

STATE OF CALIFORNIA  
2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

PUBLIC MEETING

721 Capitol Mall, 2nd Floor  
Sacramento, California 95814

TUESDAY, OCTOBER 20, 2020

TIME 9:31 A.M.

Reported by:  
Peter Petty

## APPEARANCES

## Commissioners Present:

Linda Akutagawa, Chair  
Neal Fornaciari, Vice Chair  
Isra Ahmad  
Jane Andersen  
Alicia Fernandez  
J. Ray Kennedy  
Antonio Le Mons  
Sara Sadhwani  
Patricia Sinay  
Derric H. Taylor  
Pedro Toledo  
Trena Turner  
Angela Vasquez  
Russell Yee

## Staff Present:

Daniel Claypool, Executive Director  
Marian Johnston, Counsel  
Raul Villanueva

## Also present:

Kristian Manoff, AV Tech  
Jesse, Phone Line Interface Technician

## Public Commenters:

Colleen Mathis  
Lori Shellenberger  
Deborah Howard  
Rosalind Gold  
Helen Hutchinson  
Alejandra Ponce de Leon

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

Tuesday, October 20, 2020 9:31 o'clock a.m.

VICE-CHAIR FORNACIARI: Well, welcome everyone to the October 2020 first meeting of the Citizens Redistricting Commission. I'm Commissioner Fornaciari. I'm standing in for Commissioner Akutagawa, who's Chairing this week. She'll be out -- she'll join us about 10:15 or so. So, we'll start off. Marian, if you can call the roll, please?

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Here.

MS. JOHNSTON: Commissioner Akutagawa is absent. Commissioner Andersen?

COMMISSIONER ANDERSEN: Here.

MS. JOHNSTON: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Here.

MS. JOHNSTON: Commissioner Fornaciari?

VICE-CHAIR FORNACIARI: Here.

MS. JOHNSTON: Commissioner Kennedy?

COMMISSIONER KENNEDY: Here.

MS. JOHNSTON: Commissioner Le Mons? Commissioner Sadhwani?

COMMISSIONER SADHWANI: Here.

MS. JOHNSTON: Commissioner Sinay?

COMMISSIONER SINAY: Here.

1 MS. JOHNSTON: Commissioner Taylor?

2 COMMISSIONER TAYLOR: Present.

3 MS. JOHNSTON: Commissioner Toledo?

4 COMMISSIONER TOLEDO: Here.

5 MS. JOHNSTON: Commissioner Turner?

6 COMMISSIONER TURNER: Here.

7 MS. JOHNSTON: Commissioner Vasquez?

8 COMMISSIONER VASQUEZ: Here.

9 MS. JOHNSTON: Commissioner Yee?

10 COMMISSIONER YEE: Here.

11 MS. JOHNSTON: All present except for  
12 Commissioner Akutagawa and Le Mons.

13 VICE-CHAIR FORNACIARI: Okay. Thank you, Marian.  
14 So, general announcements. One thing that I have that I  
15 just want to remind everyone: we're putting the agenda  
16 together -- we're finalizing the agenda for the meetings  
17 for the 4th through the 6th. So, if you have -- and we're  
18 going to actually try to share a draft with you all this  
19 evening, so you can take a look, and if you have anything  
20 to Darrell, think about that. Especially for the  
21 subcommittees. If you have, or you think you might have,  
22 an action that you want the committee -- or the -- yeah,  
23 the Commission to undertake that week, we can add it to --  
24 as a bullet point under your subcommittee report. You  
25 know, just let us know if you think you might have it. If

1 you don't have it, we don't have to take action, but we  
2 can't take any action if we don't have it. So, that's the  
3 general announcement that I had.

4 I don't know if -- well, Director Claypool has an  
5 update in a minute. Are there any other general  
6 announcements that we -- that folks would like to have?  
7 Commissioner Sinay?

8 COMMISSIONER SINAY: I -- Commissioner Turner and  
9 I met with the Center for Civic Design and they created  
10 these little booklets. They're called Designing Better  
11 Education booklets and flyers. They're really small, and  
12 very clear-cut and it's not -- it's good information for  
13 anything we're creating for the Commission to the general  
14 public. So, they sent me whole box full, and I would like  
15 to be generous and share it with all of you. So, if you so  
16 would like one, can you email me or just let Mr. Claypool  
17 know if I can have all of your addresses so that I can send  
18 these out and -- as well as the cards? If I ever get to  
19 making them.

20 VICE-CHAIR FORNACIARI: Okay. Very good, thank  
21 you. Anyone else? Okay.

22 COMMISSIONER SADHWANI: Oh, can I jump in there?

23 VICE-CHAIR FORNACIARI: Oh, I'm sorry.

24 COMMISSIONER SADHWANI: That's okay.

25 VICE-CHAIR FORNACIARI: Sorry, yes.

1           COMMISSIONER SADHWANI: No problem. So, two  
2 pieces, I suppose. One, in terms of your call for agenda  
3 items, I will mention this later in our update, but I  
4 believe the Line Drawers Committee will have something to  
5 put on the agenda for the -- for that first week of  
6 November. In addition, Commissioner Andersen and I have  
7 had a number of really great conversations for that  
8 committee. We will be giving an update today. But one of  
9 the pieces that came out that I just wanted to share in  
10 general comments is, a request that we could provide a  
11 meeting summary of our meetings, that it's very difficult  
12 to go back and watch the entire full day recorded meetings.

13           I know that previously, we had a very small staff  
14 that was part time, and that that was very challenging to  
15 do. But as we staff up, we have Director Claypool here  
16 with us today. I know that we have confirmed retired  
17 annuitants to be on board. I'm wondering if we could --  
18 even whether it's minutes or a short summary of, kind of,  
19 the key action items that were discussed, if we could do  
20 that for the general public, I think that -- it sounds like  
21 there's a real interest in doing so. Obviously, there's an  
22 interest in having the full -- the full, you know, website  
23 redone and everything, and I recognize that that will take  
24 time. But I think a short summary of our meetings would be  
25 helpful for the public who's tuning in.

1           VICE-CHAIR FORNACIARI: Okay. I think that's --  
2 it sounds like a great idea. You know, as we get staffed  
3 up, Director Claypool, you know, I know you're looking at  
4 bringing some more people on board. Is that something we  
5 can -- we can have -- have some of the staff take care of?

6           EXECUTIVE DIRECTOR CLAYPOOL: Absolutely. I'm  
7 actually going to be discussing where we're -- where we're  
8 at with the staff hiring, in the report I'm going to give.  
9 That -- that can be done, once we have somebody who can  
10 actually do it, just because right now, we're still sitting  
11 at a total staff of three. But I'll discuss that in just a  
12 few minutes.

13          VICE-CHAIR FORNACIARI: Okay, thank you. So, if  
14 there's no other general announcements, we'll go to public  
15 comment. So, Jesse, if you could read the instructions,  
16 please?

17          PHONE LINE TECHNICIAN: In order to maximize  
18 transparency and public participation in our process, the  
19 commissioners will be taking public comment during their  
20 meeting by phone. There will be opportunities to address  
21 the commissioners regarding the items on the agenda. There  
22 will also be opportunities for the public to submit general  
23 comments about items not on the agenda. Please note that  
24 the Commission is not able to comment or discuss items not  
25 on the agenda. The Commission will advise the viewing



1 audience when it is time to submit public comment. The  
2 commissioners will then allow time for those who wish to  
3 comment to dial in.

4           To call in, on your phone, dial the telephone  
5 number provided on the livestream feed. When prompted,  
6 enter the meeting I.D. number provided on the livestream  
7 feed using your dial pad. When prompted to enter a  
8 participant I.D., simply press pound. Once you have dialed  
9 in, you will be placed in a queue from which a moderator  
10 will begin unmuting callers to submit their comment. You  
11 will also hear an automated message to press star nine to  
12 raise your hand, indicating you wish to comment. When it  
13 is your turn to speak, the moderator will unmute you, and  
14 you will hear an automated message: "The host would like  
15 you to talk," and then press star six to speak. You will  
16 have three minutes to provide your comments.

17           Please make sure to mute your computer or  
18 livestream audio to prevent any feedback or distortion  
19 during your call. Once you are waiting in the queue, be  
20 alert for when it is your turn to speak, and please turn  
21 down the livestream volume. The commissioners will take a  
22 comment for every action item on the agenda. As you listen  
23 to the online video stream, the Chair will call for public  
24 comments. That is the time to call in. The process for  
25 making a comment will be the same each time, beginning by

1 the telephone number provided on the livestream feed, and  
2 following the steps stated above.

3 VICE-CHAIR FORNACIARI: So, it looks like we have  
4 two people in the queue. Jesse, if you could, invite the  
5 first caller in, please?

6 PHONE LINE TECHNICIAN: Okay. Good morning,  
7 caller. The floor is yours.

8 MS. MATHIS: Good morning, can you hear me okay?

9 PHONE LINE TECHNICIAN: Yes. Could you please  
10 state your name and spell it for the court reporter,  
11 please?

12 MS. MATHIS: Certainly. My name is Colleen, C-O-  
13 L-L-E-E-N, Mathis. M as in Mary, A-T-H-I-S. So, good  
14 morning, commissioners. I'm Collen Mathis, and I'm the  
15 Chair of the Arizona Independent Redistricting Commission.  
16 So, your neighboring state. It's nice and sunny here in  
17 the Grand Canyon state, and I very much appreciate this  
18 opportunity to address you all. I want to, first, thank  
19 you for volunteering to serve your fellow citizens of  
20 California in this enormous, but very important task.

21 I also want to take this opportunity to thank the  
22 last California Citizen Redistricting Commission, and all  
23 who supported them, for submitting an amicus brief in  
24 support of the Arizona Independent Redistricting Commission  
25 back in 2015. And that's when the Arizona Legislature

1 challenged our Commission's authority to draw congressional  
2 district lines. Fortunately for all of us, the Commission  
3 prevailed, and I'd encourage you to read the majority  
4 opinion authored by the late, great, Justice Ruth Bader  
5 Ginsberg, which upholds the power of the people to  
6 legislate by initiative and referendum, which is guaranteed  
7 in both California's and Arizona's constitutions. It was  
8 truly a We the People victory.

9           So, the purpose of my call today, though, is to  
10 say that I've been in your shoes and well understand the  
11 importance of the decisions you are facing. And there are  
12 many, but there isn't one any more important than the  
13 choice of the mapping consultant. And I would encourage  
14 you to be very deliberate in your plan for choosing one,  
15 and work together to develop a very detailed scope of work  
16 for this Request for Proposal. And it should go beyond the  
17 more obvious question surrounding the technical aspects of  
18 redistricting and the firm's ability to work with, you  
19 know, census data, et cetera, and the software. I'd  
20 encourage you to actually ask them to fully divulge their  
21 track records in working with other clients, their history  
22 of political activity in the form of donations they may  
23 have made, and see how they responded and how transparent  
24 they are. This will only help instill public confidence in  
25 the process and allow you to have a yardstick by which to

1 measure the different firms that are going to apply.

2           If you go to [AZredistricting.org](http://AZredistricting.org) and pull up the  
3 side menu entitled Maps, and then choose Mapping Consultant  
4 Info, you can see the Request for Proposal document that  
5 our Commission developed, as well as all the responses  
6 submitted from the seven companies that actually responded  
7 to that RFP. And after we had those seven documents, we  
8 then narrowed that list down to four, and actually  
9 interviewed those four firms in public session, which I'd  
10 encourage you to do, if you can. We then interviewed those  
11 firms, and you can watch those responses and those  
12 interviews on our June 24th, 2011 meeting of the  
13 Commission. That's also recorded, archived on our site.

14           And by following this kind of deliberative  
15 process, our Commission was able to choose the best firm  
16 that we could have. And it was comprised of individuals  
17 who understood their role as serving the Commission and the  
18 public, which is so important, while being professional,  
19 courteous, and pleasant to all comers. We were very  
20 fortunate. So, please visit [AZredistricting.org](http://AZredistricting.org) for more,  
21 and I'm also happy to serve anytime as a resource on this  
22 or any other matter related to Arizona's redistricting  
23 process, so please feel free to contact me any time. And I  
24 only wish you the best.

25           VICE-CHAIR FORNACIARI: Well, thank you for that

1 input and those thoughts. Thank you very much.

2 MS. MATHIS: You're welcome.

3 VICE-CHAIR FORNACIARI: Next caller?

4 PHONE LINE TECHNICIAN: Good morning, caller.

5 Could you please state and spell your name for the record,  
6 please?

7 VICE-CHAIR FORNACIARI: I'm going to have to  
8 unmute you.

9 MS. SHELLENBERGER: Can you hear me?

10 VICE-CHAIR FORNACIARI: Yes.

11 MS. SHELLENBERGER: Okay. This is Lori  
12 Shellenberger. L-O-R-I, S-H-E-L-L-E-N-B-E-R-G-E-R. I'm  
13 the redistricting consultant for California Common Cause,  
14 and good morning everyone. I'm calling in with really more  
15 of a bit of a logistical issue that I wanted to flag, and  
16 it's regarding the posting of your meeting materials, and  
17 this is something that came up at the end of your meeting  
18 last week. And I under -- I want to preface it with the  
19 understanding that you're still staffing up, you're still  
20 working out your communications logistics between the  
21 Commission and staff, and that you also have a lot of work  
22 that you're trying to plow through in these marathon  
23 meetings that you're having, and we -- we appreciate, so  
24 much, your commitment and your thoughtfulness to the  
25 process and to transparency.

1           As you all know, the map that you were discussing  
2 at the end of last week's meeting, which was your map for  
3 how you would approach your information gathering for your  
4 outreach and education, was not posted for the public. You  
5 had a caller who called in and requested that you delay  
6 your vote on that motion to use that division of regions  
7 for your outreach purposes, and you ended up going ahead  
8 and voting on that. And understanding that may not seem  
9 like the most significant of decisions you will be making,  
10 of course, in the scheme of things, but just wanted to flag  
11 that it is really critical for the public to have access to  
12 the information that you'll be voting on, and that delaying  
13 a vote, even on something minor, is critical to ensuring  
14 that the public can have input on those decisions.

15           And so, I just would encourage you, in the  
16 future, especially when it's something that it seemingly  
17 could have waited until this week, that it -- it builds  
18 public confidence in the process for you to ensure that  
19 there's input even on those decisions, and that the public  
20 has access to that information. I also wanted to thank  
21 Commissioner Le Mons, who I think flagged something really  
22 critical, which was, you know, making sure that you did --  
23 if you were going to adopt that approach, vote on it and  
24 not have an end run-around that to avert, sort of, the  
25 formal process for adopting something like that, and

1 appreciate him standing up for the integrity of the  
2 process, and appreciate that you all value that as well.  
3 But just wanted to -- to follow up on that and -- and  
4 emphasize that it is really important to -- to make sure  
5 the public has -- has equal access to information that  
6 you're discussing moving forward. Thank you.

7 VICE-CHAIR FORNACIARI: Thank you for that  
8 feedback. Let's see. Looks like --

9 PHONE LINE TECHNICIAN: At this time, there are  
10 no more callers in the queue, Chair.

11 VICE-CHAIR FORNACIARI: Okay, and it's been 17  
12 minutes since we called for public comment, so I think, at  
13 this point, we will move to Agenda Item No. 4: Commissioner  
14 Updates: items of interest to the Commission.

15 EXECUTIVE DIRECTOR CLAYPOOL: Chair, I believe  
16 you had Commissioner Sinay wanting to make comment.

17 VICE-CHAIR FORNACIARI: Okay. Commissioner  
18 Sinay?

19 COMMISSIONER SADHWANI: I just -- yeah, based on  
20 what they -- the last public comment was. I'm still not  
21 sure if it was or was not online, and the reason I'm saying  
22 that is, our website is quite complicated, and there's two  
23 places to go to for the meetings. One just has the meeting  
24 agendas and the other place on our website has meeting  
25 agenda and backup documents, and that's got to be fixed,

1 because that, alone, is just complicated. I know that when  
2 we were trying to call in because of all the chaos that  
3 took place, my kids, my husband, everybody was looking for  
4 a phone number to call in. We called into the office, no  
5 one answered the main number, so I do think that that  
6 number needs to be -- we need someone to answer that number  
7 while we are on Commission meetings, once we're staffed up.

8 But I also think we need, just, to have the  
9 agenda and the documents all just in one place so that  
10 people know they've got to where they need to get to,  
11 versus having to go to several different places. But I --  
12 again, to the public, sorry. It was -- the whole thing  
13 ended up being very chaotic on Thursday, and we prepared,  
14 and it just fell through, so we apologize.

15 VICE-CHAIR FORNACIARI: Any other comments?  
16 Okay, any updates on items of interest to the Commission?  
17 Okay. Kristian -- I'm sorry, I need to take, like, a two-  
18 minute break, if -- if we could, please.

19 MR. MANOFF: You got it, Chair.

20 (Break)

21 VICE-CHAIR FORNACIARI: Okay. Thank you, and  
22 welcome back. At this point, we'll go to Action Item No.  
23 5: The Executive Director Report.

24 EXECUTIVE DIRECTOR CLAYPOOL: Good morning,  
25 Commissioners. I'd like to start by just saying that I had



1 received a request to reach out to all of you, and I had  
2 actually started reaching out to some of you period -- to  
3 just talk to you individually, give you an idea about who I  
4 am, and get an idea of who each of you are. So, in the  
5 next week, I'm going to be scheduling a 30-minute  
6 conversation with each of you, if you have the time, just  
7 to exchange, you know, information about Dan Claypool and  
8 Dan Claypool's family and to try to find out about yours.  
9 So, if there's any issue with that, you need to let me  
10 know, but I -- in the meantime, that's what I'm going to  
11 do.

12           The items I'd like to talk to you about today are  
13 contracting and working with contracting major issues,  
14 milestones, and some protocols. So, to start with, on  
15 contracting, we've had a small glitch with our -- with our  
16 contracting as far as our videography goes. We were  
17 working with the Office of Business Acquisition Services,  
18 also known as OBAS, for those of you who are keeping track  
19 of the acronyms. But we've now been referred back to the  
20 more -- the larger umbrella division of Procurements  
21 Division. And so, we're taking a step back in our -- in  
22 our move to get our delegated authority, and to get our  
23 videographer contract in place. I spoke with a DDS Deputy  
24 Director, Mr. Kinney yesterday, and asked him for  
25 assistance in fast tracking both our contract for

1 videography through the California Multiple Awards  
2 Schedule, the CMAS schedule, and I also requested a contact  
3 person for our delegated authority so that we can fast  
4 track all future contracts.

5           Mr. Kinney said that he would set up a Zoom  
6 meeting with myself and Marian and Raul, and we would  
7 discuss this whole situation with representatives of OBAS,  
8 the Procurement Division, and the Office of Legal Services.  
9 This is really important because, in this meeting,  
10 hopefully, we can iron out the need for the amount of speed  
11 that we need to move our contracts through the Department  
12 of General Services, and get into a situation that we were  
13 in during the 2010, where our contracts went through much  
14 more quickly than the standard contracts go through. We  
15 have, in preparation for that meeting, he asked that I  
16 provide a short description of services that we'd be  
17 needing in the upcoming months so that they can have the  
18 right personnel at the meeting, and I'll be providing that  
19 to him today or tomorrow so that we can get the meeting  
20 scheduled for early next week.

21           We also, in our deliberation with the Chair and  
22 the Vice-Chair, this week, identified some major contracts  
23 that require either a CMAS solicitation or an RFP. So,  
24 looking ahead at where this Commission is headed, we need  
25 to have an outside legal counsel with litigation and VRA

1 experience, and that will be an RFP. We need a racially  
2 polarized voting expert or consultant. That will be an  
3 RFP. The line drawing consultant, we're already discussing  
4 that, and that will be RFP. Data analytics consultant,  
5 that would be an RFP, and a videographer, which I've just  
6 discussed, and that contract will be inclusive of ASL and  
7 court reporting services.

8           On our site, I have posted the contracting guide  
9 that you requested, and did you -- can you all see that  
10 guide? Did you have an opportunity -- if you could, take  
11 just a moment to go to our site and pull it up. What's  
12 that? Oh, Raul also emailed it to you, I apologize. So...  
13 do you -- just give me a show of hands when I know you're  
14 looking at it, because you had requested to know about  
15 timelines, and this is going to have some sticker shock,  
16 so, I want to make sure that we're all looking at the same  
17 document.

18           COMMISSIONER ANDERSEN: Mr. Claypool, may I ask,  
19 while we're all looking for that, in terms of our -- the  
20 way we're deciding what types of contracts, you know, this  
21 is great to evaluate them, but stepping back just a little  
22 bit, what -- under what sort of authority are we -- do we  
23 need to practice under? Because it was brought up to us as  
24 we were discussing the line contracting that we're sort of  
25 acting under executive branch rules, and do we need to do

1 that, or can we do that from, essentially, legislative  
2 branch rules? And can you address this issue? You know,  
3 we're sort of -- is there a variation, and how would that  
4 impact the types of contracts that we can -- that we can be  
5 addressing and using?

6 EXECUTIVE DIRECTOR CLAYPOOL: You are under the  
7 state contract code for the contracts that you're going to  
8 be moving. So, last time, there was no -- the legislature  
9 and legislative -- constitutional officers can operate  
10 outside the contracting code, but this Commission cannot.  
11 All of the commissions that I know of in the state of  
12 California are required to operate under contract code, as  
13 it's set out by both statute and overseen by DGS,  
14 Department of General Services. So, I don't know about an  
15 executive code. I'm unaware of that. Who -- who said that  
16 you could do that? Do you remember?

17 COMMISSIONER ANDERSEN: Well, without disclosing  
18 names, because when we were discussing things, I don't want  
19 to say the particular who, but in terms of just the statute  
20 that says that, you know, the Commission, this is under the  
21 -- you know, which branches and things we're under. I  
22 mean, I'm just wondering what -- what that actually is. I  
23 mean, that could, indeed, be absolutely correct, but it's  
24 just -- you know, I realize that we, sort of -- we might  
25 not have even looked at that idea, and that's the idea that

1 was brought up to us, in terms of you really don't need to  
2 be, but you just sort of interpreted it that way. And I'm  
3 -- and I just thought, well, maybe we should pursue that.

4 EXECUTIVE DIRECTOR CLAYPOOL: Okay.  
5 (indiscernible)?

6 COMMISSIONER SADHWANI: Pardon me. Thank you so  
7 much. If I may just jump in, here. I think what  
8 Commissioner Andersen and I are both trying to explore, and  
9 we would love to have your assistance in this, is that the  
10 RFP that was put out for the -- to recruit a line drawer,  
11 drew zero line drawers, as it was published earlier this  
12 year. We want to better understand the range of options  
13 that we could potentially have in order to do this,  
14 recognizing that the field of line drawers is actually not  
15 that big, and that recruiting someone will be a difficult  
16 task. It is my understanding that in 2010, an RFP was  
17 actually not used, and so therefore, are there other ways  
18 in which we might go about -- are there other protocols  
19 that we might be able to utilize in order to solicit a line  
20 -- you know, line drawer applications, that doesn't include  
21 a 60-page RFP that line drawers have to respond to?

22 And indeed, and I think we're -- I'm happy to  
23 disclose who it was that said it, we have a report coming  
24 up, but yes, one of the questions that was raised to us is,  
25 why is it that the Commission feels the need -- and I am

1 not a state contracting person, I have never worked for the  
2 state, so if others, perhaps even if Commissioner Fernandez  
3 has information about this, why is it that the Commission  
4 is utilizing the protocols of the executive branch rather  
5 than the legislative branch? I don't know the differences  
6 between those two protocol systems, so it would be helpful  
7 for me to understand the range of options that we might  
8 have, recognizing that the field of line drawers, the field  
9 of, even VRA legal counsel, is not great. And so, how we  
10 establish this RFP, or whatever this process will be, will  
11 be an important way of soliciting input. Some simply will  
12 not bother with an onerous process such as the RFP.

13 COMMISSIONER ANDERSEN: Actually, everybody had  
14 said -- well --

15 MS. JOHNSTON: One correction. They did use an  
16 RFP in 2010. There were two applicants, as I recall.

17 EXECUTIVE DIRECTOR CLAYPOOL: Right, and  
18 actually, I assisted in writing that RFP, so I remember it  
19 going out. We let it for 30 days. We had a response by  
20 Johnson's Group, I believe it's RDA from Southern  
21 California, as we had from Q2. And then once we -- it was  
22 a sealed bid RFP, and that would be, if you're looking at  
23 this guide, that would be Request for Proposal No. 1. That  
24 -- that protocol. As far as using the legislative, you are  
25 -- you are under the state of California budget, you are

1 under the Governor's purview. We don't have the luxury of  
2 being able to operate outside of the state. You're part of  
3 -- if you look at the Department of Finance, you're in the  
4 Boards and Commissions group, and they manage your budget.  
5 In fact, DOF oversees your budget.

6           So, these are going to be the options available  
7 to you. We could certainly talk to the Department of  
8 General Services, or even talk to somebody at the  
9 legislature about possibilities, but I think, to be quite  
10 honest with you, Commissioner Sadhwani, all roads are going  
11 to lead back to these options.

12           MS. JOHNSTON: And the statute that you're under  
13 is § 8253.6, Subdivision D. It says that the Commission  
14 with fiscal oversight from the Department of Finance, so  
15 that's what puts us in the state contracting code.

16           COMMISSIONER SADHWANI: In an email from Raul, if  
17 I may, if any -- in an email from Raul, on October 8th, he  
18 had told us that in -- he says here 2011, it was an IFB  
19 that was used. I don't know what an IFB is, but it seemed  
20 to me -- it gave me the impression that we would have  
21 additional options.

22           EXECUTIVE DIRECTOR CLAYPOOL: Okay, and you have  
23 the IFB option. It's listed in this list, if you take a  
24 look.

25           COMMISSIONER SADHWANI: I still can't find this

1 list that you're talking about. Is it a part of the public  
2 comment handouts that were listed on the website? I know  
3 you mentioned an email from Raul. We've had several. Can  
4 you point to which one it would be?

5 (overlapping voices)

6 COMMISSIONER FERNANDEZ: It was sent this morning  
7 at 9:14.

8 MR. VILLANUEVA: Yeah, and it's Five Methods for  
9 Soliciting Bids.

10 VICE-CHAIR FORNACIARI: Oh. Commissioner  
11 Kennedy?

12 COMMISSIONER KENNEDY: Thank you, Chair. I guess  
13 a quick question to start with. Are other Commissions,  
14 Boards, et cetera, also exempt from civil service rules as  
15 far as their personnel issues?

16 MS. JOHNSTON: Not in my experience. None I've  
17 worked with.

18 EXECUTIVE DIRECTOR CLAYPOOL: No, you're --  
19 you're the only one that has that luxury.

20 COMMISSIONER KENNEDY: Okay, so, we are -- we are  
21 unique in our ability to hire personnel, you know, and this  
22 is something that I've already put down for discussion with  
23 Commissioner Ahmad in the context of the Lessons Learned  
24 subcommittee, but it seems to me that there needs to be  
25 discussion of similar uniqueness, as regards contracting,



1 not just personnel. Thank you.

2 EXECUTIVE DIRECTOR CLAYPOOL: So, that  
3 conversation is certainly appropriate at the end of this  
4 process. Nothing can be changed because of statute, while  
5 you're doing this process, but at the very end, there will  
6 be a time to make constitutional or legislative changes,  
7 and that certainly is something that needs to be explored.

8 So, Commissioner Sadhwani, do you see it now?

9 COMMISSIONER SADHWANI: Yes, I have it in front  
10 of me.

11 EXECUTIVE DIRECTOR CLAYPOOL: Okay, so, I'd like  
12 -- if we look at this, and if we start thinking about these  
13 major contracts that we're talking about, the first thing  
14 that's very important to remember is, these times that you  
15 see out on the end only start when you have an approved  
16 proposal or statement of work, and you're ready to post.  
17 When that post occurs and you start looking for your line  
18 drawers, then you start looking at six weeks or more. Why  
19 does it say six weeks or more? 42 days is if everything's  
20 perfect. It's going to have to go to the Department of  
21 General Services Contract Division, they're going to look  
22 it over, they're going to run it through the Office of  
23 Legal Services to make sure that it's okay, and then it's  
24 going to have to be approved by the Department of Finance  
25 because they have fiscal oversight over you, as Marian's

1 pointed out.

2           So, anything that we want to do in January, we  
3 need to start lining it up right now, and we need to start  
4 looking at not only your line drawer and that RFP, but we  
5 also have to start thinking about your outside counsel,  
6 which is going to be very important. I would say your data  
7 analytics consultant and what -- who is that? We had  
8 talked earlier about how the information that had been  
9 collected in the 2010 -- for the 2010 Commission wasn't  
10 utilized. It just -- to the extent possible, it was mainly  
11 what they could remember about the different regions, and  
12 I'm sure that Commissioner Sinay has discussed a lot of  
13 these processes with Commissioner Di (phonetic) in her  
14 conversation, but -- and others of you may have talked to  
15 other commissioners, or heard the same comment.

16           We need to have some type of organization or  
17 company that can collect your information from your  
18 outreach and from your public meetings and mine it and give  
19 it back to you so that it makes some sense to you. And so,  
20 that's a very important contract to start thinking of,  
21 because that, conceptually, will be very difficult.  
22 Commissioner Sinay?

23           COMMISSIONER SINAY: So, you and I are using  
24 different words, but I think we're thinking of the same  
25 type of person. Because of COVID, we also need to think

1 very different about how we're doing civic participation  
2 and, as I mentioned before, there's a whole field, now,  
3 that wasn't as strong and didn't exist ten years ago of  
4 civic technology and civic -- well civic tech is what they  
5 call themselves, and civic design. So, I want to make sure  
6 that, when we're looking at this, that we're using the  
7 right words that will attract that field in doing this,  
8 because these are the folks who know how to create all  
9 sorts of different tools and apps and things that we need,  
10 and know how to quickly tag them in all the things that  
11 you're seeing as well, and they have fun doing it, and they  
12 come, usually, from the technology world and they've worked  
13 for profit, but now are looking how to use this in a civic  
14 role.

15           I know the census used a few -- used one company  
16 to do this, and that company was very focused on hard-to-  
17 reach census folks. So, I just want to make sure, but  
18 that's what I'm hearing is that we're kind of talking --  
19 that you were saying the data analytics, which we  
20 definitely need, because I know that was a big piece last  
21 time that was left out, but also, how we're capturing  
22 different data, because we might not be able to capture it  
23 the same way we did last time, with the meetings.

24           EXECUTIVE DIRECTOR CLAYPOOL: So, I'm actually  
25 thinking of the end product from this. So, what you're

1 talking about is the intaking, and finding these  
2 communities and getting that information, and we need  
3 somebody who can, then, bring it through and present it  
4 back to you so that it makes -- so that you can distill --  
5 and it is data analytics, but it's -- but I'm thinking of  
6 how you're going to receive that information so that you  
7 can actually use it, as opposed to having 200,000 pieces of  
8 information that we can't go through.

9           COMMISSIONER SINAY: I hear you, but I think it  
10 is the -- that the civic tech world is looking at both  
11 pieces. And so, I just don't want us to think in one way,  
12 but be a little broader when we're putting it out there,  
13 how we write it and stuff, so we attract different folks to  
14 apply.

15           EXECUTIVE DIRECTOR CLAYPOOL: Certainly.  
16 Commissioner Andersen?

17           COMMISSIONER ANDERSEN: Thank you. Yes, thank  
18 you for that, Commissioner Sinay, and Mr. Claypool, along  
19 those same lines, that very same line, it is -- and is more  
20 technical, it is all this information. It also must be  
21 connected to the line drawer consultant. These have to  
22 have a connection because we are thinking of the actual  
23 final product. And along those same lines, both the -- the  
24 VRA consultant must also have a connection with the line  
25 drawer. These things are -- because ultimately, we do have

1 to get all together at the same point. So, I want us to --  
2 thank you very much for bringing all these up, Mr.  
3 Claypool, because these do all have to get -- happen now,  
4 but they do all also have to intersect. So, as we put  
5 these together, they need to be able to communicate with  
6 each other.

7 VICE-CHAIR FORNACIARI: So, I have a comment,  
8 then Commissioner Sinay. Commissioner Andersen, if I -- I  
9 mean, when you say, "connect," you mean, you know, be able  
10 to work -- mesh together, not have some pre-existing  
11 connection, right? They have to -- we have to think  
12 through how they all have to work together and ensure that  
13 they can work together.

