

2020 CITIZENS REDISTRICTING COMMISSION

FIRST EIGHT COMMISSIONERS

PUBLIC MEETING MINUTES

August 4-7, 2020

August 4, 2020

Call to order by Chair Andersen at 9:30 a.m.

Roll call was taken and all members were present: Commissioner Ahmad (via Zoom), Chair Andersen, Commissioner Fornaciari, Commissioner Kennedy (via Zoom), Commissioner Le Mons (via Zoom), Commissioner Sadhwani (via Zoom), Vice Chair Taylor (via Zoom), and Vice Chair Turner (via Zoom).

Vice Chair Turner moved to approve minutes from the July 21, 2020 meeting as amended; this motion was seconded by Commissioner Le Mons and approved unanimously.

There were no announcements.

Ms. Saxton presented the Counsel's report at 9:34 a.m.

Chair Andersen moved to request public comment on item 4, the Counsel's report. This was seconded by Commissioner Kennedy and approved unanimously at 9:44 a.m.

The Commission received one comment telephonically at 9:51 a.m.

At 9:53 a.m. the Commission began discussing item 5, concerning the selection of the final six members of the Commission. The commissioners discussed how to approach the discussion and how they could share slate ideas. Ms. Saxton recommended handling proposed slates verbally. Ms. Saxton also clarified that multiple slates could be considered at one time, but only one slate per commissioner. The commissioners discussed at length how they should move forward, whether by discussing the skills needed in additional commissioners, or proposing draft slates that would generate discussion, or an organic approach.

At 10:37 a.m. Vice Chair Turner proposed a draft slate, which included Michael Gennaco (Dem), Patricia Sinay (Dem), Richard Gallegos (Rep), Alicia Fernandez (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa (Neither Party).

The commissioners discussed Vice Chair Turner's draft slate.

At 10:43 a.m. Commissioner Fornaciari proposed a draft slate, which included Patricia Sinay (Dem), Michael Gennaco (Dem), Alicia Fernandez (Rep), Karla Van Meter (Rep), Gurinder Aujla (Neither Party), and Tam Tran (Neither Party).

At 10:51 a.m. Commissioner Kennedy proposed a draft slate, which consisted of Patricia Sinay (Dem), Angela Vazquez (Dem), Peter Blando (Rep), Alicia Fernandez (Rep), Scott McCarty (Neither Party), and Pedro Toledo (Neither Party).

The commissioners recessed from 10:57 a.m. until 11:15 a.m.

At 11:19 a.m. Commissioner Sadhwani proposed a draft slate that consisted of Michael Gennaco (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Pedro Toledo (Neither Party), and Linda Akutagawa (Neither Party).

At 11:24 a.m. Commissioner Ahmad proposed a draft slate of Michael Gennaco (Dem), Vonya Quarles (Dem), Alicia Fernandez (Rep), Richard Gallegos (Rep), Tam Tran (Neither Party), and Eddie Morgan (Neither Party).

At 11:25 a.m. Commissioner Taylor proposed a draft slate of Angela Vazquez (Dem), Michael Gennaco (Dem), Alicia Fernandez (Rep), Peter Blando (Rep), Pedro Toledo (Neither Party), and Tam Tran (Neither Party).

At 11:35 a.m. Commissioner Le Mons proposed a draft slate of Patricia Sinay (Dem), Michael Gennaco (Dem), Peter Blando (Rep), Alicia Fernandez (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

At 11:43 the commissioners then agreed to hear public comment. The Commissioners received one public comment telephonically.

At 11:55 Chair Andersen presented a draft slate, which included alternates: Michael Gennaco (Dem), Patricia Sinay or Matthew MacPhail (Dem), Karla Van Meter (Rep), Peter Blando (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa or Pedro Toledo or Tam Tran (Neither Party).

The Commissioners received one public comment telephonically.

The Commission recessed for lunch from 12:01 p.m. until 1:01 p.m.

Commissioner Sadhwani shared a table via Zoom of common choices, the applicants who had been selected most frequently by the commissioners, which she had created during the lunch break. Commissioner Ahmad said that Commissioner Sadhwani's analysis agreed with hers. Commissioner Kennedy shared a table in Excel that also included alternates, which he had created during the lunch break.

