needed, or laid off. There will also be a natural rate of attrition as some staff move to other jobs or return to retirement. In these situations, their functions will be distributed to those staff remaining, if possible. All staff retention and/or layoffs will be guided by the direction the commission chooses.

- Staff recommendation: The commission should assess whether it believes that it has a long term mission beyond its response to any litigation, PRA requests and/or voter referendum(s). This assessment should be communicated to staff prior to August 15<sup>th</sup> in order to incorporate the commission's plan into the fiscal year 2012/13 budget language. (Note: The commission's request for continuing activities will be highly scrutinized and may or may not be allowed by the Department of Finance and the Joint Legislative Budget Committee. The closer the activity is tied to the language of the constitution, the greater the chance that the commission will be able to move the proposal forward to funding.)
- Meetings. How many full commission meetings does the commission need to have? During the remainder of the fiscal year, following the release of the maps, the commission meetings will be driven by litigation and budget related activities. In September, the commission will need to approve the 2012/13 fiscal year budget that will be proposed by staff. That budget will then be forwarded to the Department of Finance where we will be expected to follow the usual budgetary process of negotiation based on the commissions perceived needs versus the State's availability of funds. The commission will also have decisions to make regarding the defense of its maps. The number of meetings needed and the level of per diem and travel budgeted will depend directly on the level of delegation the commission is willing to allow.
  - Staff recommendation: The commission should establish a delegated sub-structure of authority that allows for preliminary or permanent decisions to be made on its behalf between full commission meetings. The greater the delegated authority, the less per diem and travel will be necessary to continue the commission's functions until the commission is disbanded or reaches the cycle of the next commission.

- Venues. How will the commission meet and where? The commission has been the recipient of the generosity of the Legislature and many public and private entities with regards to meeting venues. We cannot plan for this to occur after the maps are released. Janeece has discussed the use of the capitol for the commission's final meetings in August, the 13<sup>th</sup> through the 15<sup>th</sup>. This won't be an issue because the Legislature will be adjourned during that time. After that, the use of that space will be subject to its primary and customary usage. If space at the Capitol or free space is unavailable, space could also be rented. A third alternative is to use our own space until such time as the Governor's office consolidates us to smaller accommodations.
  - Staff recommendation: Use our current space for all public meetings and utilize staff or a consultant to video the process, as recommended above.
- Transparency. The commission has maintained a very transparent process to this point. To what extent do we wish the transparency to continue? Under Bagley-Keene, the commission is required to have open public meetings. Videography, stenography and live-streaming are not required elements. These are expensive activities that were adopted to enhance the mapping process. They may not be needed or desirable as the commission moves forward.
  - Staff recommendation: Eliminate live-streaming and stenography. Use staff or a consultant to video future business meetings and post the video's to our website at the earliest opportunity.

Once the commission provides the answers to these questions, staff can develop a detailed budget and staffing plan for your proposed activities. Until then, I will presume that the proposed scheduled for staggered layoffs and reduced staff retention proposed during our budget discussions earlier this year is in effect.

Daniel M. Claypool  
Executive Director  
California Citizens Redistricting Commission