14 COMMISSIONER ANDERSEN: Yeah.

15 VICE-CHAIR FORNACIARI: Is that what you're -- is  
16 that what you're saying?

17 COMMISSIONER ANDERSEN: Yes, absolutely. Thank  
18 you. A few may have a connection, but no, it is that they  
19 must be compatible. It's like, you know, you don't buy --  
20 you know, yes, I can give an example, like, you don't buy,  
21 like, an iPhone and then -- but you're never going to do  
22 anything else with it and it can't connect to your old PC,  
23 type of thing. You can't put the information together.  
24 That's what I'm talking about.

25 VICE-CHAIR FORNACIARI: Okay. Okay, thank you.

1 Commissioner Sinay?

2           COMMISSIONER SINAY: Actually, Commissioner  
3 Kennedy was before me, and I think my question was  
4 answered.

5           VICE-CHAIR FORNACIARI: Oh, my apologies.  
6 Commissioner Kennedy?

7           COMMISSIONER KENNEDY: Thank you. In this list,  
8 I'm wondering if this list of bid or procurement actions is  
9 intended to be exhaustive. I have been highlighting, since  
10 August, the need for language services as far as  
11 translation, and I feel like we've not made any progress on  
12 it whatsoever, and every day that goes by, in my mind, is a  
13 day that someone is able to fully and effectively  
14 participate in this process because we are not offering the  
15 language support that we need to be offering.

16           EXECUTIVE DIRECTOR CLAYPOOL: Commissioner Sinay?  
17 Okay. So, I only intended this guide and this conversation  
18 to say that this is for me, a point where we need to start.  
19 It wasn't intended to be exhaustive on -- I mean, I think  
20 we need a Committee amongst you that will decide how all  
21 these intersections can occur. How you want -- what you  
22 want it to look like. Because from that, we will -- we'll  
23 have the RFP that will -- that will -- or the RFPs, if you  
24 will, for multiple companies, however you're -- we're going  
25 to do it, we have to conceptualize this now. So, go ahead?

1 Commissioner Ahmad?

2           COMMISSIONER LE MONS: So, Mr. Claypool, when you  
3 say that this is just a start and not exhaustive, I guess  
4 I'm not clear on what's meant by that. I feel like we're  
5 getting in the weeds, at least what I understood this  
6 conversation to be. We're looking at our mechanisms and  
7 levers for being able to get things done. I think the  
8 kinds of things that Commissioner Sinay and Commissioner  
9 Andersen are talking about is really not this conversation,  
10 but it's more specific to the actual designing of RFPs, et  
11 cetera. So, I'd like to kind of focus us back to this  
12 question of an exhaustive list. Are these all of our  
13 options for securing the various contracts, et cetera, that  
14 we need for whatever it is, whether that's language or line  
15 drawers, et cetera, or are there options that are missing?

16           So, I know some of the questions that  
17 Commissioner Sadhwani asked earlier, we clarified that the  
18 IFP that was referenced is here. Are there things not  
19 here, as it relates to the mechanisms by which we need to  
20 secure the things that we need?

21           MS. JOHNSTON: Personal services contract.

22           EXECUTIVE DIRECTOR CLAYPOOL: Pardon?

23           MS. JOHNSTON: Personal services contract.

24           EXECUTIVE DIRECTOR CLAYPOOL: There is only one -  
25 - there's only one option that isn't listed here. It's a -

1 - it's called personal services contracts, and those can go  
2 up to \$10,000. They're -- they weren't listed here because  
3 they won't cover any of the -- of the things that -- these  
4 contracts that we're talking about. And if you issue --  
5 so, if I issued 100 \$10,000 contracts, that's splitting a  
6 contract, that's against the law. So, we will use personal  
7 services contracts along the way. There'll be things that  
8 we need to fund that will be for minor operations. Maybe  
9 you need to put a kiosk somewhere and we need to have the  
10 money for it, and a personal services contract will cover  
11 it. But it -- it comes into play at a very low level.

12           And so, this is your exhaustive list of what --  
13 of the ways that we can go out to contract in state  
14 government.

15           COMMISSIONER LE MONS: Okay, so, you'll add that  
16 other one, and then it'll be exhaustive, if  
17 (indiscernible).

18           EXECUTIVE DIRECTOR CLAYPOOL: That's true.

19           COMMISSIONER LE MONS: And so -- right. And then  
20 with -- to Commissioner Kennedy's point, there may be,  
21 going back to your example you just gave of the \$10,000  
22 range, there may be some interim step that we could do,  
23 dependent upon -- again, we can't see what that requires.  
24 I think we've done it since we've been together. I'm not  
25 absolutely sure of that. But my point being is, if, for



1 example, we decided that we wanted to use that as some kind  
2 of interim process to handle the language issue, dependent  
3 upon what the complexities are, time, et cetera, as we  
4 pursue something else, because we're working against time,  
5 to his point, as well as getting the things that we need.  
6 So, I think that's why that's important to be here too, so  
7 we know all of our options, and we're not -- they're not  
8 things living outside of this that we didn't know about or  
9 could do.

10           So, I'll feel comfortable when you're able to  
11 tell us, definitively, that the list in front of us is --  
12 these are all of our pathways, and then we have something  
13 that we can work with, and it sounds like we're almost  
14 there. We're, like, 99 percent there.

15           EXECUTIVE DIRECTOR CLAYPOOL: Yeah. So, with the  
16 exception of that personal services contract, that -- that  
17 method, this is the list, and the reason that it's  
18 dangerous to -- I'll -- we'll put it on there, but if we  
19 were to take a personal services contract and use it for  
20 translation services, then we wouldn't be able to -- we  
21 might not be able to, then, contract with that company  
22 because we'd be splitting a contract, and that's against --  
23 that's against contracting code. So, there are nuances to  
24 it. Commissioner Kennedy?

25           VICE-CHAIR FORNACIARI: I think Commissioner

1 Andersen.

2 EXECUTIVE DIRECTOR CLAYPOOL: Oh, I apologize.

3 COMMISSIONER KENNEDY: Thank you. We're talking  
4 about procurement mechanisms, but the personal services  
5 contract, in my mind, raises the possibility -- you know,  
6 are -- is hiring also an option for any of these? You  
7 know, if we want to -- if we want to be truly exhaustive in  
8 our way -- in our thinking of, how can we get something  
9 done, yes, procurement is one route, but is hiring ever  
10 going to be another route for us, because we do have so  
11 much more flexibility in hiring? Thank you.

12 EXECUTIVE DIRECTOR CLAYPOOL: Commissioner  
13 Andersen?

14 COMMISSIONER ANDERSEN: My -- I'd like you to  
15 kind of talk to -- about Commissioner Kennedy's, but mine  
16 is just, I don't quite understand why -- maybe it's because  
17 it doesn't result -- you're saying it's not going to result  
18 in the final end, but your RFQ down here is Request for  
19 Quotation for Goods, but I'm talking about RFQ as Request  
20 for Qualifications, and most professional services  
21 nowadays, these are for state, you know, businesses and  
22 things like that, you don't do -- you do RFPs, but you do  
23 RFQs, because only certain professions -- certain people in  
24 the profession who are qualified. And that -- then that  
25 becomes the scope, and I'm wondering, are you thinking that

1 that's included, like, in a -- in a -- your RFI or  
2 something? I don't quite know why RFQ isn't here and why -  
3 - I've never heard RFQ for quotation, but that is for  
4 goods, not -- as opposed to, you know, services. We're  
5 talking about professional contracting. And I don't quite  
6 know why that wasn't there. Unless -- unless it's  
7 considered to be something under the RFI. You're thinking  
8 that that's not -- that's not a way to result in a final  
9 contract?

10 EXECUTIVE DIRECTOR CLAYPOOL: So, the notation  
11 that was put in there, Raul and I both worked on this, that  
12 -- it says that the Office of Legal Services, OLS, does not  
13 allow an RFQ as a basis for a contract. So, you can make a  
14 request for somebody's qualifications to get a  
15 determination as to whether or not they're qualified to do  
16 it, but you're ultimately going to contract -- or go back  
17 to them with an -- with a proposal for your project. RFIs  
18 are, typically, precursors. So, a good example would be  
19 what Commissioner Sinay had just discussed. If we are  
20 looking at trying to put together some broad -- some broad  
21 methodology for both bringing in information and then  
22 putting it in a form where you can understand it and use  
23 it, you might use an RFI and say, give us some information  
24 about how you might do this project. And then use that to,  
25 then, put together your RFP, your proposal, so that you can

1 have it well-crafted and make sure that it gives you what  
2 you want.

3           But to be honest with you, Commissioner Andersen,  
4 I wasn't even aware that there was an RFQ because, in state  
5 government, as I understand it, it is just predominately  
6 used for the procurement of goods. And so, when it -- when  
7 we had the notation there that they won't let it be the  
8 basis for a contract, I -- I would have to investigate  
9 that, but I believe that that must be correct.  
10 Commissioner Turner?

11           COMMISSIONER ANDERSEN: Sorry, I did sort of jump  
12 over. Could you -- could I -- Commissioner Kennedy's item,  
13 I still need to -- hasn't been addressed. I didn't mean to  
14 put mine in front.

15           COMMISSIONER TURNER: Well, since we did go back,  
16 I wanted a follow up question on what you asked,  
17 Commissioner Andersen, on that same part of what you asked  
18 that made me then wonder, was about the difference in the  
19 wording and the intent of RFQ being Request for Quotation,  
20 as opposed to Request for Qualification. And I'm still not  
21 clear. Is -- so we don't use Request for Qualification,  
22 that's something different? Because even the comment on  
23 that -- on the OLS does not allow for an RFQ, I would  
24 assume would be referring to Request for Quotation. So, I  
25 still wanted clarification. Is there also a Request for

1 Qualification?

2 EXECUTIVE DIRECTOR CLAYPOOL: Marian is looking  
3 that up. As I understand it, there is, and we will have to  
4 come back. I guess, Commissioner Le Mons, there is more to  
5 this than -- that needs to be explained, but I have never  
6 seen an RFQ used in a contract.

7 MS. JOHNSTON: I'm just looking up the definition  
8 here. It says it's a -- it's not a bid, it's a request for  
9 firms to submit their qualifications to be considered.

10 VICE-CHAIR FORNACIARI: Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yeah, it's a question  
12 for Director Claypool. Because you said you just met with  
13 DGS. Did you -- did you share this information with then  
14 maybe ask them if there's other ways that we can contract?  
15 So, maybe it's something that we can be more creative -- I  
16 mean, I've gone out of -- I haven't followed these  
17 procedures in all of my -- or processes in all of the  
18 different agencies I've worked for, but I know that one,  
19 like CalPERS are kind of exempt from everything because  
20 they have their own board. But I do know, back when we  
21 were building prisons, which I really don't want to -- we  
22 didn't go through -- we went through a different process  
23 because that was a unique type of contract. So -- and it  
24 was limited, I believe, so I'm not sure what that process  
25 was, versus what you're showing here. So, I just want to

1 make sure that, maybe we work with DGS to see if there's  
2 other mechanisms that we can use, like you talked about  
3 streamlining the process or something like that. So, I  
4 think that would be helpful for all of us.

5 EXECUTIVE DIRECTOR CLAYPOOL: Certainly, and we  
6 have that meeting set up for next week. So, I can go back  
7 to them and say, how creative -- how creative can we be?  
8 But the only thing they allowed ten years ago was that RFP,  
9 and there are two different types. You can use an RFP with  
10 a closed bid, or you can use an RFP with an open bid, and  
11 an interview, but I will ask. Commissioner Le Mons?

12 COMMISSIONER LE MONS: Yeah, I just wanted to  
13 lift up our request, and I think all of us feel this way.  
14 It sounds like, just from this conversation, being --  
15 coming into 2020 is going to be very important in terms of  
16 -- I know you bring the 2010 experience, but a decade has  
17 gone by. And so, it may very well be that nothing's  
18 changed in this process in a decade, but what we need you  
19 to go into every conversation with is a curiosity and an  
20 exploration of where we are today, and where we're going.  
21 I think that's going to be really important. And listening  
22 to this conversation inspires me to say this.

23 So, this is what we know right now, and this is  
24 the jump-off point, and when you go into your conversation  
25 next week around creativity, et cetera, you'll bring

1 forward that you understand this landscape and you're  
2 looking for what all the other new opportunities, if there  
3 are any, any ways that we can do this more expediently and  
4 efficiently, et cetera. And not just in this process, but  
5 I think that kind of spirit is going to be welcomed for all  
6 of the processes. And I think that's going to help us feel  
7 more comfortable that there isn't gaps in the information  
8 and understanding, and that we're, sort of, subject to only  
9 the 2010 understand of this experience.

10 We want to build upon 2010, but we don't want to  
11 be held hostage or, we certainly don't want it to be an  
12 impediment to where we are today. And I think that this  
13 also is appropriate to what Commissioner Sinay was saying  
14 earlier, and I think why she was clarifying, sort of, what  
15 she was hearing, versus comparing it to things that she's  
16 aware of that we need our whole staff to be curious about,  
17 how do we get this done today, with our reality. So, I  
18 just felt I really needed to put that out there.

19 EXECUTIVE DIRECTOR CLAYPOOL: That's completely  
20 understandable, Commissioner Le Mons, and the move by  
21 Department of General Services initially to put us under  
22 the Office of -- OBAS -- I'm looking for my description,  
23 but to put us under OBAS was in a move to kind of fit us  
24 into a smaller organization that could be a little more  
25 nimble for handling us and moving us through to the Office

1 of Legal Services and chop off some of the time that's  
2 needed to do these contracting functions. So, it was  
3 disconcerting when we got moved back into Procurement  
4 Division, where we know they're -- the timelines are fairly  
5 strict.

6           This is -- this is the landscape in 2020. I  
7 didn't -- you know, when I said 2010 had to use an RFP, I  
8 didn't mean to infer that things had changed. I will go  
9 back, and when I have this conversation with the three  
10 organizations, I will ask for any way we can possibly do  
11 it. I'll also reach out and see if there's a way for, you  
12 know, for us to get some type of differential treatment  
13 through the legislature. But we did those same things the  
14 last time and we were put into this process and it -- and  
15 the reason they put the oversight with the Department of  
16 Finance, and that was something that the legislature  
17 wanted, is because, quite honestly, there is a desire to  
18 have this type of oversight over all commissions.

19           And so, I will absolutely go in with an  
20 intellectual curiosity, I will look for every way we can  
21 cut any time off that we can, and I will report back to you  
22 next time, if that's acceptable. In the meantime, the  
23 whole -- I'm going to go back again to the start of this  
24 and say that we can -- we don't have these things written.  
25 We don't even have the conceptualizations, yet, of what we



1 want, that I'm aware of. And so, we can do all of that  
2 while I'm looking for a way around this process. But we  
3 need to start today on who -- how we want this to look, and  
4 how we want to contract for these services.

5           The last thing I'm going to say is, we're going  
6 into a very tough time in state government, and that is,  
7 we're going into the holidays. So, we're going to lose a  
8 week around Thanksgiving, we're going to lose two weeks  
9 around Christmas and Thanksgiving -- I mean, Christmas and  
10 New Year's. And so, that makes this time of the year, when  
11 we're contracting, problematic as well. That's why I'm  
12 hoping to get this early start now. Commissioner Sadhwani?

13           COMMISSIONER SADHWANI: Yes. Thank you so much,  
14 and I -- thank you, Commissioner Le Mons, for so eloquently  
15 identifying the mood of the Commission, as well as for your  
16 response, Mr. Claypool, around expediency and intellectual  
17 curiosity. I certainly appreciate that.

18           A comment -- a couple of comments. One, I would  
19 just simply say that, to say that we haven't done anything  
20 is a little unfair, because we do have two subcommittees,  
21 and which I sit on both. You and I have not had a chance  
22 to check in. So, we will -- I keep saying this. We will  
23 give updates, but there is both the VRA subcommittee that  
24 is actively thinking about Chief Counsel and thinking about  
25 all the ways that that went wrong in 2010. We are actively

1 thinking about the line drawer, and a part of that  
2 conversation is also, for both of those committees, is  
3 generally kind of in the broader landscape, is thinking  
4 about racially polarized voting.

5           So, certainly, we are actively working to  
6 identify and develop, kind of, a scope in which we can  
7 think more strategically about the recruitment of the right  
8 kinds of professionals to bring on board.

9           And then my second request would simply be that  
10 if -- and again, I -- you know, I preface this - I  
11 recognize that staffing is still an issue, but it is very  
12 challenging when documents are presented to us 15 minutes  
13 before a meeting. So, if we can have those the day prior,  
14 at least. Certainly, I recognize public comments come in  
15 late, and we often receive those early in the morning, and  
16 of course, we can't control when the public wants to  
17 communicate with us, and we gladly accept that at any point  
18 in time. But these kinds of documents, I think it would be  
19 really helpful if we could have in advance so that we -- we  
20 have some time to actually digest them, as opposed to  
21 fumbling around at the beginning of a meeting, trying to  
22 find multiple emails. Thank you.

23           EXECUTIVE DIRECTOR CLAYPOOL: Okay. So, to be  
24 clear, I know that you have been working for well over a  
25 month on all of this. I've listened to you -- before you

1 selected me, I listened to the meetings. So, that wasn't  
2 the intent of what I'm saying now. What I'm saying now is  
3 that I'm trying to give this thought that we are running up  
4 against some hard deadlines, and if we're going to put  
5 things into place in January, February, whenever, then this  
6 is the practical reality of what we're facing. So, my  
7 apologies if I inferred that you weren't doing anything. I  
8 know you've been working hard.

9           As far as putting this document out, I also knew  
10 that it was a point of contention that this Commission  
11 wanted to know what their options were, and so, I wanted to  
12 get it out. I, quite honestly, hoped that it could have  
13 been out by last Friday, but it wasn't. But it is just a  
14 starting point, and it is really just a reference point.  
15 So, again, as we put on staff, we're -- we will endeavor to  
16 get things faster. Commissioner Fernandez?

17           VICE-CHAIR FORNACIARI: I think Commissioner  
18 Ahmad was first, and then Fernandez.

19           EXECUTIVE DIRECTOR CLAYPOOL: Oh, Commissioner  
20 Ahmad?

21           COMMISSIONER AHMAD: Thank you. Thank you for --  
22 everyone, for this conversation. I just wanted to uplift  
23 Commissioner Kennedy's question about contracting versus  
24 hiring for certain needs that the Commission has, and if  
25 that is something you all -- if staff knows the answer to

1 now, or if that's something you all will be looking into  
2 and bringing back?

3 EXECUTIVE DIRECTOR CLAYPOOL: Well, I intend to  
4 discuss staffing here, within this conversation. So, I had  
5 only started with this. Commissioner Kennedy is absolutely  
6 right. There's certain things that staff can cure, and  
7 there are certain things that contracts can cure, and we  
8 need to look for the -- we need to look for the right  
9 balance or blend of both. But the first thing we need,  
10 here, are just people to help us get things posted more  
11 quickly, and help us to just answer phones so that we don't  
12 have somebody trying to call in and nobody can pick up the  
13 phone. So, but I will -- that is a part of this discussion  
14 at a later point. Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: I'm looking at the  
16 chart, and the very first one is the fair and reasonable.  
17 Did -- I'm not sure if you went over that one, but I was  
18 just wondering if there's a dollar cap on that, and also,  
19 how you differentiate between that and then the other type  
20 of procurement. Because that one, it looks like it's a 10-  
21 14-day timeframe. So, I'm -- and I think that's what we  
22 used when we were at CalPERS is, we used a lot of statement  
23 of works.

24 EXECUTIVE DIRECTOR CLAYPOOL: So, I will have to  
25 go back to Raul and find out if there is a dollar cap on

1 that, but I can't give you that answer right now.

2 VICE-CHAIR FORNACIARI: I see Commissioner  
3 Akutagawa has joined us. Are you ready to take over, or do  
4 you want me to keep going?

5 CHAIR AKUTAGAWA: Commissioner Fornaciari, I  
6 think you're doing a fabulous job, and I think if you could  
7 finish out this topic, and then that way, then we'll keep  
8 it more consistent.

9 VICE-CHAIR FORNACIARI: Okay, yeah. Very good.  
10 So, I don't see any more hands raised, so, Director  
11 Claypool, carry on?

12 EXECUTIVE DIRECTOR CLAYPOOL: Okay. The next  
13 thing, I had posted -- or sent you a document about  
14 milestones, as we skip forward. It is very short, but --

15 COMMISSIONER TURNER: Director Claypool, before  
16 we go on, just a quick question. It's Commissioner Turner.  
17 On the document that we just looked at, I received it in  
18 email - we've already talked about that. Was there an  
19 expectation that we were actually going to go through it,  
20 or we just are seeing it, reading it, and I know there are  
21 a lot of commissioners on here that's familiar, have used  
22 the different methods and what have you. I'm not a state  
23 employee, I have not, and just want to know the expectation  
24 for this. Is it just for us to look at for later, or are  
25 we gaining understanding about these items?

1 EXECUTIVE DIRECTOR CLAYPOOL: It is an  
2 expectation that we would have a later discussion about  
3 them, after you've had the opportunity to review them. But  
4 it also was to give everyone the -- just an idea of the  
5 types of timelines that we're talking about, as we start  
6 using these types of methods for procurement. So -- and to  
7 also spur the conversation about needing to start on the  
8 line drawer RFP, or whatever mechanism we're going to  
9 choose, and then -- and move forward from there.

10 COMMISSIONER TURNER: Okay. Look forward to it.  
11 Thank you.

12 EXECUTIVE DIRECTOR CLAYPOOL: So, milestones. I  
13 only wanted to give you this ahead of time as you go  
14 through your milestones, as you start thinking about, you  
15 know, where you want things placed. Commissioner Akutagawa  
16 has talked about wanting to really start to put some -- put  
17 some things in place so that we know the path that we're  
18 following forward. This is kind of a continuation of the  
19 discussion we just had about -- about the type of public  
20 comments we're going to get, education of the public, and  
21 receiving public input.

22 I wanted to put this out to just give you this  
23 idea. The part -- from the time that this Commission  
24 received the PL data 'til the time that is supposed to end  
25 is a four-and-a-half-month period. That's -- so, however

1 that PL data arrives, or whenever it arrives, you can, in  
2 essence, plot out your four and a half months. You have to  
3 have a 14-day -- in there, you'll see it, a 14-day required  
4 public display, and then after that, you have a certain  
5 amount of time to go back and refine your maps and finish  
6 your reports.

7           So, all of the things that you've discussed up  
8 'til this point, the public outreach, the regional approach  
9 to reaching out to communities of interest and so forth, I  
10 envision this as being ahead of this schedule, that we  
11 would do that while we're waiting for that PL data.  
12 Because once that PL data arrives, there's not going to be  
13 a lot of time on your (indiscernible) for anything else.

14           It doesn't mean, however, that we need to stop  
15 with the education. It doesn't mean that we need to stop,  
16 you know, trying to reach out to people and get people  
17 involved. But that weight will shift off of you 14 and  
18 more onto your media director and to the deputy executive  
19 director. So, they will continue to move that process  
20 forward while you move into full line drawing mode. So,  
21 this is just, again, more food for thought. If you look at  
22 these dates, you can see, I just put in the two that we  
23 know of, the Supreme Court, and then I put in the one that  
24 would have been the usual. And now, when a president  
25 authorizes the release of PL data, whatever time it comes

1 in, everybody here can do the math from there, if we wish  
2 to meet the same schedule, which is what I believe the  
3 Supreme Court would like us to do. So, any questions?  
4 Commissioner Akutagawa and then Commissioner Sinay?

5 CHAIR AKUTAGAWA: I just want to just -- maybe  
6 it's a process, maybe it's a clarification. I know that  
7 there was public comment asking us to define any acronyms  
8 that we'll use, and so, I just want to note that the PL --  
9 the census PL refers to, I believe, a census -- it refers  
10 to the census data and I think it's the number, I don't  
11 know. I think, just for clarification's --

12 MS. JOHNSTON: It's for public law. Public law.

13 CHAIR AKUTAGAWA: And there's a number to it, I  
14 believe, right?

15 MS. JOHNSTON: I believe it's 141, but I couldn't  
16 swear to that.

17 CHAIR AKUTAGAWA: Okay. I just think that, just  
18 for the clarification of anybody who is watching and  
19 listening, I think we should be clear about that, and then  
20 that way, then, if we're referring to it, if we're going to  
21 use an acronym like PL, I think it would just be helpful to  
22 either refer to the number, or just call it census data.

23 EXECUTIVE DIRECTOR CLAYPOOL: Okay. Commissioner  
24 Sinay?

25 COMMISSIONER SINAY: Just for clarification, does



1 the Chair call on us, or does staff call on us, or does it  
2 matter? I'm just trying to --

3 EXECUTIVE DIRECTOR CLAYPOOL: I can see you. I  
4 think it should be the Chair, but I would -- I just saw  
5 people with hands up, so I think it should be the Chair.

6 COMMISSIONER SINAY: Okay, I just -- I just  
7 wanted to -- to clarify that. So, we've been talking about  
8 -- okay, I've been talking about scenario planning and  
9 Option A, Option B, and we do need to get to Option C,  
10 because I think we cannot be ostriches and think that the  
11 data is going to be perfect and we can pretend like it's  
12 going to work. And so, my question is, are -- we still  
13 don't know if we're at Option A, which is the left-hand  
14 column, or Option B, the right-hand column. We're still in  
15 limbo, correct? And could we maybe change this, so it does  
16 say Option A and Option B as we're thinking through?

17 And, we need to have some -- some thinking around  
18 Option C because the general consensus, when I'm talking to  
19 folks out there, and I'm looking forward to the report from  
20 Commissioner Sadhwani and Commissioner Andersen to see if  
21 they're hearing the same thing is that, there is probably  
22 going to be one legal suit, and yeah, there's going to be --  
23 -- it's going to be in the courts, all -- the whole census --  
24 -- the quality of the census data. And so, I do think we  
25 need to be thinking about what else for Option C.

1 EXECUTIVE DIRECTOR CLAYPOOL: So, Commissioner  
2 Sinay, maybe you can kind of clarify what you mean by  
3 Option C, because you and I both know what you mean but I  
4 don't -- I'm not sure everyone else does.

5 COMMISSIONER SINAY: Okay. Option C is that the  
6 census PL data is not available to us, and it may not be  
7 available for different -- for all sorts of different  
8 reasons, and we may need to come up with another data set  
9 or something else to do.

10 VICE-CHAIR FORNACIARI: Marian?

11 MS. JOHNSTON: The current state of the law is  
12 that it is Option A because the census bureau withdrew its  
13 request for the extra time to produce the data, and then  
14 even tried to shorten it further, and the court gave us  
15 approval for that. So, right now, the plan is to stick  
16 with the statutory deadlines. If, in fact, the census data  
17 is provided, even if it's inadequate, under the current  
18 California Supreme Court ruling, that is what triggers your  
19 time to start running. There could be litigation, after  
20 the fact, if the census data is inadequate, that could  
21 extend the time. But right now, that's really speculative.

22 VICE-CHAIR FORNACIARI: Commissioner Kennedy?

23 COMMISSIONER KENNEDY: Thank you, Chair. Correct  
24 me if I'm wrong. My understanding of the California  
25 Supreme Court ruling is that, if the census data are

1 provided on the original schedule in the spring, we are  
2 encouraged to meet the original deadline, but not required  
3 to submit maps to the Secretary of State until the 15th of  
4 December, in which case, you know, I might be favorable to  
5 looking at, say, a mid-October submission, which would be  
6 halfway between the mid-August original date and the mid-  
7 December date that the Supreme Court has opened for us.

8 MS. JOHNSTON: Commissioner Kennedy, you are  
9 correct, although the Supreme Court did strongly encourage,  
10 and I emphasize there, strongly encourage -- I would  
11 recommend that the Commission try its best to comply with  
12 that deadline, if the census data arrives at the time  
13 expected.

14 COMMISSIONER KENNEDY: And the other point is  
15 that, if I recall correctly, Karin MacDonald had indicated  
16 that, you know, one thing is the deadline and one thing is  
17 when the data will actually arrive. So, there's always the  
18 possibility that the data, because all 50 states are not  
19 released on the same date, necessarily. So, we could -- we  
20 could -- even if there is a 31 March or 1 April deadline,  
21 we could find ourselves receiving data one week, two weeks,  
22 three weeks before that, just depending on the workflow at  
23 the bureau of the census.

24 MS. JOHNSTON: Again, you are correct, and  
25 there's no way of predicting, which is why the time is

1 measured from the statutory time limit of April 1st.

2 VICE-CHAIR FORNACIARI: Commissioner Sadhwani?

3 COMMISSIONER SADHWANI: I appreciate, Marian,  
4 your recommendation to maintain that timeline. I wanted to  
5 ask if we think that there's any possibility of an  
6 alternative scenario. Commissioner Sinay laid out an  
7 Option C, and I believe that you mentioned, but if the data  
8 is not there. I'm wondering if that includes, or this  
9 includes, perhaps, a lawsuit against the federal government  
10 from a state, potentially California, or elsewhere, to say  
11 that this data is not accurate and therefore cannot be  
12 used. And I just don't know where we're at in that process  
13 and if it would behoove us to, potentially, reach out to  
14 the Attorney General's office and (indiscernible).

15 MS. JOHNSTON: There is a lawsuit right now by  
16 New York against the Trump administration on the  
17 undocumented immigrants rule, and one of the arguments that  
18 they raise in that is that there's no way of knowing. You  
19 could use immigration figures, which are notoriously  
20 incomplete, but it would basically be a guesswork. I  
21 assume that, if the Supreme Court -- first, the Supreme  
22 Court is going to hear that argument on November 30th. If  
23 the Supreme Court rules that the Trump administration's  
24 immigration -- not counting undocumented immigrants stands,  
25 that that will, then, be another phase in that lawsuit to

1 what it means if your information is inadequate.

2 COMMISSIONER SADHWANI: Correct, and I just  
3 wonder if that's something that we should continue to  
4 monitor, or plan for, from the perspective of milestones,  
5 as an alternative option.

6 VICE-CHAIR FORNACIARI: Yeah, I just -- I mean,  
7 for me, it's -- I just don't know what we'd do. I mean,  
8 the amount of uncertainty in that situation is -- you know,  
9 and I don't know if -- I mean, from what -- the  
10 conversations we've had, or the training we've had, it  
11 seems like other alternative datasets are not adequate to  
12 draw lines, is my takeaway from those trainings. So, I  
13 mean, I just don't know what we'd do without the census  
14 data, but it's certainly something we need to consider in  
15 some way. Commissioner Sinay?

16 COMMISSIONER SINAY: Obviously, I've been  
17 thinking about this a little bit, but I'm -- one of the  
18 thoughts we -- that I had is, is maybe we do create -- we  
19 do invite a couple of people to talk to us about it, so  
20 that at least we've had the conversations and we -- we know  
21 what questions to ask and where we might want to look.  
22 Because I think the worst-case scenario is, we think it's  
23 not going to happen, and we scramble at that point. So,  
24 maybe, as Commissioner Sadhwani said, we invite the  
25 Attorney General, we -- the head of the census for --

1 that's in charge of California, she's going to come and  
2 have a conversation with us. We just -- you know, we just  
3 -- you know, Karin, we just invite different people just to  
4 say, okay, let's look at Scenario A, B, and most  
5 importantly, C, and let's talk about C. What do we do if  
6 we get to that place? Just so that we are prepared, versus  
7 not.

8 VICE-CHAIR FORNACIARI: Okay, thank you. Well,  
9 the head of the census is going to talk to us next week.  
10 Is that correct?

11 COMMISSIONER SINAY: I still haven't been able to  
12 connect with her. We're connecting this week. But I'll be  
13 able to confirm.

14 VICE-CHAIR FORNACIARI: So, it'll be either next  
15 week or maybe the following week?

16 COMMISSIONER SINAY: Yeah, exactly.

17 VICE-CHAIR FORNACIARI: Okay, but that could be  
18 toward --

19 COMMISSIONER SINAY: I think it's the following  
20 week, yeah.

21 VICE-CHAIR FORNACIARI: Oh, the 4th through 6th?  
22 So, that could be part of the prompt?

23 COMMISSIONER SINAY: Yeah.

24 VICE-CHAIR FORNACIARI: Okay, so -- all right, so  
25 we've got seven minutes left before our break. Director

1 Claypool, back to you.

2 COMMISSIONER VASQUEZ: Chair?

3 VICE-CHAIR FORNACIARI: Yes, I'm sorry,  
4 Commissioner Vasquez?

5 COMMISSIONER VASQUEZ: Yes, sorry. I was just  
6 also wondering if it might behoove us -- we're not the only  
7 redistricting game in town this time around. And so, it  
8 may behoove us, potentially, one of the other  
9 subcommittees, or establishing a new subcommittee to be in  
10 conversation with other -- the other state redistricting  
11 commissions because we're not going to be the only ones  
12 struggling with whatever -- whatever we are left with from  
13 the census bureau, whether it's an incomplete dataset, or  
14 no data. And so, we don't have to think through this  
15 alone. It's a national issue that's going to look  
16 differently in each state, for sure, and have different  
17 impacts in each state. But we -- different from ten years  
18 ago, we do have potential thought partners for what to do  
19 in a particular scenario.