Ms. Saxton reminded the Commission that all shared documents are public records and must be put on the website. The commissioners continued to discuss their selection process, and then decided to take an early break to allow Counsel to make shared documents available to the public.

The Commission recessed from 1:43 p.m. until 2:00 p.m.

There was additional discussion, during which alternates were added and removed. Commissioner Sadhwani suggested the Commission consider Linda Akutagawa of Orange County.

Vice Chair Turner clarified that there should not be an expectation that commissioners would work during their breaks.

The Commission recessed from 3:00 p.m. to 3:15 p.m.

The Commission agreed to take public comment and then recess in order to take time to reflect before continuing the meeting the following day.

At 3:23 p.m. received two comments telephonically.

The Commission discussed beginning the following day with public comment, and also planning for public comment after lunch, in order to give the public a specific time to plan for making public comment.

The Commission received one comment telephonically.

Addressing a question from Commissioner Sadhwani, Ms. Saxton explained that members of the public could not join the Zoom call nor would it be feasible to change the technology used for public comment at this time, but the question could be taken up by the full Commission.

The Commission received one comment telephonically.

At 3:55 p.m., the Commission recessed until 9:30 a.m. the following day.

August 5, 2020

The meeting reconvened at 9:30 a.m.

Roll-call was taken and all members were present: Commissioner Ahmad (via Zoom), Chair Andersen, Commissioner Fornaciari (via Zoom), Commissioner Kennedy (via Zoom), Commissioner Le Mons (via Zoom), Commissioner Sadhwani (via Zoom), Commissioner Taylor (via Zoom), and Vice Chair Turner (via Zoom).

At 9:31 a.m. the Commission received one comment telephonically.

At 9:38 a.m. the Commission then continued its discussion of item 5. The commissioners discussed how to move forward, as well as how to address the range of diversity characteristics in selecting the final six.

At 9:57 a.m. Commissioner Le Mons proposed a draft slate consisting of Patricia Sinay (Dem), Angela Vazquez (Dem), Peter Blando (Rep), Karla Van Meter (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

The commissioners discussed the similarity of Commissioner Le Mons' draft slate to other draft slates. The commissioners discussed the value of having an attorney on the Commission, in particular Michael Gennaco, who had experience with the Voting Rights Act.

Ms. Saxton requested clarification as to whether Commissioner Le Mons' slate was offered for discussion, or as a formal proposal. Chair Andersen and Commissioner Le Mons clarified the slate was offered for the purpose of discussion.

The commissioners continued to discuss the value of having commissioners on the slate with professional skills and experience that could be especially helpful in redistricting.

At 10:15 a.m. Commissioner Ahmad proposed a draft slate consisting of Michael Gennaco (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Pedro Toledo (Neither Party), and Eddie Morgan (Neither Party).

The commissioners then discussed Commissioner Ahmad's slate, which led to continued discussion of applicants' professional skills, particularly Karla Van Meter's skills in working with Census data. The commissioners also considered that they will be able to hire professionals with the necessary background and skills.

Ms. Saxton clarified that the Commission is required to hire legal counsel who has extensive experience with the Voting Rights Act and that otherwise the Commission has broad hiring discretion, including the hiring of a demographer.

At 10:37 a.m. Commissioner Fornaciari proposed a draft slate for the purpose of discussion which was the same draft slate as that of Commissioner Ahmad, except that Commissioner Fornaciari replaced Russell Yee (Rep) with Karla Van Meter (Rep).

Commissioner Fornaciari revised his draft slate to consist of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

Ms. Saxton clarified that, while the Commission could discuss draft slates, the regulations require a commissioner would have to "own" a proposed slate, and that changes to such a slate could only be made by the owner.

The commissioners continued their discussion of item 5. The commissioners recessed from 11:00 a.m. to 11:16 a.m.

At 11:16 a.m. the commissioners received one comment telephonically.