20 VICE-CHAIR FORNACIARI: Yeah, I like that -- I do  
21 like that idea. I mean, we could -- we could have a  
22 subcommittee, just sort of generally looking at census data  
23 and planning how we might look at these different -- or get  
24 speakers coming in, looking at these different scenarios,  
25 and reaching out to the other state committees.

1 Commissioner Akutagawa?

2 CHAIR AKUTAGAWA: I'm wondering if, instead of  
3 creating a separate subcommittee, is that one that could be  
4 tasked to an existing subcommittee already working on  
5 census? Like Commissioner Sadhwani's subcommittee?

6 COMMISSIONER SADHWANI: That's what I wanted to  
7 offer, and obviously, I can't speak for Commissioner  
8 Toledo, but yeah.

9 VICE-CHAIR FORNACIARI: Well -- oh, is there one  
10 already? Sadhwani and Toledo. Well, so, I didn't feel  
11 like -- so, I have a list of what I think we need, three  
12 subcommittees in. I wasn't going to appointment them since  
13 I'm technically not the Chair. I was going to give that to  
14 -- hand that over to Commissioner Akutagawa, when she takes  
15 over. But, so, we can take that up when you take over, if  
16 that's okay. Director Claypool? Oh, I'm sorry,  
17 Commissioner Yee?

18 COMMISSIONER YEE: I had a question about  
19 deadlines. The state Supreme Court relief giving the later  
20 -- the December deadline, was that only if the census data  
21 is -- the PL 94 data is released late? I don't think -- if  
22 it's on time, we don't have that relief, do we?

23 MS. JOHNSTON: That is the current deadline for  
24 it.

25 VICE-CHAIR FORNACIARI: I think the wording is --



1 so we can go up to the December 15th, but they strongly  
2 encourage us to pull it back, you know, depending on when  
3 the data is released, because the December 15th deadline  
4 was related to the original notion that the data would be  
5 released later.

6 (overlapping voices)

7 COMMISSIONER YEE: Right, but if the data is  
8 released on August 1st --

9 MS. JOHNSTON: Then we are strongly encouraged to  
10 do ours by the August 15th deadline.

11 COMMISSIONER YEE: Right.

12 MS. JOHNSTON: And I just -- to talk about the  
13 California Supreme Court, we really were asking them for  
14 extraordinary relief. At the time we thought the census  
15 was going to be four months late, and they granted it,  
16 which was an extraordinary thing for them to do. I think  
17 that, to keep in their good graces, we should (audio  
18 glitch) the census is delayed not -- in when it comes to us  
19 but when -- because it's inadequate, then I would suggest  
20 that we'd make another attempt to go to the California  
21 Supreme Court to get a time schedule based on that  
22 different problem with meeting the statutory deadlines.

23 COMMISSIONER YEE: Thank you.

24 VICE-CHAIR FORNACIARI: So, we're -- Kristian,  
25 we're at, what, two minutes until break?

1 MR. MANOFF: That's what I have, Chair.

2 VICE-CHAIR FORNACIARI: Okay. Director Claypool?

3 EXECUTIVE DIRECTOR CLAYPOOL: Again, I just  
4 brought this up, these deadlines, to give you an idea of  
5 the four-and-a-half-month process from the public law  
6 census data, that file that we get, and to get us all  
7 thinking in terms of blocking out the activities, as you're  
8 moving forward with the milestones that you want for  
9 education and for outreach and so forth, to just know that  
10 we do have that 14-day requirement to -- well, regardless  
11 of A, B, or C, we have that public 14-day requirement to  
12 publicly display the maps, and then after that, by 31 or 32  
13 days, you should be able to -- you should be ready to  
14 submit your maps to the Secretary of State. That's all.

15 VICE-CHAIR FORNACIARI: Okay. Well, I think, at  
16 this point, we'll take our 15-minute break and resume at  
17 11:15.

18 (Break)

19 CHAIR AKUTAGAWA: All right, thank you. Good  
20 morning, everyone. Director Claypool, I want to ask if  
21 there are other items to your report that you want to  
22 complete, now that we're back from break?

23 EXECUTIVE DIRECTOR CLAYPOOL: There are -- yeah,  
24 I want to talk a little bit about protocols, things that we  
25 need to think about, and also, at some point, we need to go

1 over the organizational chart, once it's -- once it's  
2 posted.

3 CHAIR AKUTAGAWA: Okay.

4 EXECUTIVE DIRECTOR CLAYPOOL: So, if I might.  
5 So, the Commission is required to develop policies and  
6 procedures for its -- the way it runs and for its staff,  
7 and that's in code. We need to start thinking about that  
8 possibly having -- that could be its own -- its own  
9 subcommittee, or if you have a subcommittee you'd like to  
10 assign it to. But I would like the Commission to think  
11 about doing this sooner than later. In fact, I'd like to  
12 think about possibly having an action item next week  
13 involving how you're going to compensate yourself, and  
14 compensation for travel. We're in the process of sending  
15 things forward to get -- to get commissioners paid for the  
16 work that they've done, and we need to know, as a staff,  
17 what you want to do about, whether you want to continue  
18 with the policy that's in that manual, or that 6-hour  
19 policy, or whether you would rather go to the daily  
20 compensation that I had suggested earlier. It's not  
21 something that needs to be decided right now, but it's  
22 something that we need to decide very quickly so that we  
23 can get on the same footing, as we submit things to the  
24 Department of General Services for review and then onto the  
25 State Controller's office for payment.

1           CHAIR AKUTAGAWA: And just for clarification, are  
2 you suggesting something different than what we had already  
3 discussed as a commission earlier on?

4           EXECUTIVE DIRECTOR CLAYPOOL: Okay, I'm not  
5 suggesting anything different. I'm just suggesting that it  
6 needs to be -- we need to solidify your position. The last  
7 commission voted on the 6-hour rule with the supermajority  
8 vote. So, if we are going to go to the daily compensation  
9 and compensation for travel, similar to the way the  
10 legislature reimburses itself for its activities, I'm  
11 assuming that you would need to solidify that with a vote,  
12 but I will defer to Marian.

13           CHAIR AKUTAGAWA: Okay. Marian, can you,  
14 perhaps, weigh in on this? And then I know Commissioner  
15 Vasquez also wants to make a comment.

16           MS. JOHNSTON: I think it would be good to have  
17 it written down. I think that you're right, the Commission  
18 did reach a decision on that, unless you want to reopen it.

19           CHAIR AKUTAGAWA: I see, okay. Commissioner  
20 Vasquez, I saw your hand up?

21           COMMISSIONER VASQUEZ: Yeah, well, I was just  
22 going to remind the Commission that we had agreed -- my  
23 understanding, although it wasn't written down because we  
24 don't have minutes and we didn't -- I'm not sure that we  
25 took a vote. I don't remember if we took a vote, but we

1 landed on the daily compensation, right? Like, that's --  
2 because we weren't going to do anything other than what was  
3 already written in legislation, was where I remember the  
4 conversation.

5 MS. JOHNSTON: There was a motion by Commissioner  
6 Yee, which the Commission voted down, to do the 6-hour.

7 COMMISSIONER VASQUEZ: So, then, my question  
8 would be, if the decision of the Commission was to not  
9 create a policy that further explains -- or that further  
10 explained what was written in law, can't -- like, is that  
11 okay?

12 MS. JOHNSTON: Yes.

13 COMMISSIONER VASQUEZ: So, it sounds like we  
14 don't need to do anything, but I don't --

15 EXECUTIVE DIRECTOR CLAYPOOL: Okay, then perhaps  
16 it would just be better for me to write down what -- what I  
17 think it is, and for you to think about putting together  
18 some body or -- that will deal with the ongoing issues of  
19 policies and procedures, as you wish it to pertain to your  
20 commission. Okay, so, either put together a policies and  
21 procedures subcommittee that will -- that will handle this  
22 on an ongoing basis and then we can write something to put  
23 in there for this particular issue so that all of you know  
24 how to charge or -- or give it to a subcommittee. But --  
25 does that sound acceptable?

1           CHAIR AKUTAGAWA: I think I just -- again, for  
2 clarification, other than how we're going to take  
3 compensation for the day, or the time spent, and then I  
4 think the travel seems pretty straightforward. Are there  
5 other things that you're suggest -- or that you're  
6 recommending that we need to also discuss as a separate  
7 subcommittee? And I also see Commissioner Sinay, after --  
8 after.

9           MS. JOHNSTON: There was one issue about who was  
10 going to approve the submissions.

11           EXECUTIVE DIRECTOR CLAYPOOL: Right. So, there  
12 will also be the issue of who will review your travel  
13 expense claims and your forms, and I believe that it's best  
14 for your staff to do that. So, that would be another thing  
15 that would have to be decided. And then, just the general  
16 -- just the general work that needs to be done on having a  
17 policies and procedures manual, and you putting things into  
18 it that you want into it, to govern how your staff works.  
19 That's all. It's just -- it's just more of an  
20 administrative piece of work, here, that I'm trying to take  
21 care of. So...

22           CHAIR AKUTAGAWA: Commissioner Sinay and then  
23 Commissioner Le Mons?

24           COMMISSIONER SINAY: Commissioner Ahmad was  
25 before me. I don't know if she still has a comment.

1 CHAIR AKUTAGAWA: Oh, I'm sorry.

2 COMMISSIONER SINAY: You don't?

3 CHAIR AKUTAGAWA: Okay.

4 COMMISSIONER SINAY: I'm going to let  
5 Commissioner Le Mons go, because I'm hoping he can be more  
6 (indiscernible) than I.

7 CHAIR AKUTAGAWA: You're on mute. Commissioner  
8 Le Mons, you're on mute.

9 COMMISSIONER LE MONS: Okay. Well, my question  
10 was, is there a baseline policies and procedures document  
11 that already exists that we can redline? If so, provide it  
12 to us. The second thing I was going to do is just make a  
13 motion that we adopt the statute as written in law on how  
14 compensation is to be disbursed, and we will also have our  
15 staff review our submissions to just make sure that we have  
16 included all the appropriate support documentation, filled  
17 out the forms accurately, et cetera. That would be a  
18 function of the staff.

19 COMMISSIONER SADHWANI: Second.

20 CHAIR AKUTAGAWA: Any discussion? Commissioner  
21 Turner?

22 COMMISSIONER TURNER: This is clarification from  
23 counsel. Needed to understand the need to put a motion to  
24 accept what is already law.

25 MS. JOHNSTON: I hate to use a dirty word, but

1 it's the 2010 commission. To the extent you are adopting a  
2 policy that's different than the one that was followed  
3 previously, I think it is a good idea to have it in  
4 writing.

5 CHAIR AKUTAGAWA: Commissioner Anderson?

6 COMMISSIONER ANDERSEN: Again, with the -- what  
7 Commissioner Le Mons said, if there is a manual, we say we  
8 didn't know. I think we're being hit broadsided a little  
9 bit by, okay, we have to write up a policy to say that  
10 we're going to follow the law. It's like, wait, why are we  
11 doing that? But it's because, oh, because it's different  
12 than what the 2010 did.

13 We don't necessarily know that, so that's why, is  
14 there, you know, I mean, this -- is this obviously maybe  
15 not the first one? So you know, can we get a manual so we  
16 know which ones we have to adopt and what we -- we're --  
17 this still just doesn't keep on coming up?

18 CHAIR AKUTAGAWA: Okay, I'm going to go to  
19 Commissioner Le Mons and then I'll go to Counsel.

20 COMMISSIONER LE MONS: Yeah, I was just going to  
21 stay that what's distinguishing these two points,  
22 Commissioner Anderson, I think just two points on the  
23 table. There's overall policies and procedures that we  
24 need to have as a Commission to operate that goes beyond  
25 this particular issue that we're discussing about how we're



1 going to handle compensation.

2           So I think they're kind of getting a little  
3 intertwined. So on the point of the policies and  
4 procedures, there's a baseline of those policies that have  
5 already been done for the previous work. So we're just  
6 asking to see that. We'll red line it, and add any ones  
7 that we want to add to adopt, subtract, etc.

8           Since the issue in front of us was about our  
9 compensation and needing to move this forward, we've had a  
10 motion previously by Commissioner Yee that we voted, so we  
11 had attempted to codify something, if you will, that didn't  
12 pass, so we had sort of the remnants of what fell out of  
13 that, in the form of discussion.

14           So because it differs from previous behavior, I  
15 went on and just made a motion so that we clear that up and  
16 move on. So that was the purpose in doing it, so I don't -  
17 - unless there's any bold objections to voting on that, it  
18 was just gone and put that to bed so we can move on and we  
19 can quit bringing it up. That was really sort of my point  
20 in doing that.

21           So it's like, okay, we decided what we're going  
22 to do. Raul sent us all of the instructions, so I don't  
23 think -- I mean, we know what to do to the degree that -- I  
24 mean, how to fill out the forms, etc., what we need to turn  
25 in, so we know what to do. It's just kind of making it

1 official, if you will. So that was the reason I did that,  
2 not that it was needed, but it would -- it was in the  
3 spirit of clarity.

4 CHAIR AKUTAGAWA: Okay. Counsel and then  
5 Commissioner Turner?

6 MS. JOHNSTON: Just to follow-up on what  
7 Commissioner Le Mons said, I think there still is a need  
8 for some clarification about what a day means. Does it  
9 mean a 10-minute phone call or does it mean something more  
10 substantive than that? And that would be helpful at least  
11 for guidance to the staff.

12 As to the other policies and procedures, I have  
13 given you all a couple of ones from the 2010 Commission for  
14 you to review. One was a record retention policy, one was  
15 -- there are two different conflict of interest codes,  
16 however, that one can't be really adopted until you have  
17 your organizational chart.

18 So there -- if we were to provide you with  
19 drafts, it would be of what the 2010 Commission had, and  
20 that is purely for your consideration, do what you want  
21 with them.

22 CHAIR AKUTAGAWA: Commissioner Turner?

23 COMMISSIONER TURNER: Not to belabor, but I think  
24 it is important for my understanding. The policy that's  
25 put in place on top of law continues to be policy

1 Commission over Commission, or is that a policy for the  
2 Commission that put it in place? So a policy, we had law,  
3 2010 decided they needed more clarification or wanted to,  
4 you know, differentiate it, some kind of way they put a  
5 policy in place.

6 Now we're 2020, are we held to what their  
7 policies are? Or I guess I just want to understand, or do  
8 they continue on always, because if not --

9 MS. JOHNSTON: It depends --

10 COMMISSIONER TURNER: Go ahead.

11 MS. JOHNSTON: It depends on what format it is  
12 in. For instance, conflict of interest code was in a  
13 regulation. So that regulation continues unless it's  
14 amended. If it's just a policy and not put into any formal  
15 legal form, then it's up to you all to continue it or not  
16 continue it.

17 CHAIR AKUTAGAWA: Commissioner Kennedy?

18 COMMISSIONER KENNEDY: Yeah, I would like us to  
19 think of the 2030 Commission and hopefully try to avoid  
20 their being in the situation that we've been in for months  
21 now. My sense is that you know, policies should persist  
22 between one Commission and another until such time as a  
23 Commission takes action to modify it.

24 You know, we've been -- at least the first date,  
25 have been working. We were sworn in three months ago and

1 haven't yet seen a penny. And you know, others of you have  
2 day jobs. I don't have a day job. This is my day job. So  
3 you know, I really am hurting here and don't see the need  
4 to put the 2030 Commission through the same thing that  
5 we've been put through. Thank you.

6 CHAIR AKUTAGAWA: Commissioner Fernandez and  
7 Commissioner Fornaciari?

8 COMMISSIONER FERNANDEZ: My -- it's kind of like  
9 a little response to Marian, who said, you know, we want to  
10 try to define what a day is, but I think the -- I think if  
11 we just say similar to what Commissioner Le Mons' motion  
12 was, that we just leave it to whatever the legislation says  
13 or the law says, and it just says for every day worked.

14 I don't think the legislature defines what they  
15 consider a day worked, so I think any time we try to put  
16 limitations on something, it leaves us open for scrutiny.  
17 So I think if we just adhere to whatever the law says, I  
18 think that would be appropriate for all of us and you know?

19 CHAIR AKUTAGAWA: Commissioner Fornaciari?

20 VICE CHAIR FORNACIARI: Well, we talked about  
21 that a lot, and I thought that we got to the point where  
22 we're going to leave it to the individual Commissioners to  
23 define that themselves. And so, I don't think we need any  
24 further definition than that.

25 CHAIR AKUTAGAWA: And that was my recollection,

1 too. I think after quite a lengthy and vigorous debate  
2 about it, I believe that that's where we all landed at the  
3 end of it all.

4 VICE CHAIR FORNACIARI: (indiscernible) --

5 CHAIR AKUTAGAWA: I think, then if we -- we do  
6 have a motion on the table here.

7 MS. JOHNSTON: Commissioner Le Mons, could you  
8 restate it? I've gotten a little bit confused.

9 COMMISSIONER LE MONS: I hope so. I did that  
10 only because this happens to me all the time. I don't  
11 remember how I exactly said it, but the spirit of it is  
12 that as it relates to the Commissioner compensation, we  
13 will adhere to -- we will follow how it's outlined in the  
14 law.

15 And as it relates to follow-up and checking of  
16 our submissions, we will assign that to our staff to make  
17 sure that we've completed the appropriate forms and  
18 provided the backup as required by law.

19 MS. JOHNSTON: Alright, if everyone's clear on  
20 that, Commissioner Ahmad?

21 COMMISSIONER AHMAD: Do we need public comment?

22 MS. JOHNSTON: Oh I'm sorry. You're correct.

23 CHAIR AKUTAGAWA: Yes, I think we do need public  
24 comment, I believe on this. Okay. Kristian, are you  
25 reading it for us?

1 MR. MANOFF: That will be taken care of by our --

2 CHAIR AKUTAGAWA: By --

3 MR. MANOFF: -- prominent moderator Jesse to do.

4 CHAIR AKUTAGAWA: Jesse, okay.

5 JESSE: In order to maximize transparency and  
6 public participation in our process, the Commissioners will  
7 be taking public comment during their meeting by phone.  
8 There will be opportunities to address the Commissioners  
9 regarding the items on the agenda. There will also be  
10 opportunities for the public to submit general comments  
11 about items not on the agenda.

12 Please note that the Commission is not able to  
13 comment or discuss items not on the agenda. The Commission  
14 will advise the viewing audience when it is time to submit  
15 public comment. The Commissioners will then allow time for  
16 those who wish to comment to dial in.

17 To call in on your phone, dial the telephone  
18 number provided on the live stream feed. When prompted,  
19 enter the meeting ID number provided on the livestream feed  
20 using your dial pad. When prompted, enter a participant  
21 ID, simply press pound.

22 Once you have dialed in, you will be placed in a  
23 queue from which a moderator will begin unmuting callers to  
24 submit their comment. You will also hear an automated  
25 message to press star nine to raise your hand, indicating

1 your wish to comment.

2           When it is your turn to speak, the moderator will  
3 unmute you, and you will hear an automatic message. The  
4 host would like you to talk. And to press star six to  
5 speak. You will have three minutes to provide your  
6 comments. Please make sure to mute your computer or  
7 livestream audio to prevent any feedback or distortion  
8 during your call.

9           Once you are waiting in the queue, be alert for  
10 when it is your turn to speak, and please turn down the  
11 livestream volume. The Commissioners will take comment for  
12 every action item on the agenda. As you listen to the  
13 online video stream, the Chair will call for public  
14 comments.

15           That is the time to call in. The process for  
16 making a comment will be the same each time, beginning by  
17 the telephone number provided on the livestream feed and  
18 following the steps stated above.

19           Good morning, Caller. If you could state your  
20 name and spell it for the record, please?

21           MS. SHELLENBERGER: Yes, this is Lori. L-o-r-i.  
22 Shellenberger, S-h-e-l-l-e-n-b-e-r-g-e-r, Redistricting  
23 Consultant for California Common Cause. I'm actually  
24 calling with a -- I have two comments regarding the  
25 Executive Director's Report. And I know this is a comment

1 on this agenda item. I can call back in. I just wanted to  
2 make sure there would be public comment before you move  
3 onto Agenda Item 6.

4 Would that be the case?

5 MS. JOHNSTON: I think you can go ahead. It's on  
6 this -- it's within this item.

7 WOMAN: Yeah.

8 MS. SHELLENBERGER: Okay, okay, perfect. Thank  
9 you. So I had two comments. One was regarding -- there --  
10 one is regarding the documents that were posted, and in  
11 particular, I think the organizational chart. There would  
12 be -- folks who will have comments on that, but that was --  
13 there has not been time for folks to review that or digest  
14 it. And that wasn't clear to me if action would be taken  
15 on that organizational chart today.

16 But I just wanted to flag for the Commissioners  
17 that while it may look simple or maybe it doesn't, there  
18 are a lot of devils and landmines in the details in that  
19 chart, I think, that organizations and community members  
20 would want to review and have time to digest and provide  
21 more formal comment on.

22 The second has to do with the milestones document  
23 that Executive Director Claypool put together for you. And  
24 really, it just relates to the discussion you had regarding  
25 then it's the need for flexibility, which I don't think



1 could be emphasized enough. And I just wanted to sort of  
2 reiterate what Commissioner Sinay and others were hinting  
3 at, which is the need for flexibility, and that it really  
4 can't be viewed as a black and white, like to date and four  
5 and a half months from there for a deadline.

6           And I think there will be -- even though the  
7 Supreme Court, yes, was granting relief under an  
8 extraordinary writ because you do extraordinary  
9 circumstances, even if Census data is released to the state  
10 on April 1st, there could still be extraordinary  
11 circumstances present, including whether or not you'll be  
12 able to comply with the Voting Rights Act and other  
13 infirmities with the data that are unpredictable at this  
14 point, but are still very much in play and has -- as has  
15 been pointed out, maybe litigated.

16           So I just wanted to emphasize the need for  
17 flexibility and consultation with your Voting Rights  
18 Counsel and your General Counsel next year as this  
19 situation unfolds. Thank you.

20           CHAIR AKUTAGAWA: Thank you. Do we have anyone  
21 else in queue?

22           JESSE: We have one caller in the queue, Chair.

23           CHAIR AKUTAGAWA: Alright.

24           JESSE: Good morning, caller. If you could  
25 please state and spell your name for the record?

1 MS. HOWARD: Hi there. This is Deborah Howard.  
2 D-e-b-o-r-a-h. The last name is Howard, H-o-w-a-r-d.

3 JESSE: The floor is yours.

4 MS. HOWARD: I'm sorry, do you want me to --?

5 CHAIR AKUTAGAWA: Go ahead.

6 JESSE: Yes.

7 MS. HOWARD: Okay, thank you. So like the  
8 previous caller from Common Cause, I am not calling about  
9 the reimbursement policy, but I do want to make a public  
10 comment on the earlier conversation you had about  
11 technology. And I'm happy to call back or respond at a  
12 more appropriate time. I just am not clear where that's  
13 going to happen on the agenda.

14 CHAIR AKUTAGAWA: That's okay. I think that's  
15 all part of the Executive Director Report. And since we're  
16 still on that agenda, please go ahead and comment.

17 MS. HOWARD: Okay, thank you. Thank you for  
18 that. I want to just give a compliment to the Commission  
19 to really appreciate the thought that you're putting in for  
20 members of the community to participate in this COVID  
21 world, particularly for everybody, really, but certainly  
22 for seniors like myself, being able to have access to  
23 traffic commission and the conversations and comments in  
24 real time is really going to be important.

25 And I appreciate the thought that you're putting

1 into that. And the one other comment I have is there's a -  
2 - if there's a possibility in looking at that technology,  
3 if there would also be a way to provide -- I want to use  
4 like a comment section or a chat section while you're going  
5 through those conversations because not everything perhaps  
6 would create a -- or require a formal comment, but being  
7 able to make a contribution to something in the course of  
8 the discussion might be timely and useful. So that's  
9 pretty much my focus, but it really is -- I appreciate each  
10 and every one of you for the sacrifice you're making to  
11 serve the citizens of California.

12           It really is a huge sacrifice and I recognize  
13 that. And the intensity and thoughtfulness at which you're  
14 approaching how to engage the community is really important  
15 to me and I appreciate you doing that. And of course, my  
16 dogs decide to bark right now. I'm very sorry for that.

17           CHAIR AKUTAGAWA: Thank you, Deborah. Okay,  
18 Jesse.

19           JESSE: One more caller. If you could state and  
20 spell your name for the record, please?

21           (No audible response)

22           CHAIR AKUTAGAWA: You're on mute.

23           JESSE: Good morning, caller. Could you please  
24 state and spell your name for the record, please?

25           MS. GOLD: Hi, this is Rosalind Gold. R-o-s-a-l-

1 i-n-d. And the last name is Gold. G-o-l-d and I'm Chief  
2 Public Policy Officer with the National Association of  
3 Latino Elected and Appointed Officials, that's the NALEO  
4 Educational Fund.

5 JESSE: Thank you. Your time begins now.

6 MS. GOLD: Oh, can I -- should I go ahead and  
7 proceed with comment?

8 CHAIR AKUTAGAWA: Yes.

9 MS. GOLD: Okay. Thank you again, Commissioners.  
10 I appreciate the time to provide some perspectives on  
11 issues that have been discussed this morning. I think the  
12 first thing is, it would be helpful for us to have some  
13 clarity with respect to the organizational chart that was  
14 presented. Is that something that the Commissioners  
15 decided to adopt? Is that something the Commission is  
16 looking over and thinking about?

17 We would certainly hope, because of the  
18 relationships and the fact that an organizational chart  
19 basically charts the course for how the work is done, and  
20 what the Commission's role is, we would certainly like to  
21 have a chance to review it, to think about it and provide  
22 comment.

23 So that's my first question. And then, my second  
24 comment relates to the data delivery deadline for  
25 redistricting. And the deadline for the Commission to

1 produce its final map. We believe that the Supreme Court  
2 ruling that provided the possibility of extending the final  
3 deadline for the Commission's map to December 15th has  
4 enough flexibility in it so that the Commission could go  
5 with a deadline later than August 15th, even if the  
6 redistricting data is delivered on time.

7           And we would hope that the Commission would talk  
8 with its, you know, the incoming Counsel and its Voting  
9 Rights Act Counsel. There are several reasons we would  
10 like to have that flexibility, even if the data comes in on  
11 time. First of all, I think a lot of our groups have been  
12 dealing with so much uncertainty with the pandemic that we  
13 would like some extra time to mobilize the public, to  
14 educate the public.

15           And secondly, I think that there's a lot of  
16 dialogue going on nationally about you know, what is going  
17 to be the impact on (indiscernible) as the data we're going  
18 to get for apportionment and whether that data -- what  
19 quality that data's going to be and what impact that's  
20 going to have on the redistricting data.

21           So all of these dialogues, as well as our work  
22 with the community are all going to be going on. And I  
23 just think that having that -- some kind of extra time  
24 beyond August 15, even if the redistricting data -- excuse  
25 me -- the redistricting data is delivered by March 31st,

1 would just really lead to a more thoughtful and informed  
2 process. So those are two my -- my two comments, and thank  
3 you for listening.

4 CHAIR AKUTAGAWA: Thank you. Jesse, do we have  
5 anyone else?

6 JESSE: There are currently no more callers in  
7 the queue, Chair.

8 CHAIR AKUTAGAWA: Okay. I think that having had  
9 the commenters, I think we've given time for any additional  
10 callers to call in. I believe we can now take a vote.  
11 Marian?

12 MS. JOHNSTON: Commissioner Ahmad?

13 COMMISSIONER AHMAD: Would you please just read  
14 the motion one more time?

15 MS. JOHNSTON: That on the policy for  
16 compensation for Commissioners, the Commission will follow  
17 the law with each Commissioner determining what constitutes  
18 a work day. And the staff will be used, assigned to review  
19 those submissions.

20 COMMISSIONER TURNER: Is there a second?

21 MAN: (indiscernible) second.

22 MS. JOHNSTON: Who was the second?

23 COMMISSIONER SADHWANI: I seconded it.

24 COMMISSIONER FERNANDEZ: Vasquez was, I think.

25 Or no, was it Sadhwani.

1 COMMISSIONER SADHWANI: Yes.

2 CHAIR AKUTAGAWA: I think it was Commissioner  
3 Sadhwani that seconded it.

4 MS. JOHNSTON: Commissioner Ahmad?

5 COMMISSIONER AHMAD: Yes.

6 MS. JOHNSTON: Commissioner Akutagawa?

7 CHAIR AKUTAGAWA: Yes.

8 MS. JOHNSTON: Commissioner Anderson?

9 COMMISSIONER ANDERSEN: Yes.

10 MS. JOHNSTON: Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 MS. JOHNSTON: Commissioner Fornaciari?

13 VICE CHAIR FORNACIARI: Yes.

14 MS. JOHNSTON: Commissioner Kennedy?

15 COMMISSIONER KENNEDY: Yes.

16 MS. JOHNSTON: Commissioner Le Mons?

17 COMMISSIONER LE MONS: Yes.

18 MS. JOHNSTON: Commissioner Sadhwani?

19 COMMISSIONER SADHWANI: Yes.

20 MS. JOHNSTON: Commissioner Sinay?

21 COMMISSIONER SINAY: Yes.

22 MS. JOHNSTON: Commissioner Toledo?

23 COMMISSIONER TOLEDO: Yes.

24 MS. JOHNSTON: Commissioner Turner?

25 COMMISSIONER TURNER: Yes.

1 MS. JOHNSTON: Commissioner Taylor?

2 COMMISSIONER TAYLOR: Yes.

3 MS. JOHNSTON: I'm sorry, we're speaking out of  
4 order there. Commissioner Vasquez?

5 COMMISSIONER VASQUEZ: Yes.

6 MS. JOHNSTON: Commissioner Yee?

7 COMMISSIONER YEE: Yes.

8 MS. JOHNSTON: The motion carries.

9 CHAIR AKUTAGAWA: Okay. I think there's --  
10 Commissioner Le Mons?

11 COMMISSIONER LE MONS: I know that we had -- we  
12 were going to be having a discussion about the org chart,  
13 and I just -- based on -- we've got a couple of comments  
14 about that, if we could just frame it up. I'm not sure  
15 where that's happening. I know we talked about having it  
16 at some point in the agenda, so I don't know what was  
17 dictating when that was going to come back up, but I think  
18 it will be important to just frame it up as we go into the  
19 discussion and not just launch into it at whatever point  
20 that's going to happen.

21 CHAIR AKUTAGAWA: Yes, and then, I also want to  
22 come back to the suggestion about the policies and  
23 procedures. I think we had requested looking at previous  
24 policies and procedures, any kind of document that may have  
25 existed. So then, we can review it, red line it, amend it



1 as the Commissioners would like to see it done.

2           It sounds like we may need a subcommittee to do  
3 that review and red lining. Commissioner Sadhwani and then  
4 Commissioner Fornaciari?

5           COMMISSIONER SADHWANI: I was just wondering if  
6 rather than creating a separate subcommittee, it might make  
7 sense -- sorry to put you all on the spot, but for the  
8 Finance Committee to kind of broaden its scope and include  
9 this in it? But I'm open to suggestion.

10           VICE CHAIR FORNACIARI: Yeah, that's what I was  
11 going to suggest, too, maybe the Finance Committee should  
12 be more of kind of Administrivia Committee, and just maybe  
13 a little more broad. But that's just my thought.

14           CHAIR AKUTAGAWA: And I believe you're together  
15 on that subcommittee with Commissioner Fernandez, correct?

16           VICE CHAIR FORNACIARI: Yeah, and then the other  
17 thing was that I had proposed a -- an agenda item for the  
18 4th through the 6th meeting to review and take action on  
19 policies. So my thinking was, at -- my thinking was that  
20 we could get these policies out to everyone, maybe after  
21 the next meeting, and that would give you guys a week-ish  
22 to review and go over the existing policies, and then we  
23 could come back and provide feedback, and then we could  
24 come back and discuss those and make some decisions.

25           CHAIR AKUTAGAWA: Okay. And then for clarity, I

1 think I may have heard you suggest that you renamed the  
2 subcommittee the Finance and Administration Subcommittee?  
3 Or am I just putting words into your mouth there?

4 VICE CHAIR FORNACIARI: Sure.

5 CHAIR AKUTAGAWA: Okay.

6 VICE CHAIR FORNACIARI: Commissioner Fernandez?

7 She's --

8 COMMISSIONER FERNANDEZ: Thank you for  
9 volunteering me. I was thinking of like, the Catch-all  
10 Committee. How's that sound? That's fine with me.  
11 Thanks.

12 CHAIR AKUTAGAWA: Well, I was thinking the  
13 Troubleshooting, but I didn't think that that was really  
14 quite the appropriate place, but we will call it Finance  
15 and Administration, Commissioner Anderson?

16 COMMISSIONER ANDERSEN: Just on the  
17 Troubleshooting Committee, we do have one policy that is in  
18 the Troubleshooting Committee's purview is actually on for  
19 action I think next week, which is the COVID policy. So  
20 just in terms of -- and then while we're on policies,  
21 Marian, Counsel, thank you for reminding us of ones that  
22 you have sent out, that record retention, and also then but  
23 you've mentioned conflict of interest.

24 And I'm sorry, I -- other than the one we  
25 mentioned of you know, with -- would be a short one, we're

1 sort of thinking of writing, I was not familiar with those  
2 that you sent out. So just for --

3 MS. JOHNSTON: I will resend them.

4 COMMISSIONER ANDERSEN: Great.

5 MS. JOHNSTON: It's the one that governs what you  
6 have to report on your Form 700s. And there were two  
7 versions that the 2010 Commission had. One had one that's  
8 fully staffed and one when it was reduce staffed. And as  
9 we do the staffed one, which is currently in regulation  
10 form, so you need to expand it to include whatever's in  
11 your -- you finally decided your organizational chart. And  
12 we'll find out.

13 CHAIR AKUTAGAWA: Okay. It looks like  
14 Commissioner Fernandez and then Commissioner Fornaciari  
15 want to comment on that.

16 COMMISSIONER FERNANDEZ: If we're going to have a  
17 subcommittee on policy, and I'm -- I guess I'm reaching out  
18 to my other partner in the subcommittee, it would seem  
19 appropriate that all of the draft policies, maybe go  
20 through the subcommittee first, maybe Commissioner  
21 Fornaciari and I look through them first, make our  
22 suggestion, changes, and then we send it out to the  
23 remaining Commissioners. That's kind of what I was  
24 thinking, instead of sending them all out to everyone at  
25 one time. Is that what you were thinking? Okay.

1           VICE CHAIR FORNACIARI: I think's the job we  
2 should have, is to get them all together, get them  
3 organized, review them, see what's going on underneath and  
4 needs to be changed, and then send them out to our fellow  
5 Commissioners in an organized way so that they're not  
6 trying to track down, you know, 15 different emails to find  
7 the different policies, and maybe even put them up in our  
8 drive, so we all know where to find them, (indiscernible) -  
9 -

10           MS. JOHNSTON: So does the subcommittee still  
11 want them after the next meeting? Or do you want them  
12 before the October meeting?

13           VICE CHAIR FORNACIARI: Yeah, we want them as  
14 soon as possible.

15           MS. JOHNSTON: I'll do it this evening.

16           COMMISSIONER FERNANDEZ: Thank you.

17           VICE CHAIR FORNACIARI: Beautiful. Thank you.

18           CHAIR AKUTAGAWA: Commissioner Sadhwani, did you  
19 want to -- did you have a comment?

20           COMMISSIONER SADHWANI: So the time and -- this -  
21 - I don't know the third or fourth time we've had issues  
22 come up already today about just the vast array of  
23 information that we're receiving, and how difficult it is  
24 to keep track of all of it.

25           I don't know if it's the purview of the -- this

1 new expanded subcommittee or the Executive Director, but if  
2 we can just figure out being able to use a Google Drive or  
3 some -- something -- Dropbox, whatever is appropriate under  
4 Bagley-Keene, I think it would be extraordinarily helpful  
5 and just much easier to keep track of all of these kinds of  
6 documents. Or posting in the website is perfectly fine,  
7 too, for transparency purposes.

8 CHAIR AKUTAGAWA: Commissioner Vasquez and then  
9 Commissioner Le Mons.

10 COMMISSIONER VASQUEZ: Yes, I made the suggestion  
11 privately to staff this weekend, and Commissioner  
12 Fernandez, you may have some experience, and Commissioner  
13 Sinay also as well. There are paid services that can help  
14 with particularly the posting of the website and sharing  
15 both items for closed session as well as public open  
16 session.

17 BoardDocs comes to mind, as well as Agenda  
18 Online. Those can be -- those are services that can be  
19 integrated into your website. And it is a way to  
20 facilitate document sharing that is compliant with sort of  
21 both open, you know, sunshine government laws, as well as  
22 you know, keeping things private that need to stay private  
23 amongst the Commission, but do need to be shared amongst  
24 the Commission.

25 So perhaps Commissioner Fornaciari and

1 Commissioner Fernandez, it might help to explore what those  
2 might cost, and if they're perhaps, you know, worth the  
3 cost of investing for a year in something that would keep  
4 us organized?

5 CHAIR AKUTAGAWA: Commissioner -- Director  
6 Claypool? I'm sorry, no I'm sorry, Commissioner -- it was  
7 Commissioner Le Mons and then Director Claypool. My  
8 apologies.

9 EXECUTIVE DIRECTOR CLAYPOOL: Thank you for that,  
10 Commissioner Sadhwani. I do want to thank staff for -- at  
11 least for me, and I want to elevate, it'll be great who we  
12 have, some process that we're all comfortable with because  
13 I know we all kind of operate differently. I'm a push guy.  
14 Push it to me. I don't want to go looking for it.

15 Personally, I don't want to go to Google Docs. I  
16 really don't want to go to any of those places. So to the  
17 way it came to me this time, I liked, because I got an  
18 email that had a link in it. I went to the link and they  
19 were all there. So that worked for me, but that did not  
20 work for other people. And if we have to find things where  
21 we have to go and -- look, if there's a push mechanism, I'm  
22 just going on record as saying Commissioner Le Mons would  
23 really like a push mechanism and a notification. Thank  
24 you.

25 CHAIR AKUTAGAWA: Director Claypool and then

1 Commissioner Sinay and then Commissioner Vasquez.

2 EXECUTIVE DIRECTOR CLAYPOOL: I just wanted,  
3 Commissioner Vasquez, to give me the second name of the --  
4 I got BoardDocs. What was the other one?

5 COMMISSIONER VASQUEZ: Agenda Online.

6 EXECUTIVE DIRECTOR CLAYPOOL: Thank you.

7 CHAIR AKUTAGAWA: Commissioner Sinay?

8 COMMISSIONER SINAY: I feel like this is an issue  
9 with any Commission, any Board, any anything. I think what  
10 you'll find that is helpful by these programs is, yes, you  
11 get push notifications, Commissioner Le Mons, and you go to  
12 it, but also, we can go back to former meetings and find  
13 all the documents in one place.

14 And so can the community and everything else.  
15 And that to me right now, I've created like six different  
16 binders and none of them work well. The other piece I  
17 wanted to say is, we need to get the agendas out early, 14  
18 days in advance. But I think the documents are actually  
19 more important sometimes than the agendas.

20 And I would like to see us get them out at least  
21 the Friday before the meetings. So that gives us the  
22 weekend to read it, to process it. I mean, the public is  
23 saying that they can't process it. I don't know if they  
24 understand that we're not processing it.

25 And I do want us to think through, if we have an

1 action item, then we create a document that gives the  
2 background stuff so we can come into the meeting prepared  
3 versus -- and it doesn't have to be complicated. But the  
4 more we come in prepared, the less we're going to talk in  
5 circles and the more we're going to make better decisions.

6 And so, I am full -- I'm pushing staff the Friday  
7 before that the agendas go out, all documents need to be in  
8 our hands. I mean, not before the agenda goes out, before  
9 the meeting.

10 CHAIR AKUTAGAWA: Okay, Commissioner Vasquez?

11 COMMISSIONER VASQUEZ: Yeah, I was -- since we're  
12 on this topic, we -- I had clarified this last week, but  
13 not sure the folks who are listening at home today heard or  
14 processed this. Another note on agendas and documents --  
15 we, as a Commission, because we have to notice agendas and  
16 action items 14 days in advance, we also cannot continue  
17 business, as I've seen other commissions do.

18 We can't take an item and hold it for action to  
19 the following full meeting. If we have -- we have days --  
20 several day meetings in which it's noticed. We could  
21 potentially, you know, pause something, get it up for  
22 public review and come back to it.

23 But just so that the public knows that that is  
24 also a restriction. So if we're coming up on an action  
25 item on the last day of a noticed meeting, we do have to



1 take action or -- and if we don't, we cannot take it up for  
2 another two weeks. And as we have discussed many times  
3 here, we're under sort of time crunches for everything. So  
4 just wanted to reiterate for the public that that is  
5 another huge limitation for us as well, which is why it's  
6 so important that we get a process down for communicating  
7 to the public all of the information that we are using to  
8 make a decision.

9 CHAIR AKUTAGAWA: Commissioner Le Mons?

10 COMMISSIONER LE MONS: I think a couple of  
11 meetings back, we approved a subcontract for a web person.  
12 I'm almost certain that we did that. And I'd like to get  
13 an update on the status and activities of this person,  
14 because I feel like that was the minimum of -- that  
15 informed why we said yes, and I think that we should be  
16 seeing some different output.

17 So when Commissioner Sinay is describing multiple  
18 -- posting locations on the website and no direction or  
19 information about what's where and how you access it, like  
20 at this point, I feel like that should not be happening.  
21 So I'd like to hear an update on what this person's tasks  
22 are, not that I want to get into managing that person or  
23 managing their priorities and tasks, but I do think that we  
24 need to make it clear that whoever's managing that person,  
25 that it is a priority of some of this basic stuff, like

1 putting up the agenda with the support documents easily  
2 accessible, whatever kind of information that explains  
3 what's here, how you come back, whatever the case. Yeah,  
4 thanks.

5 CHAIR AKUTAGAWA: Okay. I also see Commissioner  
6 Turner?

7 COMMISSIONER TURNER: Yeah. As long as -- thank  
8 you, Madame Chair. As long as we're talking about  
9 preferences, I wanted to reiterate, particularly Mr.  
10 Claypool, you're here as well, my desire is that with these  
11 documents that we're getting, whether they come in a Google  
12 Doc, or you know, however we're going to get them.

13 I would still like to know when we're receiving  
14 the inordinate amount of paper that we're getting, I want  
15 to know, is -- am I to research on my own and figure out  
16 these parts or will there be a training when we get to  
17 these meetings?

18 I feel like there is an assumption because paper  
19 has been sent out that there is an understanding. We  
20 almost just read it to us again on the call, so that gets  
21 to be more of a problem and we get it last minute because  
22 we're kind of talking through it. I've not yet had a  
23 chance to read it and absorb it, and then we move onto the  
24 next thing.

25 And sometimes, I don't know still where to attach

1 that information or what was the intent or purpose of it.  
2 And so, as long as we're putting out our wish list, my wish  
3 list would be what documents that's received also some sort  
4 of paragraph, a couple of lines ahead of time, the intent  
5 of this is, this is how you will use this, this is why you  
6 need to know this, or something.

7           Sometimes it's apparent through conversations. A  
8 lot of times it's just more paper that's received. And  
9 when I receive it, I file it away, too, in one of these  
10 binders. And it really is not effective, and I don't think  
11 it's the intent to be able to really be able to absorb the  
12 knowledge and be able to later on call it and use it when  
13 needed.

14           CHAIR AKUTAGAWA: Marian?

15           MS. JOHNSTON: I did ask Raul to come in to  
16 answer Commissioner Le Mons' question.

17           CHAIR AKUTAGAWA: Okay, let's go ahead and go to  
18 the question around the website contractor and how  
19 documents are being uploaded, I believe it is.

20           MR. VILLANUEVA: Okay, so the documents --

21           COMMISSIONER TURNER: Sorry, Raul -- I'm sorry,  
22 I'm sorry, Commissioner -- Madame Chair. I want to make  
23 sure that I'm understood, because I feel like it's not the  
24 first time it's been said. And before we go just straight  
25 to the next conversation, I want to make sure that we're --

1 we several months into this. And we're -- I don't feel  
2 like we're -- I'm necessarily getting a clearer  
3 understanding of the process, and it is time to start  
4 putting out work. I feel like we're almost at the end of  
5 training.

6           And I just need to know that I am heard, I'm  
7 understood and I'm looking for a change in how we're  
8 receiving the information.

9           CHAIR AKUTAGAWA: Commissioner Turner, I'll just  
10 share with you my experience in terms of the agenda. I  
11 think that has been already shared by those of us who have  
12 Chaired a meeting and have had the, you know, have had to  
13 put together the agenda. Things do come up quickly, and I  
14 think we're -- I think we're starting to get ahead of some  
15 of the agendas and trying to make our best guesses as to  
16 what we should anticipate will be coming up in which weeks.

17           I think that there is a desire I think to at  
18 least try to -- at least that was a discussion item that I  
19 think that I had, you know, finding out the agenda, maybe  
20 having a little line that says, this is what we'll be  
21 talking about, this is what the purpose is.

22           I think intention actually what's happening is a  
23 different story. I think in terms of the materials that  
24 are being produced not right now, I will just say that not  
25 all materials are being produced currently by staff. It's

1 also us as the Commission. And so, I just want to  
2 acknowledge that I think what you said is very true.

3           But I will also acknowledge that as  
4 Commissioners, I think we're just trying to get something  
5 out. I think it's a good reminder, this discussion, that  
6 we need to try to get it out much earlier. And I think  
7 what I'm also hearing is that in putting out the documents,  
8 I think we each need to try to ensure that there is at  
9 least some explanation of what context this document or  
10 this material is going to have to the agenda item, and then  
11 what's -- how will it be then utilized, is I think what's -  
12 - what I'm hearing. And I think it's something that for  
13 all of us as Commissioners, because I believe we'll all be  
14 producing documents with each other that we should be  
15 keeping in mind as we go forward.

16           WOMAN: Thank you, yes. Thank you.

17           CHAIR AKUTAGAWA: Okay. Let's see. Raul, I  
18 think you are going to explain about the website. Director  
19 Claypool, is this something that's related to what we just  
20 talked about or is this separate from the website update?

21           EXECUTIVE DIRECTOR CLAYPOOL: No, this is related  
22 to what we just -- what we were just talking about, and  
23 Commissioner Turner, absolutely. I understand the  
24 frustration with getting something that -- where you're  
25 going to have to fit it in. I had only put the items that

1 we discussed today out just to be a starting point, an  
2 illustration so that I could speak to them and you could  
3 also see them.

4           The Executive Director Report is a difficult  
5 document to put together because I can't put a lot of  
6 description in 14 days ahead of time because I don't know  
7 what I'm going to talk about in 14 days from now. So it --  
8 I would -- should have done a better job of pushing it out  
9 in the email with a description saying, these are a  
10 discussion for tomorrow.

11           And all of the things that you've looked at today  
12 and that we will look at when we look at the organizational  
13 chart are all draft, draft or informational. They're not  
14 decision points to be made. They're just, let's take a  
15 look at this as a starting point and move forward. And  
16 they're -- and as my first week, I'll get better at this.  
17 I promise you.

18           CHAIR AKUTAGAWA: Commissioner Le Mons? Oh I'm  
19 sorry, can I -- Commissioner Le Mons, do you want Raul to  
20 make his report first or do you want to just make a comment  
21 first? Raul, if you could share with us about the website  
22 contractor?

23           COMMISSIONER LE MONS: No, other way around.

24           CHAIR AKUTAGAWA: Oh other way around. Okay.

25           COMMISSIONER LE MONS: No, my comment is just to

1 -- Director Claypool just made a statement that triggered  
2 that we should indicate that they're drafts as well. I  
3 think that's very helpful.

4 WOMAN: Yeah.

5 COMMISSIONER LE MONS: Because then we got one of  
6 the questions from the public comment was you know, is this  
7 something that you guys have decided on, etc.? So I think  
8 that the points that Commissioner Turner raised about some  
9 description as well as an indicator very clearly on the  
10 document that is a draft document, so people can discern  
11 between things that are in progress versus finals, etc. So  
12 now we -- I'd love to hear the answer to the question from  
13 -- hi, Raul. I've missed you.

14 MR. VILLANUEVA: I guess it's good to be here.  
15 No, seriously, I was working in the back. And so, what  
16 were the questions, please?

17 COMMISSIONER LE MONS: Shall I?

18 MR. VILLANUEVA: Please.

19 COMMISSIONER LE MONS: So my question was, we've  
20 had a lot of discussion, as you've probably heard, to tail  
21 of it -- tail end of it here regarding things being posted  
22 on the website. We have a timing issue, we have a location  
23 issue, we have a poor navigation issue. All these things  
24 that makes it very complicated for the public, as well as  
25 Commissioners who've used the portal as a way to access the

1 documents that are presented for any given meeting.

2           It brought me to the fact that a couple meetings  
3 back, we had approved a web person that we approved under  
4 the understanding that because of the age of our website  
5 and the out of date technology, et cetera, that we had  
6 found someone who could handle some of these immediate  
7 needs by getting our things posted in a timely manner and  
8 do some of this very small, it's the old Web Press site I  
9 understand.

10           So there are some little tweaks that maybe could  
11 be done to make sure that the information is posted, but  
12 not just posted, but easily identifiable where it is and  
13 what it is. And so, I thought about that and wanted to  
14 know what is this person being charged with doing? What  
15 can we expect? Because we feel like at this point, that  
16 was one of the first orders of business to get taken care  
17 of very quickly. And I know that she's maintaining the  
18 background part. That's great, but the foreground is  
19 critical.

20           MR. VILLANUEVA: So let's talk about the posting  
21 locations. Posting locations only occur in two places --  
22 one, on the homepage. On the homepage is where you find  
23 that an agenda's been posted and a copy of the agenda. If  
24 you click over to the meetings page, where the notices are,  
25 that's where it'll have the agenda, and that's where it'll



1 also have the link to the public comment and/or to whatever  
2 handouts have been provided.

3           You click on that, that takes you straight over  
4 to the page where the handouts are. Those are the only  
5 places. Okay? As far as the posting, as I noted  
6 previously, I'd like to get 24 hours for the posting to  
7 occur. It's not -- it's very rare that I receive anything  
8 48 hours or more in advance. It's usually day of.

9           For some things, I will get it -- so I received  
10 some materials on Sunday night, and I was able to post  
11 those for the meeting today. But I was also receiving  
12 documents last night. That is not atypical. And I'm not  
13 bringing that up to point fingers.

14           As Commissioner Akutagawa noticed or stated, and  
15 for anyone who's Chaired, trying to pull the meeting  
16 together two weeks in advance with partial information  
17 planning two weeks in the future, while you're still  
18 working on a meeting now, I think has been challenging for  
19 all the folks who've been involved.

20           That being said, I think Commissioners Akutagawa  
21 and Fornaciari have done an incredible job over the last  
22 several weeks in working with these meetings -- this one  
23 and into November. But I think all of the folks I've  
24 worked with have been trying to do their best, as we look  
25 at a process and procedure in the making that has a lot of

1 hindrances involved.

2           To me, that's -- it's a process problem, not a  
3 people problem. And to me, that's why I get documents day  
4 of. That is something that I would look forward to working  
5 with the subcommittee on troubleshooting because to me,  
6 that is 100 percent a process and procedure issue and not a  
7 people issue.

8           COMMISSIONER LE MONS: And can I comment, Chair?

9           MR. VILLANUEVA: Please.

10           COMMISSIONER LE MONS: So I hear that, and I  
11 think we all are sensitive to that. So and my question's  
12 specific to what this staff person is doing. To me, if we  
13 hired the person that was described to us, I would've  
14 expected that person to look at that website and say, I  
15 need a very easy, clear communicated homepage.

16           I need things right here that are easily  
17 accessible and doesn't require two, three, four. I'm not  
18 even a web or tech person, but the less clicks, the better,  
19 kind of concept. So I'm looking for that kind of expertise  
20 from someone that we hire in a very specific category.

21           So I don't think we should be on the homepage  
22 this, and then you click to here and click to there. We  
23 don't have anything to communicate at this point except our  
24 agendas and the supporting documentation. So if that could  
25 all just be --

1 MR. VILLANUEVA: We'll put it on the homepage,  
2 because that --

3 COMMISSIONER LE MONS: Well, it sounds like  
4 they're not all on the homepage, actually. The agenda's on  
5 the homepage. And then --

6 MR. VILLANUEVA: Yes.

7 COMMISSIONER LE MONS: -- you have to click  
8 somewhere else for something else and then somewhere else  
9 to another page. So that should be streamlined, I'd  
10 recommend. And I think that person should be charged with  
11 doing that, like they should be able to do that. That's  
12 why we hired them. So that's a people problem to me, at  
13 least from -- either they're not getting the direction that  
14 that expectation is not put out there to them for whatever  
15 reason. So that's that piece.

16 As far as deadlines and things are concerned, I  
17 respect that. So you tell us when it has to be in by, and  
18 I think Chair just addressed the whole Commission on making  
19 sure that we're getting things in on time. But I kind of  
20 feel like we -- what was kind of explained was the process,  
21 when my question was really about what this person -- I  
22 still don't know what they're tasked to do.

23 And so, I'd like to know that specifically, what  
24 have we tasked this individual to do, because maybe we need  
25 to give some guidance on what we want that person to do

1 versus what he or she has been tasked to do.

2 MR. VILLANUEVA: Well, primarily right now, the  
3 posting. You know? She has ideas about the website, and  
4 I'll take responsibility for having told her, wait.  
5 Because it's not a unilateral decision. I thought we'd  
6 have a communications director by now who could provide  
7 assistance with that.

8 If the subcommittee wants to start looking at  
9 that before those people are in place, that's fine. She's  
10 got some great ideas. There's some structural problems  
11 with the website that could be part of that discussion.  
12 But I'm the one who told her to wait until these key people  
13 are in place. So I'll own that one.

14 CHAIR AKUTAGAWA: Commissioner Fernandez, I saw  
15 your hand up.

16 COMMISSIONER FERNANDEZ: Yeah, just a couple of -  
17 - just for clarity role, are you posting to the website or  
18 is the contracted person?

19 MR. VILLANUEVA: I don't know WordPress.

20 COMMISSIONER FERNANDEZ: Okay so you're --  
21 they're doing it, right?

22 MR. VILLANUEVA: Yes.

23 COMMISSIONER FERNANDEZ: And then, I think  
24 there's like -- I can't remember how long the contract is  
25 for. Is it a dollar amount or a term?

1 MR. VILLANUEVA: Both.

2 COMMISSIONER FERNANDEZ: Okay.

3 MR. VILLANUEVA: Both.

4 COMMISSIONER FERNANDEZ: But I think -- I don't  
5 think we need to wait for a Communications Director,  
6 because I think there's like, simple things we could do to  
7 the webpage in terms of -- instead of having the agendas on  
8 our homepage, let's just have a link that takes you to the  
9 agenda, which then takes you to the document.

10 So I think there's like some things that can be  
11 done right away. And maybe you're right. Maybe we need a  
12 subcommittee to maybe come up with some of those ideas,  
13 like take a look at it. So I don't know. I don't know how  
14 the rest of the Commission feels, but I feel that it needs  
15 to be a little bit user friendly and I don't think we're  
16 there yet. And I don't think we need to wait, either.

17 So that's for the rest of the Commission. Oh,  
18 Commissioner Anderson? Sorry about that?

19 COMMISSIONER ANDERSEN: Thank you. Could the  
20 Troubleshooting Committee be quickly charged with just  
21 being a short go-between right here with -- to make -- put  
22 these ideas, work with this one person until the  
23 communications person gets aboard? Just because it's very  
24 clear -- we just want one spot where things go, and just  
25 like -- just in terms of I know, Raul, I really appreciate

1 that you're saying, you know, the staff just can't make a  
2 decision. They really do need a bit of direction.

3 And so, if we haven't been giving direction in  
4 the right manner, could we possibly have the subcommittee  
5 take that charge and do that? I would propose that the --  
6 you know, but well, the Chair would have to do that, but I  
7 would volunteer Commissioner Le Mons and myself to quickly  
8 assist in that matter.

9 CHAIR AKUTAGAWA: Thank you, Commissioner  
10 Anderson. I was thinking something very similar to,  
11 especially because I think Commissioner Le Mons has some  
12 very specific ideas of what would be helpful. I think that  
13 there sounds like there is both a design issue, but that  
14 could be part of a later conversation when the  
15 Communications Director comes in, but I think there is an  
16 architecture and usability issue that it sounds like this  
17 person that's been hired can also help to alleviate some of  
18 those questions and some of those challenges.

19 And so, yes, Commissioner Le Mons and  
20 Commissioner Anderson, if you would also bring this under  
21 your purview, that would be wonderful and we can try to get  
22 a working website that would work and can hopefully make it  
23 a little bit easier for everybody to access. Raul?

24 MR. VILLANUEVA: Just something to keep in mind,  
25 this person was hired to do the posting, not to do a lot of

1 structural changes, because that's actually at a different  
2 hourly rate than what she's being paid for. And so, I  
3 would hesitate to just make an assumption that because you  
4 want it done, here's your person and it's going to fit  
5 within the scope of work and costs of that contract because  
6 it's two different types of work.

7 CHAIR AKUTAGAWA: Okay, Commissioner Le Mons?

8 COMMISSIONER LE MONS: This is just one of those  
9 feelings again, where I just feel like we get handcuffs put  
10 on constantly. And maybe it's just a product of -- I don't  
11 work for the State. I've never worked for the State,  
12 either. So I don't know all of the limitations, what we  
13 can and can't do and all of this good stuff.

14 So we depend on the information that we're  
15 getting from staff. And I like the broadest breadth of  
16 information rather than the other way around, because to  
17 now hear that all she's paid to do -- and I'm gagging to  
18 hear that all she's paid to do was post.

19 Because if I was clear on that, and I don't know  
20 if my fellow Commissioners were clear on that when we voted  
21 to approve this contract, that that was all this person was  
22 going to do. I thought they were going to be handling the  
23 background architecture to make sure.

24 And when I say handling, making sure that it was  
25 vulnerable and that they had the skillset to make sure that

1 you know, things could stay running and humming. Like  
2 that's a certain skillset to me. And so, that's beyond  
3 just posting.

4           And then, if you can do that, then you can  
5 rearrange some things on a homepage so that it flows a  
6 certain way. So I guess what I would've liked to have  
7 known is that for a few dollars more or a significant  
8 number of dollars more, this person's scope could be  
9 expanded and we could've voted on that rather than the bare  
10 minimum.

11           So I think this goes to what we were saying  
12 earlier, Mr. Claypool, with regard to the information  
13 that's given to us, that it is as complete as possible  
14 because those gaps and holes -- clearly we're a creative  
15 bunch, and we're looking to put our creativity to work.

16           And so, you know, I see Commissioner Kennedy and  
17 others shaking their head. This is who you're working  
18 with. So we know the rules. We get it. We'll abide by  
19 the law. So we're going to be creative in our approach.  
20 We need to be equipped with as much information to enable  
21 us to be able to do that.

22           So that's a plea. What I'd love to do is be able  
23 to talk to this person and get her ideas and whatever's  
24 within the scope of her contract, we'll make sure we work  
25 within, but I just needed to say that and then make that



1 plea as we move forward.

2 CHAIR AKUTAGAWA: I think there's a sense of  
3 sometimes we don't know what we don't know, so we couldn't  
4 have asked the questions if we didn't know. Director  
5 Claypool and then Raul?

6 EXECUTIVE DIRECTOR CLAYPOOL: So it was my  
7 understanding when I discussed with Raul about this  
8 individual that this was strictly an interim position, that  
9 this person was there to get us out of the purview of the  
10 state auditor and, two, the person that will ultimately  
11 handle this position.

12 It was -- I didn't -- I wasn't -- I guess I  
13 wasn't listening to that part of your meetings, when this  
14 discussion occurred. Because I mean, I had listened to  
15 most of them, but this person is strictly, in my mind,  
16 somebody who's the -- or is going to bridge that gap to the  
17 person we're looking for.

18 And we're going to discuss that in people that  
19 we're looking to hire. If this person can do the things  
20 that you're talking about, then that's great. However, I  
21 don't believe this is going to be the person that remakes  
22 this website -- that person and that's going to have to  
23 come with your Communications Director. So I just wanted  
24 to put that out there.

25 CHAIR AKUTAGAWA: Raul?

1 MR. VILLANUEVA: Yeah, and I think my statement  
2 was misunderstood, that what I'm saying is, and basically  
3 Commissioner Le Mons, we ended up in your points, is we  
4 just have to be careful about what we're asking her to do,  
5 because there are major structural things with that website  
6 that don't really fall under that scope of work.

7 And what I was trying to communicate is that  
8 that's something that needs to be looked at as we look at  
9 the many things that the website needs, and identify what  
10 are those primary things for now and that sit within that  
11 scope of work?

12 COMMISSIONER LE MONS: I think both you and  
13 Director Claypool are misunderstanding what we're talking  
14 about here. We're very clear that this person is the  
15 interim person. We are very clear about that. We're very  
16 clear that we're in the gap. But there are some  
17 expectations about what needs to happen in the gap.

18 So we're not assuming that this person is going  
19 to rearrange and redesign our website or any of that. Like  
20 that's not what this conversation is about. But I don't  
21 feel like we're getting the gap delivery. That was the  
22 reason that I brought this up. So when you say, Raul, that  
23 she was only hired to post, you narrow even further your  
24 broader description of be careful.

25 We understand we have to be careful. We're not

1 trying to ask her to redesign, but your second point was,  
2 she was only hired to post, which suggests that anything  
3 beyond posting is going to be outside of the bounds of what  
4 she is expected to do.

5           So I opened with what has this person been tasked  
6 to do, so I wanted to get a complexion of what is the scope  
7 of this person's work, as it's been given to her and the  
8 priority? And it sounds like it's only the Post, but there  
9 is a possibility we could get some other things, and we  
10 will work very closely with you to stay within the confines  
11 of what we've agreed to financially with this person.

12           I know that they work part-time. Like, all of  
13 those things, I haven't forgotten. We're not asking them  
14 to redesign the website. Let's be very clear. That's not  
15 what Commissioner Anderson and I would be asking her to do.  
16 We know what we want to ask her to do. We just need to be  
17 connected with her and we will work with you and whomever  
18 else, Director Claypool or whoever we need to work with on  
19 the staff perspective to make it happen. I don't really  
20 want to waste a lot more time talking about this.

21           CHAIR AKUTAGAWA: Okay. So where we are right  
22 now, as I understand it is, whatever needs to be done  
23 within the scope of the contract and what is allowable, the  
24 Troubleshooting Committee will work -- will they be able to  
25 work directly with the person or will they work through

1 you, Raul?

2 MR. VILLANUEVA: I think it'd be good to have a  
3 Zoom meeting with all four of us.

4 CHAIR AKUTAGAWA: Okay. We'll work together to,  
5 as best as can be done within the scope of the contract,  
6 resolve some of these issues that we just had a discussion  
7 around to create better clarity, accessibility to the  
8 materials as best as can be done. Commissioner Fernandez?

9 COMMISSIONER TOLEDO: I'm just going to recommend  
10 that it would make sense to forward a copy of that contract  
11 to Commissioner Le Mons and Commissioner Anderson so they  
12 know what the scope is.

13 CHAIR AKUTAGAWA: Great point. Great point.  
14 Okay. Now that everybody's on the same page. All right,  
15 great point. All right. I know that we also had next up  
16 as part of the discussion, and I believe Director Claypool,  
17 you were going to make a -- I think at least a presentation  
18 of the org chart, I believe?

19 I also want to just note that it is 12:25. I  
20 just want to check. What time do we need to break for  
21 lunch?

22 WOMAN: 12:45.

23 MR. MANOFF: Our 90-minute is at 12:45.

24 CHAIR AKUTAGAWA: Okay, all right. So Director  
25 Claypool, we have 20 minutes. Is this possible?

1 EXECUTIVE DIRECTOR CLAYPOOL: Well, the org chart  
2 isn't possible because I think it's going to generate --  
3 the draft org chart is going to generate this kind of  
4 conversation. However, I have two other protocols that are  
5 going to generate conversation, too.

6 So if I could use this time to just discuss that,  
7 and we could go to the org chart and that will be the last  
8 thing I have to discuss today.