At 11:17 a.m. Vice Chair Turner proposed a draft slate of Patricia Sinay (Dem), Angela Vazquez (Dem), Peter Blando (Rep), Alicia Fernandez (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa (Neither Party).

The Commission discussed Vice Chair Turner's draft slate.

At 11:29 a.m. Commissioner Le Mons proposed an alternate draft slate consisting of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

At 11:38 a.m. Commissioner Fornaciari proposed another draft slate consisting of Patricia Sinay (Dem), Michael Gennaco (Dem), Russell Yee (Rep), Alicia Fernandez (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa (Neither Party).

The commissioners discussed the draft slates.

The Commission received three public comments telephonically.

The Commission recessed for lunch from 11:58 a.m. to 1:00 p.m.

The Commission received four public comments telephonically.

At 1:16 p.m. Commissioner Le Mons proposed the Le Mons Slate consisting of Michael Gennaco (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Linda Akutagawa (Neither Party), and Eddie Morgan (Neither Party).

At 1:25 p.m. Vice Chair Turner proposed the Turner Slate, composed of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Linda Akutagawa (Neither Party), and Eddie Morgan (Neither Party).

At 1:28 p.m. Commissioner Kennedy proposed a slate composed of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Pedro Toledo (Neither Party), and Victoria Tamoush (Neither Party).

The commissioners discussed the proposed slates. At 1:38 p.m. Chair Andersen proposed the Andersen slate consisting of Patricia Sinay (Dem), Michael Gennaco (Dem), Peter Blando (Rep), Karla Van Meter (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa (Neither Party).

In response to a request for clarification from Commissioner Le Mons, Ms. Saxton explained that only the commissioner who proposed the slate could modify that slate.

The commissioners continued the discussion of slates, including the gender balance and the generational balance, geographic balance, and whether there was any prohibition against potential commissioners coming from the same county. Responding to a question, Ms. Saxton clarified that the 2010 Commission had no one from the Northern region, and one commissioner from Orange County.

The Commission received one comment telephonically.

The commission recessed from 2:28 p.m. to 2:45 p.m.

The commission received 17 public comments telephonically.

At 3:15 p.m. Commissioner Sadhwani proposed the Sadhwani slate consisting of Angela Vazquez (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Pedro Toledo (Neither Party), and Linda Akutagawa (Neither Party).

At 3:19 p.m. Vice Chair Turner modified her slate to replace Eddie Morgan (Neither Party) with Pedro Toledo (Neither Party). Vice Chair Turner's slate was renamed the Turner Slate, Amendment 1.

Ms. Saxton confirmed the Turner Slate, Amendment 1, as Angela Vazquez (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Pedro Toledo (Neither Party), and Linda Akutagawa (Neither Party).

The commissioners continued to discuss the slates.

At 3:28 p.m. Commissioner Le Mons amended the Le Mons slate to consist of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Linda Akutagawa (Neither Party), and Pedro Toledo (Neither Party).

The commissioners discussed the slates, noting the challenge of fewer seats for the "Neither Party" subpool.

The Commission recessed from 3:44 p.m. to 4:00 p.m.

At 4:01 p.m. Chair Andersen amended the Andersen slate to consist of Patricia Sinay (Dem), Angela Vazquez (Dem), Peter Blando (Rep), Alicia Fernandez (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

Ms. Saxton confirmed and named it the Andersen Slate, Amendment 1.

The Commission continued to discuss the slates.

At 4:11 p.m. Commissioner Le Mons amended the Le Mons Amendment 1 Slate to replace Linda Akutagawa (Neither Party) with Eddie Morgan (Neither Party).

Ms. Saxton confirmed the Le Mons Slate, Amendment 2, to consist of Angela Vazquez (Dem), Patricia Sinay (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

The commissioners continued their discussion of slates. Commissioner Fornaciari stated that he believed that Genevieve Murphy recently relocated to Orange County and Chair Andersen requested verification from counsel. Chair Andersen suggested that the Commission take a day off (Thursday, August 6), and then resume on Friday, in order to provide the public an opportunity to consider the slates and provide comment. The Commission discussed options whether, and for how long, to recess. Ms. Saxton clarified that the first eight commissioners were not required to take up items six and seven after selecting the final six commissioners, and could adjourn after the selection of the final six commissioners.