9 CHAIR AKUTAGAWA: Okay.

10 EXECUTIVE DIRECTOR CLAYPOOL: On all the future  
11 agendas, we're going to start including line items for  
12 staff hiring, litigation and closed session for personal --  
13 personnel related issues. We need to have those on every  
14 agenda, just so that you have the opportunity to move to  
15 these types of issues, it's going to be -- I forget,  
16 Commissioner Kennedy's term for it -- but if it's not  
17 needed, then we can just say it's not needed, but those --  
18 you'll start seeing those on there, that as much as  
19 possible, we'll try to flesh those out 14 days ahead of  
20 time for what an item might be.

21 But it doesn't necessarily mean that we're going  
22 to hire staff on that day, it's just going to mean that we  
23 reserve that right to address those issues at that time.  
24 My final issue is the documentation for establishing your  
25 positions.

1 All of you, I believe, are almost done or  
2 complete -- completely handed in your paperwork for  
3 establishing your positions. I know Raul's been working  
4 with each one of you. If you do not have that paperwork  
5 in, you know, with Form 700s and the I-9s and so forth, if  
6 you don't have that full suite in, we can't establish your  
7 position.

8 And if we can't establish your position, we can't  
9 file a claim for payment. So it's very important if you do  
10 not have that paperwork in, to get it in. I don't have  
11 mine in right now, either, but I'm not making a claim for  
12 payment. I want to give you this thought.

13 Once we submit any document for payment from any  
14 of you, it's a 30-day process to get that money back to  
15 you. It has to go to the Department of General Services,  
16 then it has to roll up through the State Controller's  
17 Office. So it's, you know, very important for us to start  
18 this flow. And I know that I've listened to Commissioner  
19 Kennedy and I understand the frustrations, but I want to be  
20 very clear.

21 From the time, again, it's one of those  
22 submission based items, Commissioner Le Mons, that you talk  
23 about. This is from the time it submits, that we hand it  
24 off, the fastest this can go is 30 days. And then, you'll  
25 see it, it can be as late as 45 days, if there are issues

1 that have to be resolved.

2 I wanted everybody to know that straight up  
3 because this is yet again something that we can't move  
4 around as a Commission. This is just part of how the  
5 state, you know, part of how they handle their payments.  
6 So that's my final item, and I'm sure there's some  
7 discussion.

8 CHAIR AKUTAGAWA: I saw Commissioner Turner and  
9 then Commissioner Kennedy and then Commissioner Vasquez.

10 COMMISSIONER TURNER: Commissioner Kennedy was  
11 ahead of me.

12 CHAIR AKUTAGAWA: Commissioner Kennedy?

13 COMMISSIONER KENNEDY: Thank you, both. So just  
14 a point of clarification. Has any paperwork been submitted  
15 for payment on anyone's (indiscernible) at this point?

16 EXECUTIVE DIRECTOR CLAYPOOL: I have to check  
17 with Raul. And I'll see if he can come up and give me that  
18 information. But if you -- if it has, it has been recent,  
19 because those documents had finally been completed for some  
20 of you. But let me check.

21 MS. JOHNSTON: (indiscernible), Raul.

22 CHAIR AKUTAGAWA: Commissioner Turner?

23 COMMISSIONER TURNER: Yes, and it may tie into  
24 that. It is not helpful to say if anyone hasn't -- when --  
25 for most of us, or for me, when there is a directive or a

1 request, I complete it and send it in.

2 Now between our amazing computers and the system  
3 and the state processes, I don't know if it's received.  
4 And I don't believe it has been an established to have it,  
5 to send back and say, I found it. So I've sent documents.  
6 And at this point, each time a general reminder, if anyone  
7 hasn't turned in something, we don't quite know, well, did  
8 they get lines or did they not?

9 I'm assuming they did. But then, to have you  
10 reiterate what we already knew, it takes 30 days, and now I  
11 heard to 45 days, I would be very dismayed to get to the  
12 end of that time period that says, oh, it was actually you  
13 that was waiting.

14 So I think it would be beneficial, when there are  
15 these time driving factors, when it's important -- or all  
16 of this is important, if there is a request, and if for  
17 whatever reason, let's assume that there could've been a  
18 breakdown in the system that says specifically  
19 Commissioners, this, this, this and this, via email or  
20 whatever the case may be, your information or send them  
21 individually. But other than that, we wouldn't know. So I  
22 would say that all of mine's in there. But who knows?

23 CHAIR AKUTAGAWA: Okay, thank you. Commissioner  
24 Vasquez.

25 COMMISSIONER VASQUEZ: I agree with Commissioner



1 Turner.

2 CHAIR AKUTAGAWA: Okay. Then Commissioner Sinay?

3 COMMISSIONER SINAY: I think you brought this up,  
4 but those who have turned in all their paperwork, that has  
5 already moved forward. You're not holding up the whole  
6 process for every single -- to make sure all 14 people have  
7 driven their stuff?

8 EXECUTIVE DIRECTOR CLAYPOOL: Can I defer to  
9 Raul?

10 MR. VILLANUEVA: As I get all of the materials  
11 from everyone, those are being submitted and those are  
12 being processed.

13 CHAIR AKUTAGAWA: Commissioner Le -- okay.

14 EXECUTIVE DIRECTOR CLAYPOOL: May I make a  
15 comment to Commissioner Turner?

16 CHAIR AKUTAGAWA: Yes.

17 EXECUTIVE DIRECTOR CLAYPOOL: It is a -- it is a  
18 priority of mine to obviously find out, you know, Raul has  
19 given me the spreadsheet, and today I was going to try to  
20 get out to any person who was remaining. These are the  
21 items we need to do, to have in order to complete this  
22 portion of it. I mean, it's been a hectic week, so that's  
23 where I'm at with it.

24 CHAIR AKUTAGAWA: Commissioner Le Mons and  
25 Commissioner Vasquez?

1           COMMISSIONER LE MONS: Yeah, I think Director  
2 Claypool might have addressed it. I was going to say, can  
3 we get -- so what I've done, Commissioner Turner, is  
4 whenever I submit something, I always put in red, please  
5 confirm receipt, because of that very reason, that you just  
6 don't know whether they get it.

7           With technology, they're supposed to get it or  
8 whatever. And then, if I don't hear back, I can follow-up.  
9 So that was just -- that's just the method. And Raul, I  
10 have to say, has responded each time in letting me know  
11 that it's been received.

12           So that -- that's just a trigger, but I do think  
13 that we should just automatically be made aware that you  
14 guys have whatever it is we need. Based upon the  
15 information that was shared just now between Raul and  
16 Director Claypool, we still don't know if -- and I don't  
17 feel like you need to say this to everybody, but I think we  
18 should get some kind of email correspondence saying if we  
19 have something that's outstanding, and then confirming that  
20 ours have been submitted.

21           Because I agree with Commissioner Turner and  
22 Vasquez, I turned my stuff around right away, like whatever  
23 was asked for. So it sounds like there might've even still  
24 been like a lag and maybe a batch got sent. So I'm still  
25 not clear on when I hear you know, they were sent as they

1 went in. And then, Director Claypool said it might've been  
2 resent.

3 So I don't think we really still have a clear  
4 understanding, really of like, when does that 30-day clock  
5 start for us as different people? So I don't know how we  
6 get that information, if that's a private email saying it  
7 was submitted on this day or yours isn't submitted yet  
8 because of waiting on this particular document or something  
9 of that nature.

10 MR. VILLANUEVA: Well, I can send that email to  
11 each individual, and including in that email whether I've  
12 received anything or not and when it was submitted.

13 EXECUTIVE DIRECTOR CLAYPOOL: And in that email,  
14 we also need to say where the process of the requests are.  
15 You know, whether they've been forwarded or not.

16 MR. VILLANUEVA: They have been forwarded. And  
17 that's what I was saying --

18 EXECUTIVE DIRECTOR CLAYPOOL: (indiscernible) for  
19 each one --

20 MR. VILLANUEVA: For everyone who has submitted  
21 their documents to me, those have been submitted to DGS HR.  
22 And they're being processed. And so, I receive reports  
23 from DGS HR on an ongoing basis because I'm kind of  
24 watching it. There's nothing -- yeah, there's nothing to  
25 (indiscernible) --

1 EXECUTIVE DIRECTOR CLAYPOOL: Commissioner  
2 Turner, also wanted to say the 30-day and 45-day, just  
3 think 30 days. Now I said, if there's something, an issue,  
4 then it's going to come back, it can be as long as 45.

5 Typically, once we get the -- it all established,  
6 they're all through, you can usually count on a 30-day  
7 period, because we'll make sure that when we submit it,  
8 that there's a minimum of things that need to be re-  
9 discussed. But 30 days is as fast as it can go, and that's  
10 what we have to think in terms of.

11 CHAIR AKUTAGAWA: Any other -- Commissioner  
12 Vasquez?

13 COMMISSIONER VASQUEZ: Yeah, I just wanted to  
14 reiterate that I think, Raul, if you could prioritize that  
15 batch of communications individually to each Commissioner,  
16 because I know I've been a laggard, and so I just recently  
17 submitted many of my documents this weekend. So I'm not  
18 expecting anything for a while.

19 That being said, I know that you know,  
20 particularly the first eight have likely been more on top  
21 of submitting their documents to you. And I would surely  
22 hope that they weren't waiting for someone like me, and  
23 that you weren't waiting for someone like me to get my  
24 stuff together to you for theirs to have been processed.  
25 And so, apologies if that was the case to my fellow

1 Commissioners. But hoping you get your stuff soon.

2 EXECUTIVE DIRECTOR CLAYPOOL: It is not the case.  
3 They were submitted individually, as there was completion.

4 CHAIR AKUTAGAWA: Okay, any other comments? All  
5 right, Director Claypool, any other items or protocols that  
6 you wanted to discuss?

7 EXECUTIVE DIRECTOR CLAYPOOL: No, those -- that's  
8 it. The only other thing we need to discuss is the draft  
9 org chart, and it's going to take longer than the three or  
10 four minutes we have right now.

11 CHAIR AKUTAGAWA: Yeah, we have roughly about  
12 nine minutes. I think -- let's do this. Let's go ahead --  
13 let's break for lunch now, since this seems like a good  
14 place, and then when we return from lunch at one, I'll just  
15 say 1:37 p.m., when we return, we can then take up and  
16 finish your report and specifically the org chart portion  
17 of your report.

18 EXECUTIVE DIRECTOR CLAYPOOL: Thank you.

19 CHAIR AKUTAGAWA: Okay, 1:37 p.m.

20 (Recess taken)

21 CHAIR AKUTAGAWA: All right, welcome back,  
22 everyone. I just want to recap what we will be discussing  
23 at least for the next -- as part of the next report. When  
24 we left lunch, we were going to discuss when we returned  
25 the org chart.

1 I also want to add an additional discussion point  
2 to the Executive Director Report, and that was the  
3 discussion that we had around the materials and ensuring  
4 that we give everyone adequate time to both review and  
5 digest the materials. I think we need to have a  
6 conversation about what is considered an adequate  
7 timeframe.

8 You know, it was brought to my attention just  
9 prior to returning from lunch that it was brought up, but  
10 we moved on from it, so I think we should have a further  
11 discussion about just establishing what we would consider  
12 an adequate time.

13 All right. Just from a point of process, I  
14 believe we've also tried to make it a -- I guess a habit or  
15 a tradition of taking public comment upon return from lunch  
16 so that we can give anybody who wanted to be able to make  
17 additional comment, a time, a planned time in which they  
18 can do so.

19 And I want to go ahead and honor that before we  
20 turn this over to Director Claypool to talk about the  
21 organization chart. Jesse, could you read out the  
22 instructions? I'm sure that anyone who is coming back from  
23 lunch is probably now scrambling to try to get to the  
24 phone. So Jesse?

25 JESSE: In order to maximize transparency and

1 public participation in our process, the Commissioners will  
2 be taking public comment during their meeting by phone.  
3 There will be opportunities to address the Commissioners  
4 regarding the items on the agenda.

5           There will be also opportunities for the public  
6 to submit general comments about items not on the agenda.  
7 Please note that the Commission is not able to comment or  
8 discuss items not on the agenda. The Commission will  
9 advise the viewing audience when it is time to submit  
10 public comment.

11           The Commissioners will then allow time for those  
12 who wish to comment to dial in. To call in on your phone,  
13 dial the telephone number provided on the livestream feed.  
14 When prompted, enter the meeting ID number provided on the  
15 livestream feed using your dial pad.

16           When prompted to enter a participant ID, simply  
17 press pound. Once you have dialed in, you will be placed  
18 in a queue from which a moderator will begin unmuting  
19 callers to submit their comment. You will also hear an  
20 automated message to press star nine to raise your hand,  
21 indicating you wish to comment.

22           When it is your turn to speak, the moderator will  
23 unmute you and you will hear an automated message. The  
24 host would like you to talk and press star six to speak.  
25 You will have two minutes to provide your comments. Please

1 make sure to mute your computer or livestream audio to  
2 prevent any feedback or distortion during your call.

3           Once you are waiting in the queue, be alert for  
4 when it is your turn to speak, and please turn down the  
5 livestream volume. The Commissioners will take comment for  
6 every action item on the agenda. As you listen to the  
7 online video stream, the Chair will call for public  
8 comments.

9           This is the time to call in. The process for  
10 making a comment will be the same each time, beginning by  
11 the telephone number provided on the livestream feed and  
12 following the steps stated. Good afternoon, caller. Could  
13 you please state and spell your name for the record,  
14 please?

15           MS. HUTCHISON: My name is Helen Hutchison. And  
16 that's spelled H-e-l-e-n. And Hutchison is H-u-t-c-h-i-s-  
17 o-n. I'm with the League of Women Voters of California.  
18 So the League of Women Voters of California is one of the  
19 original proponents of the independent redistricting  
20 process in California.

21           We were observers and commenters during the full  
22 2010/2020 cycle, including publishing a report, and people  
23 draw the line. And participating in the number of  
24 litigations with a goal of protecting the independence and  
25 transparency of the redistricting process.



1           We intend to continue to be actively involved  
2 through this current 10-year cycle. The success of this  
3 Commission's work is dependent upon building and sustaining  
4 public trust. That means that your process may not always  
5 be as quick or as efficient as you may like.

6           It also means that you may at times push back  
7 against recommendations by your staff, including your  
8 attorney. Just because the law allows you to keep some  
9 information from the public does not mean that you should.  
10 Providing full and thoughtful reports out in your closed  
11 sessions is part of how you can ensure that the public  
12 trusts you and the outcome of your work.

13           This means that instead of just thinking about  
14 what you have to say, you should be thinking about what is  
15 the maximum amount you can share. In addition, I want to  
16 say that we share the concerns expressed earlier in this  
17 meeting by Lori Shellenberger, of Common Cause, about the  
18 need to be diligent about posting full information on your  
19 website.

20           Just as you as Commissioners need to have  
21 sufficient time to digest information, the public also  
22 needs that time to be able to provide thoughtful commentary  
23 on your proceedings. The public's needs should be as much  
24 a part of your policies as those of you as Commissioners.

25           As you continue to refine your processes and

1 policies, please make sure that you prioritize transparency  
2 and communication that leads to thoughtful public  
3 engagement and trust in the process you are using. Thank  
4 you.

5 CHAIR AKUTAGAWA: Thank you. Jesse, do we have  
6 anyone else in queue?

7 JESSE: There are currently no callers in the  
8 queue, Chair.

9 CHAIR AKUTAGAWA: Okay. Alright. Well then  
10 let's go on. Director Claypool? I'm going to turn this  
11 over to you to report on your org chart.

12 EXECUTIVE DIRECTOR CLAYPOOL: Thank you, Chair.  
13 As I said earlier, this -- the org chart, has everyone had  
14 the opportunity to pull it up? Does everyone have in front  
15 of it? So this is strictly a draft. Again, another  
16 starting point for us. This is the organization that I  
17 have kind of interpreted from what I've listened to, and as  
18 far as the positions that we've taken on.

19 The Executive Director, as I understand it, would  
20 be this individual who would handle a lot of our outreach  
21 and our education. And that's why I've grouped it together  
22 the way it is, as you can see, for Commissioner Anderson.  
23 The manager that's handling the data has a lot to do with  
24 both the statewide database COI project, and also, the  
25 contractor line drawer.

1           When I think of the contractor line drawer, I  
2 think in terms of public meetings. And so, that's if  
3 you're looking for where's the information we're bringing  
4 in from the public? That's just in vision there. The  
5 dotted line between them and the field staff kept the field  
6 staff under the, kind of the deputy administrator, the  
7 business side of it, mainly because the field staff are  
8 individuals who will be in support of your outreach and of  
9 your meetings out there. But they're kind of hard to  
10 manage, sometimes, insofar as how they're traveling and  
11 what materials they need to have with them.

12           And so, just thought it would be easier to  
13 support the Deputy Executive Director by having him or her  
14 tell us what they wish to do. And then, we make sure the  
15 field staff arrive where they're supposed to. Everything  
16 else to the -- under the admin and the legal, the legal  
17 side of it are just functions as we need them to be, for  
18 instance, the budget analyst and a budget assistant,  
19 somebody who handles FI\$Cal. That is not a typo with the  
20 dollar sign in FI\$Cal, that's actually the way they do it.

21           But procurement analyst and IT in-house, IT  
22 person that would be the person that would replace the  
23 temporary person that we discussed earlier. So do you have  
24 any questions? And by the way, I'm willing to rearrange us  
25 any way you wish to have it rearranged, but this is how --

1 this is the organization that I understand that you want,  
2 and the organization that I can make happen.

3 CHAIR AKUTAGAWA: Commissioner Sinay and  
4 Commissioner Kennedy?

5 COMMISSIONER SINAY: I think it might be helpful  
6 for us to maybe go down -- if -- I think we need a  
7 facilitated conversation. If not, we're going to be  
8 jumping around all over the place on this because there's a  
9 lot of information.

10 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

11 COMMISSIONER SINAY: But I did feel that we have  
12 a VRA subcommittee and a line drawing subcommittee. I  
13 don't think we have a COI -- Communities of Interest  
14 Subcommittee. The outreach has been focusing on  
15 communities of interest, so that's kind of -- that's -- you  
16 know, we've taken on looking at Communities of Interest,  
17 but it might -- you might need a separate one.

18 I would put the -- if we do create a Community of  
19 Interest Subcommittee and the Line Drawing Subcommittee, it  
20 should be over to the left with the Outreach and Engagement  
21 Subcommittee feeding into the Deputy Executive Director.

22 I would -- and then, I would pull VRA out from  
23 that box that has so many. And the VRA Subcommittee would  
24 go over with legal. The other thing is, and this isn't  
25 going line-by-line, but I was really surprised to find the

1 line drawer so far down because a line drawer actually  
2 reports to us and works with us directly.

3 I know it may be managed, but it needs to be very  
4 clear that the line drawer listens to only us when it comes  
5 to drawing the lines.

6 EXECUTIVE DIRECTOR CLAYPOOL: So I didn't -- I  
7 actually had kind of worked that through by how it would  
8 occur. So it was more a linear process in my mind, that we  
9 would have the COI project first and the line drawer  
10 second. I can put it up higher, but it all is falling  
11 under the Deputy Executive Director and the Outreach staff,  
12 and I would, in my mind, there's a direct flow from you to  
13 them.

14 So that -- the only reason it's that far down  
15 isn't to minimize the -- what it -- what the function --  
16 it's just to put it in my own linear spacing, that's all.  
17 We can also put the VRA, and certainly the VRA Subcommittee  
18 over.

19 And by the way, we don't have a Legal  
20 Subcommittee yet, so that was a little presumptuous on my  
21 part, but I put it there because I think at some point,  
22 you're going to wish to have that Subcommittee because  
23 they're going -- they -- they're going to be the ones who  
24 are going to work with your Chief Counsel and your outside  
25 counsel initially on any issues that come up regarding

1 litigation and so forth.

2           So it can be called anything you wish to call it,  
3 but at some point you're going to want at least two  
4 Commissioners who can be available for, you know, for quick  
5 conversations regarding any litigation that comes up for  
6 this Commission.

7           CHAIR AKUTAGAWA: Commissioner Sinay?

8           COMMISSIONER SINAY: Yeah, is there anybody else  
9 who wants to say anything right now? I --

10          CHAIR AKUTAGAWA: Commissioner Sinay and then  
11 Commissioner Kennedy.

12          COMMISSIONER SINAY: I think when I -- to me,  
13 this is still drafted in let's repeat 2010 as much as we  
14 can. And we're actually in the world of COVID. And so, I  
15 felt that there was some pieces missing or maybe we needed  
16 a subdocument that actually defines what the  
17 responsibilities are going to be for each of those folks.

18                But outreach, field staff, I think that's all  
19 going to depend. Also, we've been talking about different  
20 models on what we can do out in the field. But maybe I'm  
21 misunderstanding what the field staff is. I just feel like  
22 we're being given -- and then, is the Deputy Administrator  
23 with delegated authority -- it just -- it feels like that  
24 middle place is a huge bureaucracy and a lot of staff.

25                And is that because we're working with the

1 bureaucracy and therefore, we have to create a bureaucracy  
2 to work with the bureaucracy? Because that just feels like  
3 a lot of staff for what we need to get done right now.

4 EXECUTIVE DIRECTOR CLAYPOOL: So, if I could  
5 address that? Yes, we're -- we are -- we're a bureaucratic  
6 institution here and we're all a part of the state. Those  
7 positions that -- and I was going to discuss the positions  
8 that we're looking at so that we can actually make some  
9 hiring decisions next week.

10 But it's envisioned that a lot of these  
11 individuals that are in that group, and it's actually not  
12 that large a number of people for what we're asking them to  
13 do -- take over our website, to start cutting our  
14 contracts, to start making sure that people are getting  
15 paid, keeping track of your money.

16 But it's envisioned that a lot of those people  
17 would be retired annuitants. Retired annuitants, as you  
18 know, from Marian and from Raul are restricted to 960 hours  
19 per year, but we're going to get another 960 for Marian and  
20 for Raul or from any RA on July 1st because it rolls over  
21 on the fiscal year.

22 So in theory, because of where we're at right  
23 now, if we bring these people on, they could provide us a  
24 half a year and a half a year, and then another half a year  
25 the second half. So they could act as full-time employees.

1           They won't always be here. Similar to Marian,  
2 retired annuitants typically come in when there's something  
3 that needs to be done, and then go. So they're very much  
4 more job specific. And the real benefit to having a  
5 retired annuitant is similar to Marian, you get amazing  
6 expertise, but on an hourly basis, and then when the job is  
7 over, they just kind of disappear. We don't have to pay  
8 for benefits or anything else because they remain retired.

9           Or, if I could just jump into this then, for the,  
10 some of the administration positions that we're looking at,  
11 we need to interview people before we can bring them to you  
12 to say this looks like somebody who can get this job for  
13 you, get this job done. And I've asked Raoul to email 11  
14 individuals with extensive state experience in contract and  
15 procurements, to fill two of the positions, and to email  
16 six individuals with state experience and budgets and  
17 accounting to fill two positions; six individuals with  
18 state experience in administrative and clerical positions  
19 to fill three positions, and three individuals with  
20 experience in information technology to fill two positions.

21           So, in this upcoming week, this next week and  
22 hopefully at the end of this week, we're going to take a  
23 look at people based on the information that they have  
24 provided in the state's -- they go online and they say,  
25 "Here's my experience, this is what I can do." And then



1 we're going to meet with them and make sure that their  
2 experience is what they said it is, and then see what kind  
3 of a fit it looks like they would be in our organization.  
4 And then we're going to make a recommendation to you, the  
5 Commission, to hire them, so that we can get these people  
6 on to start filling just the middle part of what we need  
7 done; so that we can start fixing our website. And we can  
8 start getting more time so that we can actually address  
9 your issues while they take care of budgets and procurement  
10 and the things that we need to do, as I said, in the next  
11 two months in order to be able in January.

12           So, that's the process. We can move these boxes  
13 around any way we want but that many people in the  
14 administrative interior is really not that many people.

15           CHAIR AKUTAGAWA: I apologize. Commissioner  
16 Kennedy was actually next before Commissioner Anderson, so  
17 I have Commissioner Kennedy, Anderson and Sadhwani, and  
18 then myself and Commissioner Le Mons.

19           COMMISSIONER KENNEDY: I wanted to have a better  
20 understanding of what the two office techs will be tasked  
21 with, and the Legal Office tech. And part of the reason  
22 I'm asking this is, I see two functions that may need  
23 support, but you may be telling me that that's what these  
24 people are doing. One is just basic support to the  
25 commissioners on the paperwork and so forth, so that that

1 can be off-loaded from Raoul and run smoothly.

2           The other is research support. And I know that  
3 there were interns last time; I'm not seeing interns this  
4 time. I'm wondering what your thoughts are on interns and  
5 just the general question of research support. So, thank  
6 you.

7           EXECUTIVE DIRECTOR CLAYPOOL: If I can just  
8 address that, you're absolutely right; those two techs  
9 would be fulltime employees, whereas these retired  
10 annuitant handling budgets and procurements would be more  
11 specific to the contracts you're cutting, and so forth.  
12 They're really just intelligent hands to move documents  
13 that need to move forward to the state comptroller's office  
14 and so forth.

15           On research, it's kind of a dangerous place for  
16 your staff. And I'm going to go back and say that if you  
17 ask your staff to do research for you, then we would  
18 certainly do research and do it for you. I would almost  
19 say that it would be better to hire a contractor to do  
20 research for you. And I'm saying this because we have very  
21 -- you know, we have proximity to you. And so, there's  
22 always a danger, as occurred in that story I told you a  
23 week ago about the person who sat behind me when I was  
24 about to send a message about Indio having agriculture.  
25 And I didn't send it. The implication is that if we're

1 sending you information, then we are somehow impacting your  
2 decisions. And so, if you want research done, then perhaps  
3 we could hire somebody specifically for that task, but not  
4 have it just be a general office tech person or something  
5 like that. I feel very strongly that we need that clear  
6 delineation between who's giving you information off your  
7 staff, so that nobody can say, you know, "There's that  
8 executive (indiscernible) again trying to push the lines in  
9 Indio."

10 CHAIR AKUTAGAWA: Thank you.

11 EXECUTIVE DIRECTOR CLAYPOOL: Okay, the interns, I  
12 apologize. Last time we used the interns to just as data  
13 input, Commissioner Kennedy. We didn't actually use them  
14 for any type of research.

15 CHAIR AKUTAGAWA: Commissioner Anderson.

16 COMMISSIONER ANDERSON: Thank you. Yeah, I had a  
17 question about, you know, in terms of what was where. But,  
18 I'm sorry, Mr. Claypool, are you going to be actually just  
19 walking through each of these positions? And are we sort  
20 of jumping the gun a bit here in terms of asking questions  
21 about it.

22 EXECUTIVE DIRECTOR CLAYPOOL: Well, I can walk  
23 through them. See, that's the bureaucrat in me; I look at  
24 them, and they all seem self-explanatory. But if you would  
25 like, similar to the office tech question that Commissioner

1 Kennedy had, I can tell you what's envisioned or what I  
2 thought was envisioned with each one of them. Why don't  
3 you ask me about a position and I'll tell you what I think?

4 COMMISSIONER ANDERSON: Well, actually, it would  
5 be because that basic -- you know, in terms of, if you have  
6 a plan, and you just jumped in before you present it,  
7 that's one thing. Second, though, is then yes, in terms  
8 of, I do have issues with -- you know, I see you have IT  
9 under, essentially, administration. But IT needs to be  
10 with the contract line; the three you have way down here --  
11 I agree with Commissioner Sinay, in that the line drawing  
12 person needs to report to the Commission.

13 In terms of the structure of how you put these  
14 things together, I believe the technology has been kind of  
15 dropped down and not brought up and across the board at the  
16 same place; because we are finding in all our  
17 subcommittees, there is a distinct connection, directly at  
18 subcommittee level, not way down at the bottom of the  
19 charts in terms of who is going to go to whom and how --  
20 basically, we want to make sure things flow properly. And  
21 the way it's put together in several different areas here,  
22 I don't see that happening. So, that's why I wanted to  
23 know if you were going to walk it through, or if we are  
24 just supposed to give you ideas of how we'd like things  
25 changed. So, what are those two options?

1 EXECUTIVE DIRECTOR CLAYPOOL: Well, it's probably  
2 going to end up being a hybrid. But I will tell you that  
3 the IT manager you're seeing over in Admin is somebody who  
4 makes sure your computers are running correctly; somebody  
5 that's working on our website, making sure things are  
6 posting up correctly. It's ... that was not my intention to  
7 have that be the IT source for your outreach or anything  
8 else. I would look at the inhouse media staff or your  
9 inhouse outreach staff as a place to lodge somebody for a  
10 more major effort in IT. You're not precluded from having  
11 both.

12 CHAIR AKUTAGAWA: Okay, thank you. So, I just  
13 want to acknowledge Commissioner Sadhwani is next, myself,  
14 then followed by Commissioner La Mons, Turner and  
15 Fernandez. All right, Commissioner Sadhwani?

16 COMMISSIONER SADHWANI: Thank you. I think,  
17 again, it would be helpful to have some background on what  
18 your thoughts are about who all these folks are, what  
19 they're doing, what their roles would be. Since we don't  
20 have that, I do have a number of questions. I think I have  
21 four to five questions. I'll try to lay them all out.

22 The first one: You had mentioned that some of  
23 these jobs, if approved today, that you are planning to  
24 reach out to -- you mentioned 11 people, six people, etc.  
25 Who are these people? Are they meant to be retired

1 annuitants? Is that the process for hiring retired  
2 annuitants? Does the state require posting for these  
3 positions to ensure equity and fairness at all? And so, I  
4 think having a little additional information about your  
5 thought process on that. I can stop there, or I can go  
6 through the other questions that I've flagged. What would  
7 be your preference?

8 EXECUTIVE DIRECTOR CLAYPOOL: I would prefer, at  
9 this point, to just address that. Retired annuitants sign  
10 up on a website and they produce information about where  
11 their location is and then they give their credentials and  
12 they're waiting to be picked up by state agencies who don't  
13 want to take on long-term relationships with employees.  
14 The first person I'm looking at right here has experience  
15 as a information technology analyst, central data center  
16 mainframe analyst, database analyst, information security  
17 analyst, operation support, PC computer support systems  
18 testing, telecommunications and web, internet and intranet  
19 experience. So, that's all within the state, within the  
20 Office of Information Technology.

21 So, this person, if they're still available,  
22 would be someone that we would obviously consider for an IT  
23 position somewhere in it, either maintaining our inhouse  
24 system or they could be moved over into one of these with  
25 the media director or the outreach staff.

1           As far as having to advertise these positions,  
2 remember we talked about the one wonderful gift that this  
3 Commission received was not having to do any of the things  
4 that have to be done in state service as far as  
5 advertising.

6           On the one hand, there won't be the opportunity  
7 to see who's available statewide. On the other hand, we  
8 can hire today; if I suddenly said to you, "I need this  
9 person," we could take a vote and that person would be on  
10 your staff and we would be moving with them. That's huge.  
11 That's probably the biggest thing that was given to this  
12 Commission that's separate from all other commissions in  
13 the state.

14           I didn't --I intentionally just put a very  
15 generic inhouse media staff, outreach staff, because I  
16 don't know how the future deputy executive director or the  
17 media director would like to flesh out their organization.  
18 And I hesitate to do that for them. They need to know who  
19 they're dealing with.

20           Now, I might propose one thing here, and that is,  
21 as we get these staff, I can run them to the Chair and the  
22 Vice Chair, to get their opinion on their qualifications.  
23 Last time we just -- because we were in so much of a time  
24 crunch, I just brought them before the Commission, and they  
25 just said yes, fine, hire them, hire them, and we fleshed

1 out in about two weeks.

2 But this time, we can be more introspective, but  
3 we need to get these people onboard, or a lot of the  
4 problems we've talked about all day today aren't going to  
5 get resolved. We simply need people who can move things  
6 for us, because Raoul is not enough and I'm not enough and  
7 Marian's not enough.

8 I can -- you know, so, that's my answer to your  
9 question. Your next question?

10 COMMISSIONER SADHWANI: I think just as a follow  
11 up, I know you mentioned yourself, Raoul and Marian, but we  
12 have also identified additional retired annuitants in a  
13 previous meeting, that I believe are staying onboard. But,  
14 in any case, the IT manager piece, just my only thought on  
15 that is, recognizing the issues that we have already  
16 encountered, recognizing that we are in the COVID  
17 environment, I think it might be helpful to think about  
18 someone besides the retired annuitants there. I don't  
19 know, I could go either way on that. But this is helpful  
20 to just hear.

21 I think one of my big concerns, when I heard you  
22 saying that you already have 11 individuals, six  
23 individuals, is that these are individuals that you knew.  
24 So, it sounds like there is a process, some process to do  
25 that.



1           Some of my other points: The media director, as  
2 identified, I would just change that to communications  
3 director. That is what we have advertised for and  
4 described.

5           I think I just want to ensure -- this is  
6 obviously a major change from the 2010 organizational  
7 chart, because we do -- we are hoping to have a deputy  
8 executive director and place the -- excuse me,  
9 communications director -- as a charge to that individual.  
10 I just want to clarify that it would still be the  
11 expectation of the Commission, that the communications  
12 director and deputy executive director, would be present at  
13 Commission meetings; that those are hires that we have made  
14 ourselves. And for me, I would want to make sure that  
15 they're there and we can interact with them directly.

16           The outreach and field staff, that to me is still  
17 a little unclear about what we're expecting those folks to  
18 do, or to be. And for field staff, why that would be under  
19 the deputy administrator with delegated authority. That  
20 wasn't entirely clear to me.

21           EXECUTIVE DIRECTOR CLAYPOOL: Can I --?

22           COMMISSIONER SADHWANI: Sure, of course.

23           EXECUTIVE DIRECTOR CLAYPOOL: Field staff. So,  
24 whether you are running full-on public meetings next June,  
25 because COVID is behind us, and now you can be together;

1 or, you are having -- it's difficult for me to envision  
2 that you could have a public meeting anywhere without  
3 having at least an outlet to those individuals who do not  
4 have internet services or whatever; that they could have a  
5 place. If you're doing your regional meetings down in  
6 Southern California, that there would be a place in,  
7 possibly in El Centro, for that region, where a person  
8 could come in and say, "I just want to talk to this  
9 Commission. How do I do it?"

10           If you have a kiosk, you need somebody there to  
11 run it. If you're trying to disseminate information at  
12 that site, you need somebody there. If it's your  
13 videographer, the videographer is going to need somebody to  
14 line the people up and make sure that they get their names,  
15 and that they process -- these are just mainly individuals  
16 who help people facilitate their testimony to you.

17           So, if you ran three different locations, for  
18 that region did, San Diego and El Centro and Temecula, then  
19 you would need at east two field staff in each place. You  
20 need somebody to bring them to the mic and help them and  
21 make sure the interpreters are there, so forth, if they  
22 need interpretation; you need somebody outside, at a  
23 minimum, to make sure that there's spacing socially  
24 distanced and adhering to the rules. And last, this isn't  
25 a field staff member that you'll employ. But in every one

1 of those locations, you're going to need a member, I would  
2 think, of law enforcement. Only because it just -- there  
3 can be some contentious moments amongst people who are  
4 waiting. And so, we saw them last time. I believe you'll  
5 see them this time. That's why we're having poll-wise  
6 voting.

7           Field staff, that's just a placeholder to fill  
8 out with the staff, that you'll need to be in locations  
9 when you decide how you want your meetings to look and how  
10 you want them run.

11           COMMISSIONER SADHWANI: Got it. That's really  
12 helpful, so I appreciate that. I guess, hearing that, I'm  
13 not sure why then, they would be under the deputy  
14 administrator as opposed to the deputy executive director.  
15 But that's something that we can perhaps consider.

16           Regarding the deputy administrator with delegated  
17 authority, what's delegated authority?

18           EXECUTIVE DIRECTOR CLAYPOOL: Delegated authority  
19 is the holy grail of procurement. And we didn't find it  
20 last time, we're hoping to find it this time. Right now,  
21 as your Executive Director, I have delegated authority for  
22 \$100. I can go out and buy anything for \$100 or less, and  
23 then we have to wait for that payment to occur before I get  
24 another \$100.

25           Last time, the way we worked around it was we

1 used personal services contracts for almost everything.  
2 And by the way, in that draft ... in that chart that we  
3 showed you today, the fair and reasonable, the one that I  
4 said I didn't ... that's the new name for personal services  
5 contract. So, we will be amending that so that you know  
6 that that is a personal services contract.

7           So, personal services contracts allow us 10,000  
8 or less. So, we would set up an account with, say, a law  
9 enforcement agency and say we need, for these series of  
10 meetings, we're going to need a person there, a sheriff to  
11 be there, or a police officer to be there. And then we  
12 would draw down on that and then we would cover it that  
13 way.

14           If we get delegated authority, then it changes a  
15 lot of things; it can be 50,000, it can be 100,000. Most  
16 organizations I think have 250. The state auditor probably  
17 has 500. And now we don't have to cut contracts to pay for  
18 police officers; we use our delegated authority to pay for  
19 them.

20           COMMISSIONER SADHWANI: Got it, and that's very  
21 helpful. Thank you. And just in terms of the title given  
22 there, I recall looking at the organizational chart from  
23 2010, but don't have it in front of me. My understanding  
24 in 2010, however -- and please correct me if I'm wrong, was  
25 that this position was simply called administrator and not

1 deputy administrator. So, I'm wondering what the thought  
2 process was and changing it if that is indeed the case.

3 EXECUTIVE DIRECTOR CLAYPOOL: It was actually  
4 referred to as the business manager in 2010. The deputy  
5 position -- we have to have -- under the new rules of  
6 delegated authority, we have to have two people who have  
7 that authority. So, if you look at procurement, the  
8 procurement analyst with delegated authority -- so we need  
9 two people who can look at it and have taken the courses  
10 that are necessary to take in order to be given delegated  
11 authority, and then they look at a contract and they say,  
12 yes, those meet the requirements for payment, and then we  
13 can make that payment.

14 And the deputy administrator was simply to give  
15 is a little bit of heft with the Department of General  
16 Services.

17 COMMISSIONER SADHWANI: To get that delegated  
18 authority?

19 EXECUTIVE DIRECTOR CLAYPOOL: Right.

20 COMMISSIONER SADHWANI: And then, my final  
21 question on this, and I do have one other, is: Can retired  
22 annuitant be a deputy administrator with delegated  
23 authority?

24 EXECUTIVE DIRECTOR CLAYPOOL: Sure. Yeah,  
25 they're an employee. They just have 960 hours. We want to

1 be judicious. Again, our great advantage in the timing of  
2 our process is that if we get an RA today, they'll run  
3 through their 960 by June. And then, on July 1, they get  
4 another 960. They're just about like being a fulltime  
5 employee. But yes, they're an employee and they can have  
6 delegated authority, or they can be part of the delegated  
7 authority process.

8           COMMISSIONER SADHWANI: Can I just ask outright,  
9 is your expectation that Raoul will take on this position?  
10 I see that you've already put Marian on there, and that's  
11 fine, and I think we've had that conversation previously.  
12 But is that the expectation? And I think, along with that,  
13 I don't have a sense of how many hours they have used in  
14 this fiscal year at this point, to understand whether or  
15 not -- you know, what we're working with for the remainder  
16 of this fiscal year.

17           EXECUTIVE DIRECTOR CLAYPOOL: I wouldn't have --  
18 first of all, I think that conversation about who is going  
19 to take positions needs to be held in a different forum.  
20 So, I hesitate to talk about who would be hired for what.  
21 I don't think that position is going to be an RA. I think  
22 we're going to hire for that position. We need a fulltime  
23 person.

24           And here's the -- you know, here's the thing with  
25 fulltime people: If you have them in certain positions,

1 like associate government program analyst or staff service  
2 analyst, those are lower level individuals; they're hourly  
3 workers, your office techs will be hourly workers. You  
4 hire an SSM1 and above, they're management, and they don't  
5 get overtime. Last time, overtime for some of our HPAs and  
6 stuff, they got paid more than our managers because of how  
7 many hours they worked; didn't mean the managers weren't  
8 working the same amount of hours. But the managers, you  
9 get a better level of expertise and you get somebody that  
10 can, you know, you don't have to worry about overtime with.  
11 So, that's ...

12 COMMISSIONER SADHWANI: Perfect. Thank you, this  
13 is very helpful. And my final question, and my apologies  
14 to my colleagues -- I know I've taken the lion's share of  
15 the time here -- the statewide database COI project box  
16 that's here, are there thoughts on -- I guess, what was  
17 your thought process there? Is the expectation that we  
18 would hire someone specifically to coordinate with the  
19 statewide and the COI project, or just kind of a  
20 placeholder to ensure that that role does get filled or ...?

21 EXECUTIVE DIRECTOR CLAYPOOL: And see, again, io  
22 should have -- in places where there are contractors, like  
23 the line drawer and the public input data, the statewide  
24 database COI project actually fulfills two goals for this  
25 Commission: It brings a tool to the community, where they

1 can do iterations and they can submit them, so that's  
2 input, that's -- those are things, if I draw a picture of  
3 where my neighborhood is, and I do it in that database, and  
4 I submit it, that's public testimony on my behalf. It also  
5 fulfills a requirement that the legislature work with you  
6 on a joint project -- and I continue to languish on this --  
7 but essentially, the legislature has a requirement to  
8 provide a public output tool, to the public, to give them -  
9 - to help with outreach and to give them a way to become  
10 involved. And so, this is that tool.

11           Now, we weren't ... we didn't work with them in  
12 coordination, like it says in the act. Cut it looks like  
13 they put the -- like that's what you're doing now. And it  
14 looks like an awfully good tool. I saw both the line  
15 drawer and (indiscernible) statewide database project as  
16 part of -- being managed by the outreach staff. And that's  
17 why I've got them where they're at. And that they would be  
18 overseen by the deputy executive director. And same with  
19 the media project and with the COI data manager. I put the  
20 COI data manager right next to that because of the  
21 interplay that needs to occur between the COI project and  
22 your line drawer, as far as input into the iterations if  
23 you're going to receive for public input.

24           COMMISSIONER SADHWANI: Thank you, that's very  
25 helpful. Just to conclude, I would also just echo the



1 comments of other commissioners, that I think that the  
2 contracted pieces, the line drawer, the external counsel  
3 even, should be moved higher up. We can recognize that  
4 others might supervise them, but ultimately, the Commission  
5 is going to be dealing with them directly from  
6 (indiscernible).

7 CHAIR AKUTAGAWA: Okay, thank you Commissioner  
8 Sadhwani. All right. So, I just want to say, right now I  
9 have myself, Chair Le Mons, Commissioner Turner,  
10 Commissioner Fernandez and Commissioner Vasquez. Maybe at  
11 risk of perhaps making things a little bit more  
12 complicated.

13 First off, I have some clarification questions.  
14 Director Claypool, the roles under the deputy executive  
15 director and also under chief counsel, are those just your  
16 suggestions? And will those roles be subject to  
17 determination by those individuals once they are confirmed  
18 and hired?

19 EXECUTIVE DIRECTOR CLAYPOOL: Yes. So, the chief  
20 legal counsel, last time, along with Marian, who is  
21 penciled in there because we've agreed we'd like her to  
22 stay on. They were the primary intersect with the outside  
23 counsel. Day-to-day questions that we would get from  
24 Gibson Dunn & Crutcher or from Morrison & Foerster, would  
25 roll into them, and they would move them forward to the

1 Legal Subcommittee. And then, as appropriate, they would  
2 be ... they would speak with the full Commission or with the  
3 Chair and the Vice Chair. Because of the Bagley-Keene, and  
4 because things can go sideways pretty fast, it was just, it  
5 was more of a line and staff function, if you will. It's  
6 also your chief council, will be the person who does the  
7 review of the billings that come forward and does the --  
8 typically says yes, these are legitimate billings that I  
9 would expect to see from a law firm like this. And then  
10 your deputy administrator and your budget manager would  
11 look them over and say, okay, then we will pay that bill.

12           On the other side, I just ... this is what I  
13 believe that this Commission was looking for, that the  
14 Outreach and Engagement Subcommittee would have general  
15 overall purview of the educational and outreach effort.  
16 And as far as where the boxes are, I just considered all of  
17 that to be under the line and staff purview of the deputy  
18 executive director.

19           CHAIR AKUTAGAWA: Okay. I think, perhaps just in  
20 light of, I think, some of the earlier comments about being  
21 able to digest the org chart, I'd like to perhaps recommend  
22 that, other than the questions clarifying what the roles  
23 and the positions, you know, questions around retired;  
24 whether we could use retired annuitants, or whether or not  
25 it would have to go to an open recruitment, or if it's

1 using retired annuitants? I'd like to recommend that we  
2 limit any comments around how we would move the pieces  
3 around, at this time, until we give everybody a chance to  
4 digest and review it, and then we revisit this conversation  
5 at next week's meeting. Because I think right now, I feel  
6 like, I think we're all trying to just catch up and  
7 figuring things out at the same time. But I think the  
8 clarification questions about what an office tech means,  
9 can we use an RA -- I think that that makes sense to help  
10 us inform our thinking. But I think maybe for a much more  
11 productive conversation, it would be better if we try to  
12 limit it in that way, and then return back with our  
13 thoughts about how we feel certain positions should be;  
14 where the committees, the line drawers, all that, I think,  
15 you know, very valuable kinds of comments. But I think, to  
16 give everybody a chance to think it through and weigh in  
17 equally, I'd like to suggest and recommend that we do limit  
18 it, and then have a fuller discussion again about the  
19 actual org chart next week. Okay?

20           We won't make a decision just yet, but I just  
21 wanted to mention that. Commissioner Le Mons is next up,  
22 followed by Commissioner Turner, Fernandez and the Vasquez.

23           COMMISSIONER LE MONS: In the spirit, Chair, of  
24 your comments, I actually have a little bit different  
25 recommendation, but I think in that same direction.

1 I like that you've brought this forward, Director  
2 Claypool, to give us some insight into your thinking. What  
3 I'd like to recommend is that we remove the -- for example,  
4 the box under chief counsel -- and this is in the spirit of  
5 focusing what the purpose of the discussion today would be.  
6 And then, follow up with what Chair recommended in terms of  
7 the next steps. But I don't think next week, and I'll say  
8 why.

9 So, we've hired, we have our offer our for chief  
10 counsel. So, I think that person should have the luxury of  
11 deciding what they want in terms of their organization,  
12 with the exception of Marian. Because we -- for the  
13 reasons that we discussed. So, the outside contractor box  
14 would be blackened out, the legal tech box would be  
15 blackened out. The middle section we would leave. I have  
16 a question about the IT manager, just a follow-up question.  
17 The middle section we would leave with the exception of the  
18 field staff, because the description provided related to  
19 the field staff was primarily associated with logistical,  
20 on-the-ground, associated with outreach etc. So, that one  
21 would be blacked out and reserved for a broader discussion  
22 with the deputy executive director and executive director  
23 when the deputy executive director builds his or her  
24 organization with the direction that we've given.

25 So, that means that all of the boxes below the

1 deputy executive director would be removed. And the only  
2 box that would remain on that side would be the  
3 communications director; meaning the media director changed  
4 to a communications director, and those boxes below  
5 removed, or blacked out. That gives the communications  
6 director the opportunity to build their organization, come  
7 to us, have -- you know, of course, talk with Executive  
8 Director Claypool about his ideas and vision. And then we  
9 give them the privilege of presenting the organization they  
10 would like to build, to us.

11           And that the focus of this discussion -- where  
12 the subcommittees go is neither here not here -- I mean, I  
13 don't mean it in that way, but we control that. So, I  
14 mean, we can move those where we want to move them to.

15           And for the purpose of today's discussion, we  
16 focus our discussion on that middle section, because that's  
17 the arm that I think that Director Claypool needs to get  
18 operationalized and let's have our questions be focused  
19 there. And we would repeat this process with the legal  
20 counsel when they're on board, about their organization,  
21 and the Deputy Executive Director, when they're on board,  
22 about their organization; just repeat the process. And I  
23 think that way, we can stay focused. The deputy executive  
24 director will have had a chance to meet with us, have some  
25 direction as to what's important to us in that area; work

1 with the Outreach Subcommittee -- I think I'm calling it  
2 probably wrong; I think they're called something else --  
3 but Commissioner Sinay and company, Vasquez, etc.

4           So, that's what I'd like to propose as  
5 consideration for a way to proceed with this conversation,  
6 to bite it off a piece at a time, to be able to be  
7 thoughtful, intentional about it, and to respect the  
8 positions that we have hired directly, to give them the  
9 opportunity to bring their thoughts and ideas to us as  
10 well.

11           And the question I have for Director Claypool  
12 about the IT manager in house; I did get that that's not  
13 comprehensive, meaning the IT needs it will have on the  
14 communications side, is not necessarily what you're talking  
15 about there. But when we -- if, you know, my fellow  
16 commissioners are open to this process -- I think we can  
17 talk more in detail about that function, so you don't have  
18 to answer a follow-up question on that right now.

19           CHAIR AKUTAGAWA: Thank you Commissioner Le Mons.  
20 Commissioner Turner next.

21           COMMISSIONER TURNER: Thank you, Madame Chair.  
22 What would be helpful for me -- and I can support the  
23 proposals that are on the table -- but what would be  
24 helpful for me is that ... Mr. Claypool, your initial  
25 statement of this was, what you gathered from meetings and

1 what you believe, I really would appreciate having you  
2 explain the org chart and your intent of what is there,  
3 before we look at moving things, adding things, or etc.  
4 And even if that is, in light of the latest proposal, done  
5 just for that center section, I feel that we still jumped  
6 around and I did not get an opportunity to see the  
7 continuity of the flow based on what you were proposing, to  
8 begin with. And so, I would really like to have  
9 understanding of how you saw it; what was the thought  
10 process of why you put it on the chart in the way that you  
11 did, and understanding where you're coming from, that would  
12 also then help me either be in agreement or have some  
13 additional thoughts based on what we may need to do. And  
14 so, that could be either for the full chart or it can be  
15 just for that center section that Commissioner Le Mons  
16 talked about.

17           But I think we still -- we mentioned not jumping  
18 around, but I think we ultimately still ended up jumping  
19 around, as opposed to gaining understanding first. And so,  
20 that would be my request.

21           CHAIR AKUTAGAWA: Director Claypool, before you  
22 answer her question, can we just hold off on your response  
23 to her? I think I'd like to hear from Commissioner  
24 Fernandez and Vasquez, and then perhaps we can come back to  
25 you to give us the big picture that I think I hear

1 Commissioner Turner asking us, to hear from you.

2           COMMISSIONER FERNANDEZ: I do agree that the  
3 middle section is really what we need to concentrate on. I  
4 don't mind having the boxes on either side, because at  
5 least that gives everyone kind of like a global of there's  
6 more to come instead of having nothing. And I'm not  
7 talking for us specifically, it's more for the public.

8           And I did -- in terms of the field staff, I  
9 guess, personally, in my opinion, I think it is in the  
10 appropriate area, only because this area, if my  
11 understanding is correct, is that it's going to be like the  
12 organizer potentially contracting, in terms of if we do  
13 eventually have public input meetings. So, it's going to  
14 be more like the contracting, finding lodging, working with  
15 the videographer. So, it's more than what the ... and it  
16 would be a lot for the deputy executive director. In my  
17 opinion, it would be a lot for that position to take on.

18           So, I do see why it would be in the middle,  
19 because I consider that more of like an administrative type  
20 function. The deputy executive director would tell them,  
21 "Hey, this is where we're going to go," and they have to go  
22 make it happen. So, they would work with the deputy  
23 administrator.

24           So, that's kind of my thinking on that piece of  
25 it. And then, I think as Commissioner Sinay mentioned



1 something about a COI, which is a Community of Interest  
2 Subcommittee, but we already have that. We have  
3 Commissioners Kennedy and Akutagawa that are on that  
4 Subcommittee.

5           But I think, I mean, I do agree, we do really  
6 need to concentrate on that middle piece right now, and  
7 maybe not ... what I would have preferred from the beginning  
8 was maybe go position by position to tell us, is it  
9 fulltime, part time? Is it RA? Just so we kind of get an  
10 idea. And then, like brief what we envision those duties  
11 or those responsibilities. Because it's hard to just get  
12 an org chart and try to guess what those positions are  
13 going to do. So, that would have been better, instead of  
14 everybody asking separate questions. So, that's my two  
15 cents worth.

16           CHAIR AKUTAGAWA: Thank you, Commissioner  
17 Fernandez. Commissioner Vasquez?

18           COMMISSIONER VASQUEZ: Yes, I'd like to focus on  
19 the centerpiece. And my question, actually, I'll hold  
20 until after a more thorough presentation on the middle  
21 section from Director Claypool, because I have a big  
22 question that may change things.

23           CHAIR AKUTAGAWA: Okay. I think what I'm hearing  
24 -- so, let me just recap what I'm hearing. We will focus -  
25 - and so, Director Claypool, if you could just -- and I

1 just want to make sure, Commissioner Turner, if we could  
2 just -- are you okay if we just have him focus on just the  
3 middle section, given the other discussion about letting  
4 the deputy executive director and the legal counsel, chief  
5 legal counsel, hire their own staff?

6 COMMISSIONER TURNER: (indiscernible/overlap)

7 CHAIR AKUTAGAWA: Okay. So, Director Claypool,  
8 if you could focus on those roles in the middle section.  
9 And I think what I also heard, and I think it was a great  
10 suggestion by Commissioner Fernandez, if you could also  
11 note fulltime, part time, retired annuitant, I think that  
12 that's also something that was of interest. Perhaps that -  
13 - would also be helpful is, on any of those, will you need  
14 to go out for a public recruitment, or are all of those  
15 going to be, like you said, because of the way it was  
16 positioned for us, you have a lot more flexibility to  
17 quickly hire.

18 EXECUTIVE DIRECTOR CLAYPOOL: Certainly.  
19 Starting at the top, deputy administrator with delegated  
20 authority; we have options there. We could exercise an  
21 option for an individual, or we could go out for a  
22 recruitment in that position. It is a fulltime position,  
23 and I see that as being somebody who is hired as a fulltime  
24 employee.

25 The office techs are really free floating. I

1 have them reporting to the deputy administrator. They  
2 would be fulltime positions, either at ... there is,  
3 actually, a position called office tech, but in order to  
4 get somebody to work here for 19 months, I would look at  
5 them to be like a staff service analyst position, or even  
6 an associate government program analyst position, AGPA.  
7 Those are ... when you have a short-term project like this,  
8 and you're bringing people in and you pay them a little bit  
9 more, you get better expertise, and it also pays for the,  
10 kind of the headache of having to then go back to their old  
11 departments, and having lost a little bit of seniority  
12 while they were gone.

13           So, those two positions, I see as kind of hands-  
14 on positions; people who just are always around to answer  
15 phones, to help with the outreach staff if they need to do  
16 Xerox or take something to ... if there's something that has  
17 to be ... a large printing that has to go to the UPS store,  
18 something like that. They can jump in a car and take off  
19 and do those things.

20           Because people also ... we had a similar position  
21 like that last time; that person ended up driving around  
22 all over the place trying to deliver things when we needed  
23 them delivered for certain meetings and so forth. So,  
24 they're just really general people to help with this  
25 process and help out. They will be - if we have them

1 fulltime, they will be employed fulltime. They will very  
2 rarely have any down time.

3           We go over, we've already discussed field staff.  
4 Budget analyst and, I've got DGS and DOF. And right now,  
5 that's where we're one of your temporary RAs is. You had  
6 discussed about having -- I had understood that Cynthia  
7 Dines was kind of a temporary contract, as we fleshed out  
8 that position. I would certainly, if she were available to  
9 do that position fulltime, that would be an optimum hire,  
10 because we don't have go out looking for that person; we've  
11 already got them in that spot. But whoever is there is  
12 going to have to, initially, give us a lot of hours to get  
13 everything up and running as far as your budgets go.

14           Below that, a budget assistant. You see I have  
15 AGPA; that's an associate government program analyst. And  
16 that person is just somebody who helps that person do the  
17 budgeting, and can also be available to help with picking  
18 up the telephone, answering commissioner telephone calls or  
19 issues. No one -- everyone in this type of a -- in my  
20 mind, here -- is helping with everything. When somebody  
21 needs help, you know, I will be -- last time and this time,  
22 if somebody -- you know, if the phone rings, I'm going to  
23 pick it up. I'm not going to wait for somebody who is not  
24 around or who is doing something else. That isn't that  
25 many staff.

1           So, the budget analyst, our budget assistant  
2 helps the budget analyst.

3           The next one across is the budget input analyst.  
4 And what's the difference? One person, that budget  
5 analyst, for DGS and DOF, they're going to also start, very  
6 quickly to put together your budget for next year. Now,  
7 I've heard people say, well, we have money in the bank with  
8 UF and all we have to is request it. That's true. You  
9 have, probably, I'm thinking, a 1.4 operational; you have  
10 2.1 outreach. There should be about another three million  
11 over there that's just sitting, waiting for you to identify  
12 a need for it.

13           But I think we need to understand that you may  
14 very well exceed the 11.3 total. And in actuality, you  
15 will. So, we need to start recognizing that and billing  
16 that budget so that we can make a request to the  
17 legislature for additional moneys not being held for you  
18 right now. We have to get that in. That budget cycle has  
19 already cycled. So, we're actually here in October -- late  
20 for the Department of Finance's standard budget cycle. So,  
21 that person is going to do that.

22           The budget input person, the FISCal person,  
23 that's the person who's putting in your requests for  
24 payment, your TECs and so forth. And that's a fulltime  
25 job; tracking to make sure that you're getting paid, you

1 know, trying to find out what the problem is if you're not.  
2 Also, you know, putting in information regarding your  
3 procurements. So, that's a fulltime position. We can do  
4 it -- again, we can do it with a retired annuitant, or you  
5 could hire for it; much cheaper to do it with a retired  
6 annuitant, and much better for the state in the long run.  
7 And right now, you have Patrick McGuire, who was with the  
8 former Commissioner in there. Again, I'm think that if Mr.  
9 McGuire can do it, and can give us the time he needs, then  
10 we would keep him there.

11           Next to that is procurement analyst with  
12 delegated authority; we already discussed that. It's  
13 procurement, lots of contracts going out, lots of working  
14 on the telephone with the Procurement Department at DGS,  
15 finding out, you know, have things move forward to the  
16 Office of Legal Services; do they have Department of  
17 Finance approval yet? That's that position.

18           And then you have an assistant analyst and  
19 contract oversight. Basically, this is somebody who just  
20 helps with the procurement process. But once it's in, kind  
21 of in the hopper, if you will, they keep track of it so  
22 that your procurement analyst with delegated authority can  
23 move onto the next major project for you.

24           IT inhouse manager, we've discussed. And I --  
25 you know, however the -- I fully appreciate, by the way,

1 now that I've discussed that, that we want to give the  
2 Deputy Executive Director and the Chief Counsel a chance to  
3 flesh out their operation. I never intended to put anybody  
4 in those boxes. I just, as Commissioner Fernandez said, I  
5 just intended to make sure that we understood that you're  
6 going to draw more staff there, and probably far more staff  
7 in those two sides, than you will have in the middle, when  
8 it's all over. But staff can come on, staff can go off.

9 So, have I been clear enough or ...? Okay.

10 CHAIR AKUTAGAWA: Thank you, Director Claypool.  
11 I see Commissioner Vasquez ... Commissioner Vasquez?

12 COMMISSIONER VASQUEZ: Thank you for that  
13 presentation; super helpful for my understanding in your  
14 thought process. I'd like you to go a bit more into the  
15 thinking behind preserving the position that's now labeled  
16 Deputy Administrator, whom I understand, was a budget  
17 manager or administrator. Anyway, this is a (SOUND GOES  
18 OUT)

19 EXECUTIVE DIRECTOR CLAYPOOL: You think we froze?

20 CHAIR AKUTAGAWA: Okay. I wasn't sure if it was  
21 me or if it was on her end. Commissioner Vasquez, you're  
22 freezing up. We didn't hear pretty much all of what you  
23 just said.

24 COMMISSIONER VASQUEZ: I'm going to turn off my  
25 video. Hopefully, that will help. So, I would like to

1 understand more about your thinking around this deputy  
2 administrator position. Coming from the nonprofit world,  
3 where we do more with a lot less, this does seem like a  
4 huge operation. And understanding we have a whole  
5 bureaucracy with which to interact and need particular  
6 expertise around that.

7           This Commission has chosen to hire for a deputy  
8 executive director to lead a lot of the external work and  
9 community outreach; something, again, that I understand was  
10 directly under your purview. So, for me, given that a big  
11 bulk of the work from last year is being placed in another  
12 position's shop, so to speak, I'm not entirely convinced  
13 that this layer of management in the administration is  
14 particularly necessary. I can be convinced, so, would very  
15 much like your -- just more thought around that position in  
16 particular.

17           EXECUTIVE DIRECTOR CLAYPOOL: Okay. So, last  
18 time, I was a business manager. Last time we had a hard  
19 time getting, kind of getting people's attention with the  
20 title business manager. So, we gave it this deputy  
21 administrator with delegated authority, so that we could  
22 kind of compete at the title level, if you will. It helps.  
23 Every little thing helps.

24           I don't have the expertise that, say, Raoul has,  
25 when it comes to getting into the weeds of procurements, or



1 dealing with a procurement analyst. I can sit with a  
2 procurement analyst and say, "Hey, you know, what ...," and I  
3 used Raoul, by the way, because last time he was a business  
4 manager. But I can sit with the procurement specialists  
5 and go through the contract and go, "Are you sure that  
6 we're getting what we're supposed to be getting here" --  
7 that we have enough safeguards on this money, and so forth,  
8 to get where we need to go.

9           But I don't know the rules inside and out for  
10 procurement. Nor do I know what really has to -- FISCal is  
11 kind of an arcane area in itself. I know what FISCal is.  
12 I couldn't begin to tell you how to input data into it.

13           Budget analyst, I've done -- that's probably  
14 where I have the strongest amount of expertise. I wrote  
15 the budget change proposals last time; had them returned  
16 quite a bit by DOF, and kept sending them back in after I  
17 made changes, had them returned and on and on.

18           This time, in order for us to have a more  
19 seamless transaction with the state, I think these are  
20 positions that you need, and I need somebody who can call  
21 over to the Department of General Services and talk general  
22 service-ese, if you will, with them when that conversation  
23 is happening, no matter who that person is.

24           As far as the deputy executive director, they're  
25 not going to have time for this, nor are you intending for

1 that individual to be involved in this. What you've put  
2 under the deputy director, executive director, is a huge  
3 load. That's one of the reasons why I wanted to pull all  
4 field staff from that, because Commissioner Fernandez is  
5 right -- you know, we just need to deal with the things  
6 that are in the weeds.

7           And then, my job after that, is to work with all  
8 of these entities to make sure that they're getting what  
9 they need to get the job done, particularly -- well,  
10 actually, there's no particularly. Your chief counsel,  
11 when it comes to litigation, is going to need all the help  
12 that that person can get to work with the outside counsel  
13 and to make sure that the contracts are being ... that the  
14 contracts are ... we're getting what we're supposed to get in  
15 deliverables. And your deputy executive director are going  
16 to need these people to make sure that we're getting the  
17 deliverables from the line drawer that we're supposed to be  
18 getting. And if we do, in fact, end up with a contractor  
19 for input and data mining, that we're getting those  
20 deliverables.

21           It's just ... like I said, may seem like a lot of  
22 people, but the State Auditor has about twice that many to  
23 handle 170 people. And they don't have the contracts or  
24 the need for speed that we have right now.

25           I don't know if that convinced you but that's why

1 I think you need that position.

2 COMMISSIONER VASQUEZ: The thinking was helpful.

3 Thank you.

4 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

5 COMMISSIONER ANDERSON: Thank you very much for  
6 this description, it really helps. Just one thought,  
7 because we are specifically about this procurement and  
8 stuff -- now, my understanding is that Legal Counsel is  
9 also going to be -- every procurement contract, everything  
10 like that, that's Legal Counsel's having ... it is also  
11 involved in this; it's not just a ... you know, we'll be  
12 reviewing all contracts.

13 EXECUTIVE DIRECTOR CLAYPOOL: No, Commissioner  
14 Anderson. Office of Legal Services at Department of  
15 General Services will. But there's really no need to have  
16 legal counsel looking over our contracts. It's going to  
17 run up through the Contract Division. They're going to run  
18 it at BGS, the Procurement Division, and they're going to  
19 run it through the Office of Legal Services. You get free  
20 legal services -- this is not an area that your chief  
21 counsel -- that I know of any chief counsel, will get  
22 involved in, anywhere in this state. Just, it's ...

23 MS. JOHNSON: (indiscernible/inaudible)

24 EXECUTIVE DIRECTOR CLAYPOOL: Well, okay, so,  
25 outside counsel. Marian said outside counsel might have to

1 get involved with it because they'll have to be looking at  
2 their contracts; also, have to be honoring our contract.  
3 But no, there's ... I mean, we could certainly ask your chief  
4 counsel to look it over, but it's not a typical occurrence,  
5 given the layers of review we're already going through.