Ms. Saxton read all of the proposed slates.

The Commission recessed at 4:49 p.m. until 9:30 a.m. the following day.

August 6, 2020

The meeting reconvened at 9:30 a.m.

Roll-call was taken and all members were present except Vice Chair Turner: Commissioner Ahmad (via Zoom), Chair Andersen, Commissioner Fornaciari (via Zoom), Commissioner Kennedy (via Zoom), Commissioner Le Mons (via Zoom), Commissioner Sadhwani (via Zoom), and Commissioner Taylor (via Zoom).

The Commission received 5 public comments telephonically.

Vice Chair Turner joined the meeting at 9:45 a.m. via Zoom.

The Commission received 23 public comments telephonically.

At 10:30 a.m. Commissioner Le Mons requested that any notes or suggestions from Counsel during a break be shared with the full Commission.

The Commission continued its discussion of item five, including geographical balance, with particular focus on representation of Orange County versus far Northern California.

There then was a discussion of procedures, with Ms. Saxton providing clarification to Commissioner Kennedy that one could change one's vote before the results were announced.

The Commission recessed from 12:10 p.m. to 1:10 p.m.

Commissioner Le Mons moved to vote on the Le Mons Slate Amendment 2, seconded by Commissioner Taylor: Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

The Commission clarified voting procedures: a vote could be changed before the outcome is announced; "Present" means abstain; "Pass" means the Commissioner will vote at the end; the Vote will be called in alphabetical order.

The Commission then took public comment, and received 19 comments telephonically.

At 2:01 p.m., the commissioners voted on the Le Mons slate, Amendment 2:

Commissioner Kennedy (Dem): Pass Changed to Yes

Commissioner Sadhwani (Dem): No

Vice Chair Turner (Dem): No

Chair Andersen (Rep): Yes

Commissioner Fornaciari (Rep): Yes

Commissioner Taylor (Rep): Yes

Commissioner Ahmad (Neither Party): No

Commissioner Le Mons (Neither Party): Yes

Without two affirmative votes from Democrats, the motion failed.

At 2:05 p.m. Commissioner Sadhwani moved to vote on the Sadhwani Slate, seconded by Vice Chair Turner.

The Commission then took public comment, and received four comments telephonically.

The Commission continued its discussion of the Sadhwani Slate.

At 2:26 p.m., the Commission voted on the Sadhwani Slate:

Commissioner Kennedy (Dem): Present

Commissioner Sadhwani (Dem): Yes

Vice Chair Turner (Dem): Yes

Chair Andersen (Rep): No

Commissioner Fornaciari (Rep): Pass, then No

Commissioner Taylor (Rep): No

Commissioner Ahmad (Neither Party): Yes

Commissioner Le Mons (Neither Party): No

Without five affirmative votes, including two Republican votes, the motion failed.

Commissioner Sadhwani asked whether a vote of “present” meant “abstain.” Chair Andersen responded, “Yes.”

The Commission recessed from 2:42 p.m. to 2:57 p.m.

At 3:06, Commissioner Fornaciari proposed the Compromise Slate consisting of Patricia Sinay (Dem), Michael Gennaco (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Linda Akutagawa (Neither Party).

Ms. Saxton confirmed Commissioner Fornaciari’s Compromise slate.

Commissioner Taylor proposed a slate consisting of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Eddie Morgan (Neither Party), and Victoria Tamoush (Neither Party).

Commissioner Le Mons moved to vote on Commissioner Fornaciari’s Compromise Slate
Commissioner Ahmad seconded.

The Commission discussed the slate.

At 3:33 p.m. Commissioner Le Mons withdrew his motion to vote on the Compromise Slate. He then moved to vote on the Le Mons Slate, Amendment 2, seconded by Commissioner Fornaciari. Ms. Saxton read the names of the applicants in the slate.

At 3:35 p.m., the Commission received eight comments telephonically.