6 COMMISSIONER ANDERSON: I mean, in terms of the  
7 costs where we -- do we necessarily need to have all these  
8 reviews in terms of minimize -- you know, we want to reduce  
9 the amount of time when, from the time we produce something  
10 to when it goes through. So, having it all smooth and our  
11 eyes crossed -- you know, the I's dotted and the T's  
12 crossed -- I thought it was going to be Chief Counsel would  
13 also have a connection in that. But we can discuss that  
14 when we move to the ... when we have a hire and we move to  
15 that item.

16 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

17 CHAIR AKUTAGAWA: Commissioner Yee?

18 COMMISSIONER YEE: Yes, thank you, Director  
19 Claypool for this starting point and for all the thought  
20 you've put into it. I'm wondering about location, and just  
21 your thinking in terms of remote versus Sacramento-based  
22 positions here and you know, how far you've gotten with  
23 that thinking, and as you recruit people, how you're going  
24 to approach that?

25 EXECUTIVE DIRECTOR CLAYPOOL: We had talked a

1 little bit about -- or actually, there had been a  
2 discussion earlier. We -- I shouldn't include myself; I  
3 wasn't working for you then. But you had talked about  
4 having people from other parts of the state that could do  
5 parts of these jobs.

6           With the Chief Counsel and outside counsel --  
7 certainly outside counsel last time came from Los Angeles  
8 and San Francisco -- the other jobs, the media directors,  
9 those are things that are going all the way across the  
10 state.

11           With this center portion, budget analysts and so  
12 forth, these are people who have to pick up the phone and  
13 talk to somebody right now. Now, you could do that. You  
14 could do a Zoom call from San Diego or from Long Beach, and  
15 have that conversation. The only requirement is that that  
16 person be very current in how state government works and  
17 have some recent contacts with the people that they're  
18 talking to.

19           The people that we've selected in these retired  
20 annuitants, and the people that would answer an open add.  
21 If you were to say we want a procurement analyst and that  
22 person is going to have to do delegated authority, and  
23 they're going to work with this Commission out of  
24 Sacramento, most of your people are going to come from  
25 Sacramento. These are very Sacramento positions. It's a

1 very small community, procurement and working with DGS,  
2 working with the Department of Finance. I'd be open to  
3 anyone from anywhere that could get this job done, that I  
4 am almost 100 percent certain that the people that you are  
5 going to find that are going to be willing to come in here  
6 and work, either here or from their homes, will be within  
7 50 miles of this location. So, I'm open to it, but I'm  
8 just not sure how feasible that's going to be.

9           COMMISSIONER YEE: Thank you. Just to follow up,  
10 can you also update us on the status of the office space  
11 that we have there in the Department of Rehab, and just --  
12 I mean, it's a great space and it could fit all these  
13 people easily if they ... but what is the status of that?  
14 And what is our ... now and in the future?

15           EXECUTIVE DIRECTOR CLAYPOOL: This was your  
16 second biggest guest out of the act. This space is  
17 provided to you by the Governor. And so, it doesn't come  
18 out of your budget. They started to take it out of your  
19 budget but Raoul reminded them that the governor is  
20 required to provide space. And so, they acquiesced. So,  
21 this is free space. We have two large spaces. Actually,  
22 well, we have a semi-large space next to us. It's a office  
23 with four cubicles and a little break room, that we  
24 envisioned would be for the chief legal counsel, because  
25 the chief legal counsel has a requirement to be able to

1 lock their office. And also, their offices, because they  
2 have sensitive data in them, including anything that deals  
3 with personnel. And then we have this very large space  
4 here. We have a great space for storage, we have a great  
5 space where we have two or three big spaces where we can  
6 store the things that might have gone out with the field  
7 staff, might still go out with the field staff. And then  
8 two regular offices, and about 15 or 18 cubicles. So, we  
9 have plenty of space to maintain the kind of staff that we  
10 might have when this is running full speed.

11           But remember something I said, the RAs that I'm  
12 envisioning for the budget analyst and the procurement  
13 positions and the FISCal, a lot of them will choose to work  
14 from home, because they live in Sacramento, but they know  
15 the people they're dealing with. So, we won't have them in  
16 on a regular basis. And we will be able to roll people on  
17 and off as we have a greater or lesser need for them. So,  
18 your outreach staff will go great guns until your maps are  
19 in, and then we don't need outreach staff anymore. Maybe  
20 just a little less, and we can roll those people off. At  
21 that point, your main mission will be litigation and  
22 whoseever suing you.

23           So, there's a lot of flexibility in this. And I  
24 would say that when you look at this type of an  
25 organizational chart, just remember that it's, your mission

1 comes up, goes really full speed, and it goes back down and  
2 people will rise and fall with it. And that's what  
3 happened last time.

4 COMMISSIONER YEE: Thank you.

5 CHAIR AKUTAGAWA: Thank you. Are there any other  
6 questions or comments at this time? As you're thinking --  
7 oh, okay, Commissioner Ahmad?

8 COMMISSIONER AHMAD: Just a minor recommendation  
9 for the org chart, to include at the very top above us,  
10 people of California, since we report to them.

11 EXECUTIVE DIRECTOR CLAYPOOL: Certainly.

12 CHAIR AKUTAGAWA: Very nice. And I guess maybe,  
13 on that note, I will also make another maybe visual  
14 suggestion. Perhaps it may be helpful if the contractors  
15 versus the subcommittee of the Commission could be in  
16 different colors, so at a glance it's a little bit more  
17 easier to discern which ones are employees and which ones  
18 are contracted positions and which ones are  
19 (indiscernible/sound drops). And they also make some of  
20 the -- what I believe will be some of the moving around  
21 next week a little bit easier to visualize.

22 Christian, I just want to check with you. What  
23 is -- at what time -- I think we're coming up on a break  
24 some time in the next, I think, ten to 15 minutes or so.  
25 Am I correct?



1 CHRISTIAN: Ninety minutes is 3:07, Chair.

2 CHAIR AKUTAGAWA: Three O seven, okay. I just  
3 want to make sure that I don't blow past it. Okay. How  
4 about this, we have roughly about ten minutes.  
5 Commissioner Sadhwani, I see that you had your hand up. Go  
6 ahead.

7 COMMISSIONER SADHWANI: Very briefly, we keep  
8 assuming that the area counsel will be outside counsel. It  
9 is also entirely possible that we could simply hire someone  
10 and they could be a staff member -- just to put that on our  
11 radar.

12 CHAIR AKUTAGAWA: Okay, thank you. Commissioner  
13 Le Mons?

14 COMMISSIONER LE MONS: Yes, I just wanted to  
15 clarify, Chair, whether there was an -- I know we're  
16 talking about continuing the conversation at some point in  
17 the next meeting, but not -- if there is, indeed, an action  
18 that needs to be taken today to clarify what that action  
19 is. And when we open for public comment, if we could  
20 direct the public to narrow their discussion to the section  
21 of the chart that we discussed, that would be preferable,  
22 since we suggested that we only wanted to really focus  
23 there today.

24 CHAIR AKUTAGAWA: Yes, thank you. And I believe,  
25 because we are --

1           COMMISSIONER LE MONS: I'm sorry, I just wanted  
2 to say one more thing. I apologize. I think the spirit of  
3 that is that even when we were discussing the potential --  
4 our hires and going through the interview processes with  
5 our executive deputy director, as well as our chief counsel  
6 and our communications director, is we really want it --  
7 fresh ideas' we wanted them to have the opportunity to  
8 design their organization. And I want to say to Director  
9 Claypool, that when you were describing your first round  
10 out of describing, that wasn't missed on me; I heard you  
11 say that you had laid this out. However, you were fully  
12 committed to them bringing their own organization; which is  
13 why I really want to recommend that we not get in the weeds  
14 of that. Because if you're -- I hate -- personally, I'm  
15 very biased against this idea of allowing someone else to  
16 establish what they want, but then you do all the framing  
17 and then invite them to the table. So, when I made that  
18 recommendation of blacking those things out, that's his  
19 point of view, and that's great, and we got a glimpse into  
20 it. But I don't think that we should have our ... those  
21 roles that we discussed, the hire-level roles, start from  
22 that place. Because, remember, I said we're a creative  
23 bunch, and we want to give them the opportunity to bring  
24 their creativity to us, based on the frame we give them.  
25 And then we'll plug it into this organizational chart as we

1 move forward. Thank you.

2 CHAIR AKUTAGAWA: Thank you. I think two things:  
3 One Commissioner Le Mons, I hear what you're saying. I do  
4 believe that Director Claypool is looking to try to start  
5 the hiring process, or the recruitment process sooner  
6 rather than later. So, I think we will need to come to  
7 some agreement about what the middle part of the org chart  
8 is.

9 Additionally, I'd like to ask Director Claypool a  
10 question for clarification. In terms of the data manager  
11 and also the contractor for the, what you titled public  
12 input and data mining, I believe that is what I would ... I  
13 would recommend renaming to perhaps a data analytics  
14 consultant or contractor. And if there is a separate data  
15 analytics manager working with the contractor, I would  
16 recommend that that also be pulled in under you as well  
17 too, in terms of it is a, what I would call ... it does  
18 impact outreach. But I think the data analytics, given  
19 many of the other responsibilities that the deputy  
20 executive director would have, I think in terms of the --  
21 that's what I would call a portion of the IT information  
22 systems that could fall under your purview in this  
23 particular case. I welcome any other perspectives on that,  
24 but I do want to ask, is that what was the intent? Is that  
25 what you had in mind when you put that there? Is that the

1 data analytics person?

2 EXECUTIVE DIRECTOR CLAYPOOL: It is. And the  
3 reason I put it where it's at is because there's so much --  
4 there's going to be so much interplay between your line  
5 drawer, the COI project, your public meetings. I mean it's  
6 ... information is going to go in and that data analytics is  
7 going to have to store it and bring it back to you. And  
8 so, in my mind if ... I'll tell you, I said, if I were the  
9 deputy executive director, what would I want? And I said  
10 to myself, I would want control. I'd want control over the  
11 information as it was flowing, I'd want to know where it  
12 was going, and I would want to know how it was being  
13 stored, and I would want to know how it was going to be  
14 presented back to this Commission. That's why I put it  
15 there.

16 I have to say that I'm not going to be working in  
17 a vacuum, and neither is the individual who is deputy  
18 executive director. We're going to be working really  
19 closely together. If you wanted it underneath me  
20 personally, or underneath the admin, wherever you want it,  
21 you know, I would be happy to take responsibility for it,  
22 but I'm going to -- in this regard, if I were controlling  
23 that part, I would subjugate myself to the deputy executive  
24 director. I'd make sure that that individual knew, this is  
25 what we're getting in -- you know, are you happy with what

1 we're trying to get out. I see this is almost a lesser  
2 role to the ... a subpart to the outreach, not necessarily on  
3 par with it. It's just -- to me, the hard work is in the  
4 outreach, but we have to make sure that you get a usable  
5 product.

6                   CHAIR AKUTAGAWA: I'll withdraw my proposal  
7 to move it under you. But I think this is perhaps a  
8 discussion that we should have as part of the fuller  
9 discussion of the entire org chart next week. Given also,  
10 Commissioner Sinay's comment that the line drawer should be  
11 reporting directly to the Commission, I also believe that  
12 this data analytics contractor, and also maybe the manager  
13 is also hand-in-hand with the line drawer. It's not just -  
14 - I don't see it as just outreach. There is a wealth of  
15 data that I think we're going to be using that's going to  
16 cut across many of the organizational levels. And I think  
17 it's not -- I think I'd be concerned if it was just labeled  
18 as outreach information, and I think it's much more than  
19 that.

20                   With that said, I see Commissioner Sinay and then  
21 Commissioner Le Mons.

22                   COMMISSIONER SINAY: I would like to ask that we  
23 do not restrict where the public comments are coming from  
24 -- where the public would like to discuss when it comes to  
25 organizational chart, because some of our best thinking has

1 come when we've been talking outside of staff and us 14.  
2 And I think that they would -- that if they -- if someone  
3 in the public has some thoughts on this organizational  
4 chart, and obviously they did because they called in  
5 earlier, that we allow ourselves to hear -- allow them to  
6 speak and for us to hear the bigger picture, because that's  
7 part of the creative process.

8 CHAIR AKUTAGAWA: Commissioner Le Mons?

9 COMMISSIONER LE MONS: I disagree. I don't feel  
10 like focus a discussion is to prevent anybody from speaking  
11 on anything. We're not not talking about the rest of the  
12 chart. We are going to talk about the rest of the chart.  
13 We are in the middle of the hires. I keep hearing that  
14 we're going to have this broader discussion about the org  
15 chart next week. And when are we going to have our staff  
16 onboard? It's like when are we going to incorporate the  
17 Executive Deputy Director in the conversation? When are we  
18 going to incorporate the chief legal counsel into the  
19 conversation?

20 I mean, I think that having the people who are  
21 going to be driving this for us hear from us what we want  
22 is important for them to be able to bring forwards to us.  
23 But to spend -- there's so much stuff that we have to do in  
24 terms of focusing our time, I just hope that we can be a  
25 little bit more judicious about how we focus our time.

1           The public is welcome to speak about whatever  
2 they want to speak about. The request was to ask them to  
3 focus their comments on the part that we want to take  
4 action on because we are -- what I thought my  
5 recommendation was is that we're waiting to deal with these  
6 other parts of the organization when we have our leadership  
7 in place.

8           So I just really wanted to reemphasize that. It  
9 isn't to -- and I hope that the public -- this is -- you  
10 know, the public is listening -- we have reinforced -- and  
11 always hold us accountable that our behavior is in line  
12 with our commitment and with what we have reinforced  
13 philosophically. And please not jump to the thought that  
14 anytime we make a decision that is in the spirit of  
15 focusing or asking for a particular frame of input that we  
16 are trying to not be open, we're trying to not be  
17 transparent. That is our commitment.

18           And if you feel like we're making decisions that  
19 doesn't align with that, certainly we want to hear about  
20 it. I want to hear about it. But I don't think that we  
21 should feel like we can't do certain things or focus  
22 conversation in a way that's going to be useful to moving  
23 things forward for fear that somebody's assuming that we're  
24 doing something else.

25           So I just hope that that is not the knee-jerk

1 reaction from everybody listening that that's what's  
2 happening. Aside to that, speak on whatever you want to  
3 speak on.

4 CHAIR AKUTAGAWA: Okay. With that said, we are  
5 at the break time. I think on that note what I'd like to  
6 do is for us to take our 15-minute break. When we return,  
7 I'd like to take public comment on any part of the org  
8 chart. And I think when we come back, hopefully we will  
9 also be able to take action on Director Claypool's request  
10 for the middle section of the org chart so that he can  
11 start his hiring sooner rather than later. Is that okay?  
12 Okay, 15 minutes. I think that'll be at the 23 mark.

13 (Recess taken.)

14 CHAIR AKUTAGAWA: Thank you. Welcome back,  
15 everyone. I would like to -- all right, everybody is on.  
16 Okay. I promised before we went on break that we would  
17 take public comment on the discussion that we been having  
18 around the org chart, and I think this is as good of a time  
19 as any just to allow people time to call in. Jesse, would  
20 you please read off the instructions?

21 THE MODERATOR: In order to maximize transparency  
22 and public participation in our process, the Commissioners  
23 will be taking public comment during their meeting by  
24 phone. There will be opportunities to address the  
25 Commissioners regarding the items on the agenda. There



1 will also be opportunities for the public to submit general  
2 comments about items not on the agenda.

3           Please note that the Commission is not able to  
4 comment or discuss items not on the agenda. The Commission  
5 will advise the viewing audience when it is time to submit  
6 public comment. But Commissioners will then allow time for  
7 those who wish to comment to dial in.

8           To call in on your phone, dial the telephone  
9 number provided on the livestream feed. When prompted,  
10 enter the meeting ID number provided in the livestream feed  
11 using your dial pad. When prompted to enter a participant  
12 ID, simply press pound. Once you have dialed in, you will  
13 be placed in a queue from which a moderator will begin  
14 unmuting callers to submit their comment. You will also  
15 hear an automated message to press star 9 to raise your  
16 hand, indicating you wish to comment. When it is returned  
17 to speak, the moderator will unmute you and you will hear  
18 an automated message saying, the host would like you to  
19 talk and press star 6 to speak. You will have two minutes  
20 to provide your comments.

21           Please make sure to mute your computer or  
22 livestream audio to prevent any feedback or distortion  
23 during your call. Once you are waiting in the queue, be  
24 alert for when it is your turn to speak, and please turn  
25 down the livestream volume.

1           The Commissioners will take comment for every  
2 action item on the agenda. As you listen to the online  
3 video stream, the Chair will call for public comments.  
4 This is the time to call in. The process for making a  
5 comment will be the same each time, beginning by the  
6 telephone number provided on the livestream feed and the  
7 following steps -- following the steps stated.

8           CHAIR AKUTAGAWA: All right. Jesse, if I'm  
9 looking at this correctly, it looks like we have two people  
10 in queue.

11           THE MODERATOR: Yes. Good afternoon, caller.  
12 Could you please state and spell your name for the record,  
13 please?

14           MS. PONCE DE LEON: Hi. Good afternoon. This is  
15 Alejandra Ponce de Leon with the Advancement Project  
16 California. And just calling to engage in the conversation  
17 that has been happening so far. I definitely want to be  
18 mindful of Commissioner Le Mons, you know, sense of like  
19 pursuing and really looking in terms of the hiring of  
20 staff. And so I want to uplift that we definitely respect  
21 that.

22           But we also wanted to call to uplift just some of  
23 the concerns that our partners in terms of the chart. And  
24 even just hearing and echoing what some of the  
25 Commissioners have raised about the line drawer being so

1 far removed from the Commissioners and also the VRA  
2 Counsel. These are definitely important positions that,  
3 you know, I think, we are really appreciative of many of  
4 you already raising and moving in the direction of tabling  
5 a lot of these decisions until later to get more  
6 information.

7           And so we definitely want to acknowledge that  
8 that is a sentiment that we also feel and that we would  
9 want to recommend as well. And more than anything, just to  
10 create time, you know, for the public to also have an  
11 opportunity to see the chart, to think through and to weigh  
12 in on just any other additional issues that may, you know,  
13 may not be apparent right now, but maybe the public can see  
14 that and can uplift at a later time when, you know, folks  
15 are able to digest and come up with, you know, other  
16 recommendations and other suggestions.

17           So just wanted to uplift that to all of you.  
18 Thank you so much.

19           CHAIR AKUTAGAWA: Great. Thank you.

20           THE MODERATOR: Good afternoon, caller. Please  
21 state and spell your name for the record, please.

22           MS. HUTCHISON: Hi. This is Helen Hutchison, H-  
23 E-L-E-N H-U-T-C-H-I-S-O-N, with the League of Women Voters  
24 of California. And I just want to echo what my colleague  
25 from the Advancement Project just said. We do understand

1 Commissioner Le Mons' request and respect that, but also  
2 want to express support for your approach to this whole  
3 discussion, and particularly highlight that the Commission  
4 will need to be in direct contact, especially with the line  
5 drawer and the voting rights attorney.

6 So thank you very much.

7 CHAIR AKUTAGAWA: Great. Thank you.

8 THE MODERATOR: That is all the public comment at  
9 this time in the queue.

10 CHAIR AKUTAGAWA: All right. Thank you to  
11 everyone who called in. Let's go ahead, let's return to  
12 the Commissioners and the discussion that we were having.  
13 Okay. Commissioner Sinay.

14 COMMISSIONER SINAY: During our 15-minute break,  
15 I walked around, and I had to go back to the question that  
16 was raised by Commissioner Vasquez. And I was kind of  
17 caught off guard by Mr. Claypool's response that he didn't  
18 have the expertise to be able to manage and do the Deputy  
19 Administrator's job, because I thought that was part of our  
20 interview and that was part of the package we were getting  
21 was that Mr. Claypool had that experience.

22 And so I wanted to give some time, Mr. Claypool,  
23 for you to be a little -- if you could speak a little bit  
24 more to that, because... Because.

25 MR. CLAYPOOL: Certainly. First of all -- oh,

1 okay. I thought Commissioner Fernandez too had a question.

2           So what I told you, I said last time I handled  
3 just about all of the things that were done with the first  
4 Commission. I wrote the BCPs, budget change proposals for  
5 -- so I can stay out of the -- that's even jargon, isn't it  
6 -- but a budget change proposal so that the Commission  
7 could get new funding, on and on.

8           But there's a profound difference between having  
9 the expertise to understand that a contract has to have  
10 certain elements, and to read it over and say, yeah, that's  
11 where we want to go, and understanding all the boilerplate  
12 that goes into it, the considerations for small businesses,  
13 women in minority businesses, on and on.

14           There's -- this is built from the ground up and  
15 I've never been a procurement analyst. I was an auditor.  
16 I looked at a lot of procurement analysts and looked at  
17 their work. But we need somebody who can work with a  
18 procurement analyst and get in the weeds. All I'm -- all I  
19 said I could do was to manage a group that did it, and I  
20 would know what the weeds looked like, and I could go with  
21 them -- I could do the work with them.

22           So it's going to be the same for your Deputy  
23 Executive Director. It's going to be the same for your  
24 Chief Council. There are things that we have an expertise  
25 for and there are things that we don't have the expertise

1 for. I do not have the skillset to write your contracts.  
2 And I can go through your contracts and make sure that  
3 you're getting your deliverables, but I couldn't then go  
4 through the process for docking, you know, the funds that  
5 were going out to a contractor, like we did last time.

6 Last time Gibson, Dunn & Crutcher delivered a  
7 bill to us and at that time the is this manager came to me  
8 and said, this is -- you know, their billing is for  
9 \$200,000 and it's in their contract. And so I looked at it  
10 and said, yeah, that appears to be right. We looked at it  
11 with Chief Counsel. Chief Counsel said, yeah, that appears  
12 to be right. But the Chief Counsel and I both said it  
13 appears to be right. The person who brought it to us said,  
14 no, it is right. We took it to Gibson Dunn and they  
15 withdrew \$200,000 for the billing.

16 So, yeah, I don't have the skills to do every  
17 position on that chart. I have the skills to manage every  
18 position on that chart, and that's what I said I could do  
19 for you in my interview.

20 CHAIR AKUTAGAWA: Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yeah. I do happen to  
22 have the org chart from the last Commission, and they had  
23 it at a higher level reporting directly to the executive  
24 director. They had a budget director and a business  
25 manager. And how I see this deputy administrator is

1 they're collapsing. They're collapsing those two positions  
2 into one to be what I would call an administrative type  
3 manager level, which as Director Claypool referred to, to  
4 get down to the weeds of things with the -- I've been a  
5 budget analyst. I've been a procurement analyst. I've  
6 been managers over both. And it is a lot of work, and you  
7 can't have just one person that will be able to do every  
8 single little function that needs to be done.

9           Even though we're a small Commission, we're still  
10 required to do all the processes of a big organization. So  
11 you still need that level of expertise because it's  
12 cumbersome. They have deadlines that if you don't meet,  
13 it's too bad, you're out of luck. I mean, just the  
14 regulations and the policies to keep up with and the  
15 paperwork that's involved, you really do need expertise in  
16 each area to make sure we continue to move forward.

17           So I just wanted to provide my input in terms of  
18 actually having had done those positions, and what it does  
19 entail.

20           CHAIR AKUTAGAWA: Thank you, Commissioner  
21 Fernandez. Commissioner Vasquez? Sorry, Commissioner  
22 Vasquez, you have your hand up. That was kind of blending  
23 in with the trees in the back --

24           COMMISSIONER VASQUEZ: I know. I know. I keep  
25 trying to figure out -- I'm going to stop my video also,

1 because I think my Internet is being weird. Okay.

2 Thank you, Commissioner Fernandez, for that  
3 context. Personally, for me, I understand the need for the  
4 expertise for these additional positions. I think that  
5 case has been made to me. What I still do not understand  
6 is the need for the middle manager, if I'm -- that's my --  
7 it's that particular position that I'm still not clear on.  
8 Or maybe I'm -- maybe I'm clear; maybe I'm just not sold on  
9 it, on the necessity of it in terms of being a middle  
10 manager between these experts, which I understand and hear  
11 that we need, and Mr. Claypool, again, given that we have  
12 limited funding, given we've added a position onto the org  
13 chart.

14 Just want to make sure that I understand the what  
15 and the why for this higher-level position.

16 CHAIR AKUTAGAWA: Commissioner Le Mons and then  
17 Commissioner Turner.

18 COMMISSIONER LE MONS: I have a question for  
19 Director Claypool as it relates to this. Does the -- you  
20 mentioned earlier in your description that it required two  
21 individuals with delegated authority. Are those  
22 hierarchical in nature or can they be parallel positions  
23 and meet that requirement of having two individuals -- if I  
24 understood that correctly, that you needed to have two  
25 people with delegated authority as a part of the chart, as



1 opposed to a single person. So if you could clarify there.

2           And then I also wanted to just offer a little bit  
3 of commentary on -- I've been in the nonprofit space for  
4 probably 30 years, all size nonprofits, from very small  
5 mom-and-pop nonprofits to half a billion dollar nonprofits.  
6 And there's a culture in the nonprofit community of the  
7 multi-hats, and it's just a way of life. And I just want  
8 to offer that I have an appreciation for that, and I  
9 understand that, and there's a different kind of grid and  
10 the kind of people that work in that kind of environment.

11           But what I find with -- in my almost 30 or 30-  
12 plus years of working in that space, a lot of the smaller  
13 organizations always scuffle and oftentimes go away because  
14 it's very hard to walk that line between being that  
15 nonprofit and being a business. And when I've worked in  
16 the larger organizations, even there you have a lot of the  
17 nonprofit mentality that can't get and it can't embrace the  
18 business side of things that are really contrary to mission  
19 at all, but really makes for sustainability, et cetera, et  
20 cetera.

21           So I just share that to say I appreciate it, but  
22 we are running an operation here and we need to make sure  
23 that we're putting in place the kind of structure and  
24 resources to run this machine that we're going to need.  
25 And if that is kind of bureaucratically designed, then I

1 think if I trust anything in terms of where we're going as  
2 the 2020 Commission, is this little -- this infrastructure  
3 section is probably my least concern.

4 I'm excited and really looking forward to the  
5 outreach side and all the great work that I know  
6 Commissioner Sinay and Commissioner Vasquez has done on the  
7 creativity, and everything is going to be awesome over  
8 there way I would be measuring this is.

9 And so the way I would be measuring this is if we  
10 are spending resources in the middle here that are going to  
11 somehow not have resources available for all this  
12 innovation that we're wanting to do, then I'd want to push  
13 back. Outside of that, I'd like to support the structure  
14 as it's laid out, with that clarity on the delegated  
15 authority.

16 EXECUTIVE DIRECTOR CLAYPOOL: So to be clear,  
17 it's hierarchical. It's a check. The procurement person  
18 is going to do the first review and the second one has got  
19 your administrator, your businessperson is going to be the  
20 second one, and they are going to be in line.

21 And also, with regards to limited budget, we are  
22 going to need more money, and they are -- I believe that  
23 this administration and this legislature will be  
24 predisposed to making sure you have the money you need to  
25 get this job done. And that position will help with --

1 will help us immensely in filling out the rest of your  
2 organization. That's all.

3 CHAIR AKUTAGAWA: Commissioner Fernandez and then  
4 Commissioner Yee.

5 COMMISSIONER FERNANDEZ: I just have a question.  
6 Maybe we're getting a little stuck on this deputy  
7 administrator, because I don't see it as a high level in  
8 terms of classification. Are we talking about a Staff  
9 Services Manager 1? And I apologize to everybody else  
10 because I'm just trying to -- in the state hierarchy, I'm  
11 just trying to see the salary levels of what it would be.  
12 But is it Assessor's Manager 1 or 2 or 3?

13 EXECUTIVE DIRECTOR CLAYPOOL: (Off mic) closer to  
14 a CA (Off mic). A Career Exempt Administrator 1,  
15 essentially, is the position. It's above the Staff Service  
16 Manager level. And again, the thought behind paying it at  
17 a higher level is that we're asking somebody to step out of  
18 line for 19 months and then disappear. So that's the  
19 thought behind it.

20 But you, you, can make a determination as to  
21 where you want to go with it.

22 COMMISSIONER FERNANDEZ: Okay. I was thinking it  
23 was going to be a lower level, especially if you were going  
24 to have the analyst. I was thinking it was going to be a  
25 Staff Services Manager 2, not a CA.

1 EXECUTIVE DIRECTOR CLAYPOOL: Okay. The last  
2 time, I believe we ran it at a 3. So this is -- lot of  
3 jargon for you, but the Staff Services Manager series, 1, 2  
4 and 3, are your last level -- they're your middle managers  
5 before you reach the CEAs, which are your upper management  
6 in State government, Career Exempt Administrators. (Off  
7 mic

8 CHAIR AKUTAGAWA: Okay. Commissioner Yee?

9 COMMISSIONER YEE: Yes. Director Claypool, I had  
10 a question about your prediction that at some point we'll  
11 need more money earlier. You just mentioned it just now  
12 and also previously, that it would exceed our -- at one  
13 point you predicted we would exceed our \$11.3 million  
14 budget. And I don't want to open the whole budget  
15 discussion here, but just insofar as it relates to  
16 staffing.

17 I know in your interview you had mentioned that  
18 in 2010 you had at least one Commissioner who really pushed  
19 for lean staffing and kind of start-up level staffing, I  
20 think you had characterized it.

21 EXECUTIVE DIRECTOR CLAYPOOL: Right.

22 COMMISSIONER YEE: So, I'm just wondering, your  
23 prediction that we'll run out of money, how much of that is  
24 related to what would be arguably a more adequate staffing  
25 level that you foresee for this time?

1 EXECUTIVE DIRECTOR CLAYPOOL: The staffing -- the  
2 funds for your staffing are fairly minimal cost. We're  
3 going to be -- if we hire -- if we hired every position  
4 here, we would be at about the same number of people. But  
5 we are hiring many people at a higher level, considering  
6 we're also hiring your Deputy Executive Director to a  
7 higher level and so forth.

8 But when it's all said and done, the incremental  
9 cost over last time is really not that -- it's not going to  
10 be that significant. It's simple -- it's similar to my  
11 argument about the incremental cost of paying yourself per  
12 day rather than the six-hour thing. At the end of the day,  
13 the extra amount of money isn't that much.

14 Where you're going to go significantly over  
15 budget is in your videography, because now you're going on  
16 virtual everywhere. In your outreach and education,  
17 because you are going to do what I think the Act originally  
18 intended. You're going to actually be robust. You're not  
19 looking to just bring in testimony so you can draw the  
20 maps, which was our primary focus last time. Now you're  
21 actually taking on this educational component. You're  
22 doing what I believe the framers of this Act intended.

23 But we didn't do it last time. It's not in your  
24 budget. Your budget is calculated, as you know, by what  
25 was expended last time, plus a COLA. So if we didn't do

1 things last time and now, we do them, that's going to stack  
2 on money. The Legislature is required to give you adequate  
3 funding. Now, note, they're not required to give you  
4 instantaneous funding. They're required to give you  
5 adequate funding.

6           And so as you move forward and you spend your  
7 money, we have to be -- we have to be mindful of the  
8 budget. But then we will go into this budget change  
9 proposal process where we're going to say, this is what  
10 we're envisioning, this is what we got under contract, and  
11 we are going to need this much more in order to make this  
12 work. That's the way the process -- that's the process  
13 that you're in as a State agency. That portion, that  
14 operational expenses for your staff, is a very small part  
15 of that.

16           The big contracts are in outside counsel, VRA,  
17 your consultants, videography, and particularly in this  
18 company, if we can find them, that will do your data.  
19 Those are going to be huge contracts and that's going to  
20 shoot you over the amount that has been budgeted for this.  
21 Once you do that, that sets the tone for 2030. That budget  
22 becomes their landmark, and then they get the COLA. But  
23 you'll also, I think, set in place a framework for them as  
24 to what outreach should look like.

25           COMMISSIONER YEE: Thank you.

1 EXECUTIVE DIRECTOR CLAYPOOL: That's why.

2 CHAIR AKUTAGAWA: All right. Thank you very  
3 much. I just want to acknowledge that it is 3:45 and we  
4 have not gotten past the Executive Director's report on the  
5 agenda. I do realize that we had quite a bit to talk  
6 about, but I do want to just be mindful that we have quite  
7 a bit more on our agenda for this time around.

8 Mr. Claypool, I think for the sake of perhaps  
9 moving this portion of the agenda along, especially since  
10 we will be continuing the discussion next week, for you to  
11 be able to move on your administrative portion of the org  
12 chart, are you looking for us to just approve that portion  
13 of the chart so you could go about the hiring of those  
14 staff?