The Commission discussed the slate, as well as the idea that former applicants would be available to help the Commission, and the level of engagement of various communities as evidenced by public comment.

The Commission agreed that it was not appropriate to respond to public comment with anything other than a generic response to all.

Again, Ms. Saxton read the names of the applicants in the Le Mons Slate, Amendment 2.

The Commissioners voted on the Le Mons Slate, Amendment 2:

Commissioner Kennedy (Dem): No

Commissioner Sadhwani (Dem): Abstain

Vice Chair Turner (Dem): No

Chair Andersen (Rep): Yes

Commissioner Fornaciari (Rep): Yes

Commissioner Taylor (Rep): Yes

Commissioner Ahmad (Neither Party): No

Commissioner Le Mons (Neither Party): Yes

The motion failed due to a lack of five affirmative votes, including two Democrats.

The Commissioners discussed the vote.

At 4:17 p.m., the commissioners recessed until 9:30 a.m. the following day.

August 7, 2020

The meeting resumed at 9:30 a.m.

Roll-call was taken and all members were present except Vice Chair Turner: Commissioner Ahmad (via Zoom), Chair Andersen, Commissioner Fornaciari (via Zoom), Commissioner Kennedy (via Zoom), Commissioner Le Mons (via Zoom), Commissioner Sadhwani (via Zoom), and Commissioner Taylor (via Zoom).

The Commissioner received 23 comments telephonically.

At 10:22 a.m., in response to a public comment, Commissioner Le Mons clarified that there were no side conversations the prior day.

Commissioner Le Mons withdrew his earlier slate, and proposed for discussion a new slate called the "One Tribe Slate" consisting of Angela Vazquez (Dem), Patricia Sinay (Dem), Alicia Fernandez (Dem), Russell Yee (Dem), Eddie Morgan (Neither Party), and Pedro Toledo (Neither Party).

The Commission continued its discussion of item five on the agenda, with a focus on whether to select Linda Akutagawa from Orange County or Eddie Morgan from the Northern region.

The Commission recessed from 11:03 a.m. to 11:20 a.m.

At 11:23 a.m. Vice Chair Turner made a motion to vote on the Turner Slate, Amendment 1. Commissioner Sadhwani seconded.

Ms. Saxton confirmed the proposed slate consisted of Patricia Sinay (Dem), Angela Vazquez (Dem), Alicia Fernandez (Rep), Russell Yee (Rep), Linda Akutagawa (Neither Party), and Pedro Toledo (Neither Party).

The Commission then heard 33 public comments telephonically.

After clarifying to the commission that it had discretion to take public comment at any time, and the requirements relating to slate names, Ms. Saxton confirmed that the slate up for vote was the Turner Slate, Amendment 1, and Ms. Saxton re-read the names. Vice Chair Turner confirmed that the names were correct. At 12:34 p.m. the Commission voted on the Turner Slate, Amendment 1:

Commissioner Kennedy (Dem): Yes

Commissioner Sadhwani (Dem): Yes

Vice Chair Turner (Dem): Yes

Chair Andersen (Rep): No, Changed to Yes at 12:37 p.m. before the result was announced.

Commissioner Fornaciari (Rep): Yes

Commissioner Taylor (Rep): Yes

Commissioner Ahmad (Neither Party): Yes

Commissioner Le Mons (Neither Party): Yes

The motion passed unanimously.

The Commission recessed from 12:50 p.m. until 1:50 p.m.

The commission reconvened and heard Item 6, an Introduction to Temporary Commission staff. Interim Counsel Marian Johnston introduced herself and discussed her role. Some commissioners asked questions about Ms. Johnston's role and Ms. Saxton's role. Raul Villanueva, Interim Administrator, introduced himself and presented the steps the State Auditor's Office had taken to assist the Commission.

The Commission then heard Item 7 on the agenda, an update from Ms. Johnston on Legislature v. Padilla, S262530, and the status of the Census.

Each commissioner gave closing remarks.

The Commission recessed until 3:00 p.m. in order to receive public comment a final time, but there was no one on the line for public comment.

The meeting adjourned at 3:10 p.m.