15 EXECUTIVE DIRECTOR CLAYPOOL: So, I would like to  
16 see three things. First, that if this -- I can -- we won't  
17 have these people in place by next week. We'll be  
18 interviewing them, and we'll be bringing them forward. But  
19 I would like to be thinking about people to bring forward  
20 for your -- so that you can approve them for these  
21 positions. If we -- if they're retired annuitants, if by  
22 next week you say, no, we don't need an assistant AGPA  
23 budget person or an RA there, then we can drop them out.  
24 So first, I would like, however, to be able to look at that  
25 middle section for people that might be acceptable to you.

1           The second thing I need is to know whether or not  
2 you wish me to black out the areas that Commissioner Le  
3 Mons had stated. It'll make a difference in -- because I  
4 want to turn this around and back to you as quickly as  
5 possible and get it back up so people can start digesting  
6 this. Because many people are going to have an opinion on  
7 it.

8           And then the last thing, I think it would be  
9 helpful for me to be able to run the people that we're  
10 considering up through your administrative subcommittee,  
11 just to say these are the positions, these are what the  
12 people look like. This is how we'll hire them. This is so  
13 that somebody can see it besides just us. And we could  
14 also, by the way, run it through the Chair and the Vice  
15 Chair. But I think it might give you a little more ease in  
16 what we're proposing and how we're proposing to do it.

17           So, those are three things I need.

18           CHAIR AKUTAGAWA: Okay. Does someone want to  
19 make a motion? Commissioner Fernandez?

20           COMMISSIONER FERNANDEZ: I just wanted to know  
21 what specific positions, because some of them seem to be,  
22 maybe aren't right now. So I guess maybe I just want to be  
23 a little bit clearer as to the specific positions that  
24 Director Claypool was looking for some sort of --

25           CHAIR AKUTAGAWA: Can I make an alternate



1 suggestion? I think building upon Director Claypool's  
2 suggestion to run things through the Finance and  
3 Administration Subcommittee, can I suggest that perhaps we  
4 asked the Finance and Administration Subcommittee to talk  
5 at through with Director Claypool, and perhaps come back to  
6 us if we need to? Unless he wants to take action  
7 immediately, so that he could start interviewing.

8 EXECUTIVE DIRECTOR CLAYPOOL: Well, I don't know  
9 that we necessarily need to take an action here. We can  
10 interview them and make our suggestions. The action should  
11 be next week when we actually make a motion to hire.

12 CHAIR AKUTAGAWA: Okay.

13 EXECUTIVE DIRECTOR CLAYPOOL: So we can -- this  
14 is just administrative right now.

15 CHAIR AKUTAGAWA: Okay. Then in this case, then,  
16 I'd like to just go ahead and ask the Finance and  
17 Administration Subcommittee to work with Director Claypool  
18 on the details of that middle section, and to please come  
19 back to the rest of us.

20 I am also going to ask that they take on the  
21 question about whether or not the boxes should be blacked  
22 out or not. I think perhaps you could do both versions and  
23 see which one you want to recommend we go forward with.  
24 All right.

25 Commissioner Le Mons?

1           COMMISSIONER LE MONS: I wanted to clarify on  
2 what I mean by black them out. It was really like remove  
3 them. Meaning not to necessarily have boxes there that are  
4 blocked out, but to stop -- to give Director Claypool the  
5 authority to build the chart to those positions that we  
6 have already hired or are hiring ourselves. Meaning the  
7 Chief Counsel, leaving Marian's, and the other side, the  
8 Executive Director and the Communications Director. And  
9 it's in the spirit of leaving the runway for those leaders  
10 to provide their recommended organization for our review.

11           So I wouldn't want a chart up there with all  
12 these black boxes on it that somehow says there's seven  
13 positions, or anything like that. It was -- I should have  
14 framed it a little bit differently. It's really limiting  
15 his authority to that model. That's really what I'm  
16 suggesting.

17           CHAIR AKUTAGAWA: Okay. And then are you also  
18 suggesting in terms of some of the other points that were  
19 brought up about the line drawer, the contract positions,  
20 perhaps we should also leave those on there?

21           COMMISSIONER LE MONS: No.

22           CHAIR AKUTAGAWA: Are you also suggesting that we  
23 should remove those?

24           COMMISSIONER LE MONS: No.

25           CHAIR AKUTAGAWA: Because --

1           COMMISSIONER LE MONS: I'm sorry. No. So that's  
2 a separate point. Because if we don't feel like the line  
3 drawers fall up under -- and I don't -- the purview of the  
4 Deputy Executive Director, so we pull that out. But all  
5 that goes away and if we -- in our next conversation we can  
6 talk about -- or we can put it where we want it now -- that  
7 next conversation that we are having as a Commission is  
8 about where are we putting the line drawer, or whoever  
9 else, or the subcommittees, all of that kind of stuff. But  
10 I'm just really talking about those two organizations.

11           CHAIR AKUTAGAWA: Okay. I'd like to make a  
12 suggestion then that we also ask that of the Finance and  
13 Administration Subcommittee to also consider those parts as  
14 well too, given the rather robust conversation that we've  
15 had about those parts, and then come back to the rest of  
16 the Commission with your suggestions, and then we could  
17 debate and we can play around with that.

18           Director Claypool?

19           EXECUTIVE DIRECTOR CLAYPOOL: Okay. So for the  
20 purpose of rolling this back on for the public to see, I  
21 actually would suggest that Commissioner Le Mons has an  
22 excellent idea, that you're going to want to flesh this  
23 out. But for now, we could work with the Finance and  
24 Administration Subcommittee to do that. Leave the rest of  
25 it just open, as suggested. And then when we come back,

1 all we're doing is fleshing out those areas amongst you.  
2 But at least for the purposes of this part, the public has  
3 a chance to see what the administrative part of this is  
4 going to be. Because I'd like to get it right back up as  
5 quickly as possible so that people can see what we're  
6 doing, so we don't have any more questions.

7 CHAIR AKUTAGAWA: Yes.

8 EXECUTIVE DIRECTOR CLAYPOOL: That's my comment.

9 CHAIR AKUTAGAWA: Yes. Commissioner Andersen?

10 COMMISSIONER ANDERSEN: Thank you very much. I  
11 think because blood being there, I know we -- I think -- I  
12 have a proposal for how you can turn this right around  
13 immediately, is the ideas that Commissioner Le Mons has  
14 said, you know, they shouldn't be there. Correct, they  
15 shouldn't. But they should all be on essentially the same  
16 piece of paper, because these are items that Mr. Claypool  
17 has identified as (dog barking) and the ones that need to  
18 occur should be indicated on the chart. Because we've all  
19 talked about them.

20 And so then, particularly because I know working  
21 with the other Chief Counsel, they are areas where we need  
22 a person, and sometimes they -- these people might not  
23 realize items that we have already considered need to be  
24 addressed. And so they would be here, but not just blank.  
25 Like a list of them at the bottom, all separated. Just

1 these little items. So we know we kind of want to put them  
2 somewhere, but we haven't actually put them anywhere. So  
3 the public would be aware of items that we're thinking we  
4 have to place.

5 So as I'm thinking, that could just be turned  
6 around right away, so as opposed to waiting and then coming  
7 back with another version which we're going to work on  
8 again and go through this whole conversation multiple  
9 times.

10 CHAIR AKUTAGAWA: Commissioner Le Mons?

11 COMMISSIONER LE MONS: I think that that precludes  
12 what I've suggesting a little bit, because there is a  
13 spirit to what I'm talking about. It's not just the boxes  
14 on the page. This is Director Claypool's vision. He's  
15 here. He's not going anywhere. The Deputy Executive  
16 Director, the communications, all those people report to  
17 him. He won't be shy about sharing with them his thoughts.

18 But what they're presenting to us, in my opinion,  
19 would be their vision, having talked to him. And most  
20 importantly having heard from us. If I am accurate here,  
21 we have a subcommittee, Commissioners Vasquez and Sinay,  
22 who have put endless hours into a whole yet to be seen -- I  
23 mean, we've seen bits and pieces, we've heard little bits.  
24 But it's the whole situation going on that I'm -- again,  
25 I'm excited about ladies. I think it's going to be an

1 amazing.

2           And he's going to be the chief staff in making  
3 sure that that vision, as we eventually decide we wanted,  
4 comes to fruition. We don't know what the outreach is  
5 going to look like. We don't know what the tools in the  
6 technology and the fields. We don't know any of that.

7           So I don't think we need to concern ourselves so  
8 much because we had a conversation. Yes, we had a  
9 conversation about this. We said, thank you, Director  
10 Claypool, we got some insight from you, but this is not  
11 going to be the basis of our chart. Our basis of our chart  
12 is going to be what we just discussed. I will repeat all  
13 of that. And we'll build upon it with our staff, our line  
14 leaders that have that responsibility.

15           So we're going to be having this chart  
16 conversation in chunks, which is okay. I think it's okay.  
17 Those things that are important to us, like a line drawer,  
18 that's a separate point, so I'm not talking to that, or any  
19 other piece that Commissioners feel like those people  
20 should be reporting to us, we don't want them very down  
21 under the outrage, we don't want -- that's a separate  
22 thing.

23           And I'm saying that if we want to talk about that  
24 in our next session, it sounds like Chair wants to move  
25 this forward. So if we want to talk about that at our next

1 session, let that be the focus of our conversation, and  
2 maybe talking amongst ourselves about what direction do we  
3 want to give our Deputy Executive Director, what direction  
4 do we want to give our Chief Counsel, because we have some  
5 very specific things that we want them to do on our behalf,  
6 as it relates to building their organization. And we have  
7 not had the benefit to be able to tell them what that is  
8 and then give them the freedom to create something and  
9 bring it back.

10           So I'm talking about a very specific process to  
11 get us ultimately to an org chart, and we're not quite  
12 there yet. I think it's going to take a couple  
13 conversations. But if we do it systematically, it's not  
14 like we're wasting time, it's not like we're spinning  
15 around or anything. It's just going to be done in stages  
16 because that's when the players will be available. If  
17 they're all here, then we can do it next time.

18           CHAIR AKUTAGAWA: So what I'm hearing is to allow  
19 the appropriate people, in this case the Deputy Executive  
20 Director and the Chief Counsel, when they're on board,  
21 instead of influencing them with what is already thought to  
22 be the kind of positions that are needed, we instead let  
23 them creatively decide who it should be. Because I think  
24 human nature is that when we see something already on  
25 paper, we're just going to go with that and perhaps not

1 think beyond it.

2           I think what I'm hearing Commissioner Le Mons is  
3 saying is that to allow that creativity and to allow also  
4 those individuals the chance to really build their  
5 organization, let them think through what are the positions  
6 that they want that they think is important. And instead  
7 of just presenting even the suggestion that these are some  
8 things that you could think about, we just allow them to do  
9 it. And so we leave those sections blank. We just parse  
10 out the parts that we as a Commission want either reporting  
11 directly to us, for example, the line drawer.

12           I would also propose an add-in, the data  
13 analytics person as well, too. And that also the middle  
14 section that Director Claypool is also responsible for and  
15 will be working with the Finance and Administration  
16 Subcommittee.

17           Okay. All right. Then any additional comments,  
18 anything that anyone wants to add? Otherwise, I would like  
19 to move along to the next item so that at least we'll get a  
20 little bit into our agenda that we have, considering we  
21 only have tomorrow left. All right. Thank you.

22           Just for clarification -- and I don't know,  
23 Marian, if this is something that you answer or if this is  
24 something that Director Claypool answers. If any of the  
25 Commissioners has ideas on other pieces of the org chart



1 that should be pulled out, can they email the Finance and  
2 Administration Subcommittee, or should it be routed via  
3 you, Marian? Can't hear you.

4 MS. JOHNSTON: They can contact the  
5 Administration and Finance Committee.

6 CHAIR AKUTAGAWA: Okay. So, for example, if  
7 other than the line drawer, if there is another contractor  
8 or another position on the org chart that you really feel  
9 needs to be pulled out from wherever it is and needs to be  
10 part of the larger conversation the next time, please  
11 contact the Finance and Administration Subcommittee, which  
12 is Commissioner Fernandez and Fornaciari.

13 Commissioner Le Mons?

14 COMMISSIONER LE MONS: I just wanted to remind  
15 you that when you gave the list of people to keep, keep the  
16 Communications Director too. You did mention that one.

17 CHAIR AKUTAGAWA: Oh, I'm sorry. Yes. Yes.  
18 Yes, the ones that we've already directly hired. Thank  
19 you. Yes, the Communications Director, the Deputy  
20 Executive Director, and the Chief Counsel are ones that  
21 we've already directly hired, or will be directly hiring,  
22 and the Executive Director.

23 Okay. Thank you. All right, I would like to  
24 propose that Agenda Item Number 6 we postpone to tomorrow  
25 morning, because I believe this is going to be a longer

1 conversation than the 4:00 timeframe that we have. And I  
2 think we would be better served if we are all fresh when we  
3 have this conversation.

4 I'd like to move towards Agenda Item Number 7.  
5 Marian, counsel update?

6 MS. JOHNSTON: The only update I have is that on  
7 Friday, the United States Supreme Court agreed to hear  
8 Trump v. New York, which is the case challenging the  
9 government's order to exclude undocumented immigrants from  
10 the census. It was set on a very abbreviated expedited  
11 schedule, set for argument on Monday, November 30th. The  
12 brief on the merits is due end of October; the Appellee's  
13 brief two weeks later, and the response brief one week  
14 later.

15 The major question, if they decide to uphold the  
16 government's decision, will be how you count undocumented  
17 immigrants to exclude, since there is no formal counting  
18 process, and it wasn't a question during the census. So as  
19 we discussed earlier, the big concern is whether that would  
20 make invalid the final census numbers. But we should know  
21 probably within 60 days after November 30th what the  
22 Supreme Court decides on that.

23 CHAIR AKUTAGAWA: Commissioner Ahmad and  
24 Commissioner Sadhwani?

25 COMMISSIONER AHMAD: I just want to make sure

1 that I heard that correctly. Did you say 60, six zero,  
2 days?

3 MS. JOHNSTON: Usually a decision from the U.S.  
4 Supreme Court comes out in 60 days, yes.

5 COMMISSIONER AHMAD: Okay.

6 MS. JOHNSTON: Especially on an expedited  
7 schedule like this.

8 CHAIR AKUTAGAWA: Commissioner Sadhwani?

9 COMMISSIONER SADHWANI: We can discuss this now  
10 or during the census action subcommittee, either one. But  
11 I would just put out for my colleagues that this is a major  
12 case. Obviously, we very well may -- presumably will have  
13 a new Supreme Court Justice who might reverse our  
14 understanding of the Constitution as it regards to the  
15 census.

16 California law, as we've been trained, is very  
17 clear that we do count, all residents of our state in this  
18 process of redistricting. So we are most certainly  
19 impacted by this and I think we have discussed at previous  
20 times an interest, potentially, to explore submitting an  
21 amicus brief on other census litigation. I would just  
22 raise it as something that we might want to consider in  
23 this case.

24 CHAIR AKUTAGAWA: Just for clarity, our next  
25 agenda item is Agenda Item Number 8, update on the 2020

1 census report on progress of California census. And then I  
2 know that there's also going to be a subcommittee report on  
3 the action on the census. Are these similar conversations?  
4 Can we group them together for the purposes of this agenda,  
5 Commissioner Ahmad?

6 COMMISSIONER AHMAD: Yeah. Whenever appropriate,  
7 I can go over Number 8. It's just census response numbers.

8 CHAIR AKUTAGAWA: Okay. Let's do that. And then  
9 I think we could then also discuss what Commissioner  
10 Sadhwani also just brought up as well too.

11 COMMISSIONER AHMAD: Sure, great. So again, this  
12 is data that is publicly available at 2020census.gov. I've  
13 been checking the numbers since the close of the census.  
14 They have remained the same. So California, our final --  
15 presumably our final census response rate was 69.6 percent.  
16 The highest county -- or I should say the county with the  
17 highest self-response rate was 78.6 percent, and the county  
18 with the lowest self-response rate was 39.8 percent. Those  
19 numbers vary when you stoop down to the city level, as well  
20 as the census track level.

21 And then with congressional districts is well,  
22 the lowest self-response rate by congressional district was  
23 55.6 percent, and the highest self-response rate by  
24 congressional district was 79.3.

25 If you're interested in finding out where those

1 locations are, you are free to visit the publicly available  
2 website, 2020census.gov, and it has a whole bunch of  
3 different indicators in which you can break down the state  
4 to see different self-response rates across the state, and  
5 even across the country.

6 That's all I have.

7 CHAIR AKUTAGAWA: Thank you, Commissioner Ahmad.  
8 Commissioner Le Mons?

9 COMMISSIONER LE MONS: I have a question for  
10 Commissioner Ahmad. Where did you -- do you happen to know  
11 where California placed? How does California compare  
12 nationally? And the reason I'm after that question, sort  
13 of in the spirit of what Commissioner Sadhwani was talking  
14 about, so California is California, right? And this is a  
15 national issue. And we sort of anticipate this third  
16 scenario, we start to kind of think about how these things  
17 might play out, I'm just curious as to nationally -- if you  
18 look at it from a national standpoint to see where we kind  
19 of fell into our response rates on the national scale?

20 COMMISSIONER AHMAD: Sure. According to the  
21 website right now, Minnesota actually has the highest self-  
22 response rate nationally. California falls within the 69-  
23 74 percent range. And there's a handful of other states  
24 that fall within that range as well.

25 If you look at the site, they have different

1 colors for indicating different tiers. The bluer it gets,  
2 the higher the self-response rate. And the more orange it  
3 gets, the lower the self-response rate. So we are --  
4 nationally, we are at the higher end of the spectrum,  
5 compared to the other states, and territories, I should  
6 also include. That being said, Puerto Rico was reporting  
7 35.7 percent self-response rate, as one of the lowest  
8 reporting areas.

9 I hope that addresses your question.

10 CHAIR AKUTAGAWA: Thank you. Okay, with that,  
11 let's move to the subcommittee update, and specifically the  
12 action on census. And Commissioner Sadhwani, given the  
13 numbers that Commissioner Ahmad also just shared with us, I  
14 think it helps to provide some context in terms of what you  
15 have brought up. And I think you had left it at a  
16 suggestion that we also consider an amicus brief for, I  
17 believe, the Trump v. New York case?

18 COMMISSIONER SADHWANI: Yes.

19 CHAIR AKUTAGAWA: Other cases, I assume?

20 COMMISSIONER SADHWANI: In particular, I would  
21 say that case. And you know, I don't mean to speak for  
22 Commissioner Toledo. We actually have not had a chance to  
23 discuss this, so please feel free to chime in with your  
24 thoughts on this matter.

25 We've had this discussion many times and I think

1 that we came to the conclusion as a united front that the  
2 census is extraordinarily important to our work. I think  
3 the ramifications of this case could be enormous, right?  
4 And I would invite, you know, public testimony on this.  
5 But while I didn't feel it's so important to move forward a  
6 strategy on an amicus brief in the other cases; they were  
7 moving rapidly, and it just didn't feel like we could weigh  
8 in in a realistic way, I think that the nature of this case  
9 is different.

10           We do have a little bit of time. We have a solid  
11 month. And I think it would be important for the court to  
12 hear from a bipartisan independent commission whose work is  
13 reliant upon accurate census data. For us to be compliant  
14 with California law, we need all residents to be -- you  
15 know, to be counted. And you know, I would leave that to  
16 our general counsel, assuming that person comes onboard,  
17 and to Marian, to work on the exact legal language and  
18 position that we might want to take.

19           But I do think that this is an extraordinarily  
20 important issue, and particularly given the position of  
21 California law, one that puts us in a very difficult  
22 position. And it would be very appropriate, in my opinion,  
23 to say something.

24           MS. JOHNSTON: If I could add to the timing, the  
25 amicus brief in support of the Appellees, New York, are due

1 November 16, soon.

2 CHAIR AKUTAGAWA: Thank you, Marian. I saw  
3 Commissioner Andersen's hand up.

4 COMMISSIONER ANDERSEN: Thank you, yes.  
5 Actually, Marian, on this -- this is a very, very important  
6 issue. And could you please, counsel, tell us -- because  
7 this might have a very important -- it might be very  
8 important where we are moving forward or not.

9 The numbers that say the issue is, you know,  
10 should they take, you know, a certain number of immigrants  
11 out of the numbers for a portion of it. Does that mean,  
12 you know how the census data is -- you know, they collect  
13 all sorts of things. Is the apportionment number the  
14 ultimate number that is delivered, or are we still going to  
15 get essentially our whole number from the census data? And  
16 will the census data be specifically restricted to what the  
17 apportionment number becomes (indiscernible)?

18 MS. JOHNSTON: If the Administration's position  
19 is upheld, the number you get from the Census Bureau will  
20 be without undocumented immigrants, as best can be  
21 determined.

22 COMMISSIONER ANDERSEN: Okay. Then that's -- not  
23 only would -- because our rule is we must count all  
24 Californians.

25 MS. JOHNSTON: Correct.



1           COMMISSIONER ANDERSEN: All people who are here.  
2 And the legislature is also required to assist us with  
3 accurate information. So this is extremely important.  
4 It's not that just we can't do our job. The legislature  
5 would also be then in violation of the law. And that's  
6 big. That's big, big, big.

7           CHAIR AKUTAGAWA: Commissioner Toledo and then  
8 Commissioner Sinay?

9           COMMISSIONER TOLEDO: Just a question for Marian.  
10 Has the Attorney General filed an amicus brief, or is he  
11 planning to?

12           MS. JOHNSTON: Last I checked, that was about two  
13 weeks ago, they had not. I can get back in touch with  
14 them.

15           COMMISSIONER TOLEDO: Okay. Thank you.

16           CHAIR AKUTAGAWA: Commissioner Sinay?

17           COMMISSIONER SINAY: That was kind of where I was  
18 heading. I'm looking at some of the amicus priests that  
19 have been submitted. A question would be, since we don't  
20 have our legal counsel onboard -- I mean, we have Marian,  
21 and I think Marian, in the past you said that amicus briefs  
22 wasn't something you've done in the past, or...?

23           MS. JOHNSTON: Oh, no. I did the brief in the  
24 Arizona case.

25           COMMISSIONER SINAY: Oh, okay. Because what I

1 was going to say is one of the things we may want to  
2 consider is an amicus brief we all the citizen  
3 redistricting commission throughout the state sign on to  
4 it. Or is there an amicus brief that's already been  
5 written in California, like Commissioner Toledo was saying,  
6 that we could sign on to?

7 I don't know which way and amicus brief is  
8 stronger, if it's sent by an individual entity, or if it's  
9 sent by multiple entities.

10 MS. JOHNSTON: I think it would be stronger if it  
11 was sent by multiple entities. I don't know of any effort  
12 to do that. But certainly, we can get in touch with the  
13 other redistricting commissions and find out. The woman  
14 who called this morning from Arizona would be a good place  
15 to start.

16 The Brennan Center also has a record of a lot of  
17 the litigation efforts that are going on, so I would check  
18 with them. And there's also the National Council of State  
19 Legislatures that keeps a count of that. So there are a  
20 number of sources we could go to to find that out.

21 CHAIR AKUTAGAWA: Marian, is it worthwhile also  
22 going to the other citizens redistricting commissions like  
23 Michigan, as well too, that might be impacted by this? I  
24 do know that what I read is that the estimate is that  
25 California will lose an additional seat in the

1 apportionment if the numbers are adjusted to remove the  
2 undocumented immigrants from the final census numbers.

3 Commissioner Sadhwani?

4 COMMISSIONER SADHWANI: Just on that, I think my  
5 understanding is that California will likely lose one seat,  
6 regardless.

7 CHAIR AKUTAGAWA: So that means two, right?

8 COMMISSIONER SADHWANI: So if we don't count the  
9 undocumented in California, we could lose potentially  
10 multiple seats.

11 CHAIR AKUTAGAWA: Okay. So Commissioner  
12 Sadhwani, are you proposing that we submit an amicus brief,  
13 or are you -- do you want to move to perhaps look into  
14 partnering with some other states, or perhaps another  
15 organization that may already be putting together an amicus  
16 brief?

17 COMMISSIONER SADHWANI: Well, I mean, I would  
18 like to move that we would write our own, but only if  
19 Marian feels like she has the capacity to assist with that  
20 and/or -- you know, depending on -- you know, hopefully the  
21 update on Chief Counsel will come next and/or Chief Counsel  
22 if they are onboard. I think time is of the essence. So I  
23 wouldn't want to make such a motion without, you know,  
24 Marian's support and expertise on this.

25 I'm also happy -- I think -- you know, this came

1 up earlier this morning. You know, I think Chairwoman,  
2 before you came on, or right as you came on, I think a  
3 question about coordinating or at least reaching out to the  
4 Michigan Redistricting Commission, Arizona, and I had  
5 offered then and I'm happy to offer again, I'm still happy  
6 to take that on for the census subcommittee and find out  
7 what they might be doing, and how this might be affecting -  
8 - I think there's -- I think there are several pieces that  
9 will affect all of our states. So I think being in  
10 coordination with, or at least in dialogue, shall we say,  
11 with these other states would make sense. But I'll leave  
12 it to the Commission to decide how best to.

13 CHAIR AKUTAGAWA: Thank you. That's helpful. I  
14 see Commissioner Turner, Toledo, and Ahmad.

15 COMMISSIONER TURNER: Just real briefly, I wanted  
16 to confirm. There is nothing prohibitive about us filing a  
17 separate amicus brief, and then alter on if there was a  
18 concerted effort, (off mic) to a second one, is there?

19 MS. JOHNSTON: No prohibition. It's generally  
20 not done. I think the thing to do first would be to find  
21 out if there is going to be a coalition brief, and if not,  
22 then do our own.

23 COMMISSIONER TURNER: Okay. Thank you.

24 CHAIR AKUTAGAWA: Commissioner Toledo?

25 COMMISSIONER TOLEDO: I was going to suggest that

1 perhaps we can put our -- develop a document with our main  
2 points and bring that to the group next week, or yeah, next  
3 week probably, for -- to help guide Marian's work, if we  
4 choose to move forward with an amicus brief. Because we'll  
5 need our key points in an outline for the amicus brief, if  
6 we decide to move forward.

7 MS. JOHNSTON: What I would suggest is you decide  
8 today if you want to move forward, and then before the next  
9 meeting, we can just find out if there are other people we  
10 can join with, or whether it would have to be on our own.

11 COMMISSIONER TOLEDO: Okay.

12 CHAIR AKUTAGAWA: Okay. Thank you. And then  
13 Commissioner Ahmad?

14 COMMISSIONER AHMED: I just wanted to also bring  
15 up if we may reach out to some of the other statewide  
16 redistricting commissions, there's also other local  
17 redistricting commissions within our own state that may or  
18 may not potentially want to be involved in something as  
19 well.

20 CHAIR AKUTAGAWA: That's a great point. I know  
21 that certain cities have their own redistricting  
22 commissions. Commissioner Vasquez?

23 COMMISSIONER VASQUEZ: Yeah, I was just going to  
24 say it may very well be that we are the commission that is  
25 out in front in terms of who getting this started. So, we

1 may be drafting in our own amicus brief the template, or  
2 the actual coalition talking points. So I think that's  
3 awesome. But to, I think, Marian and Commissioner Toledo's  
4 point, we should be sure to flesh that out next week so  
5 that -- we will probably -- in all likelihood, we will  
6 probably be the ones drafting it, and doing the heavy  
7 lifting for others to sign on too.

8 MS. JOHNSTON: In the interest of local  
9 governments it's a little bit different than the interest  
10 of states, because states would lose the congressional seat  
11 as well as the money that state and local government would  
12 lose.

13 CHAIR AKUTAGAWA: So, for clarification, Marian,  
14 does that mean that there is still a vested interest for  
15 them as well too, because if states lose money, they lose  
16 money?

17 MS. JOHNSTON: Correct.

18 CHAIR AKUTAGAWA: Okay. Thank you. Commissioner  
19 Toledo? Oh, was it Commissioner Toledo or Commissioner  
20 Andersen? You're both -- on the tiles, you're like  
21 right -- right up above each other.

22 COMMISSIONER TOLEDO: I think it's Commissioner  
23 Andersen.

24 COMMISSIONER ANDERSEN: I think -- this is just a  
25 quick -- Marian, on the actual lawsuit, I believe that I

1 heard the Census Bureau when asked about the numbers said  
2 the only number of immigrants that they could actually give  
3 the administration would be those who are actually in  
4 detention facilities.

5 MS. JOHNSTON: I've read that too.

6 COMMISSIONER ANDERSEN: And if that is a number,  
7 do we have an evaluation of that versus some unknown  
8 number? Is it -- I know it's -- we have no idea what could  
9 be going on, but it would be -- I don't know in terms of  
10 that kind of number if -- if that's a -- how significant  
11 that particular number is for the state of California.

12 MS. JOHNSTON: I don't know.

13 COMMISSIONER ANDERSEN: We could look -- I don't  
14 know if we could look into that somehow, as well -- as well  
15 as pursuing this.

16 MS. JOHNSTON: The problem is that I think there  
17 is no -- no good information about that because it wasn't  
18 asked during the census. Yeah. And I don't think  
19 California keeps a record of it.

20 CHAIR AKUTAGAWA: I think a lot of it is  
21 speculative as to what numbers they can try to utilize for  
22 that.

23 Commissioner Fornaciari, I see you next.

24 VICE CHAIR FORNACIARI: Yeah. Wouldn't Karin  
25 have that information on the -- the prisoners because of

1 the work she's doing to -- you know, she's got that data  
2 from the Bureau prisons. She may have that if we feel like  
3 we --

4 MS. JOHNSTON: She -- she might have it for the  
5 prisoners who are undocumented --

6 VICE CHAIR FORNACIARI: Right.

7 MS. JOHNSTON: But it would say --

8 VICE CHAIR FORNACIARI: For the prisons. Right.

9 MS. JOHNSTON: She was saying that the  
10 information she gets from the prison is not always very  
11 accurate because --

12 VICE CHAIR FORNACIARI: Right.

13 MS. JOHNSTON: -- of their recordkeeping  
14 processes.

15 CHAIR AKUTAGAWA: Okay. Commissioner Vasquez and  
16 Commissioner Sinay.

17 COMMISSIONER VASQUEZ: Yeah, I just -- I don't  
18 think that's a particularly productive line of research,  
19 that the number -- those who hold the numbers, really, at  
20 the end of the day, Department of Homeland Security, so  
21 they're -- they have the numbers.

22 They know theoretically -- apparently we're  
23 finding out that they don't always know -- how many people  
24 are in detention centers and where they are. So they're  
25 going to decide what subset, if any, and how they're going



1 to use those numbers.

2           And so for us to think that we might be able to  
3 then sort of backwards map into what -- what a population  
4 in California looks like who is not detained would -- would  
5 just be -- I think that's a bit of what Karin was trying to  
6 tell us was that should -- should we get the data as  
7 proposed by the current administration, we will be -- we  
8 will -- we will be in a very, very, very hard place  
9 data-wise.

10           CHAIR AKUTAGAWA: Okay. Commissioner Sadhwani,  
11 did you want --

12           COMMISSIONER SADHWANI: So should I make a motion  
13 that we move forward to draft an *amicus* brief that we can  
14 bring back to the Commission for review, as well as reach  
15 out to other statewide commissions to open a dialog to find  
16 out if this is something that they too are working on, if  
17 we can join efforts with them or if they want to join  
18 efforts with us?

19           MS. JOHNSTON: I would suggest it be in the form  
20 of you want to participate in the case either with a  
21 separate brief or with a coalition of briefs, and I'll find  
22 out before next meeting whether there is a coalition.

23           COMMISSIONER VASQUEZ: Second.

24           COMMISSIONER SADHWANI: Can I make that motion?

25           COMMISSIONER VASQUEZ: Can I second it?

1 MS. JOHNSTON: Who seconded it?

2 CHAIR AKUTAGAWA: Commissioner Vasquez.

3 MS. JOHNSTON: Okay. The motion will be to  
4 participate as *amicus* in the Trump versus New York case,  
5 either as a separate party in a coalition with those with  
6 like interests. Correct?

7 CHAIR AKUTAGAWA: And it was seconded by  
8 Commissioner Vasquez.

9 And I see in terms of discussion comment, I see  
10 Commissioner Andersen that you had your hand up.

11 COMMISSIONER ANDERSEN: That -- that was just in  
12 terms of what we're bringing back for next week, so it's --  
13 because I agree with Commissioner Toledo. It should be --  
14 we need the talking points or the legal points. But that  
15 doesn't -- that doesn't really bear on the motion here. So  
16 thank you.

17 It -- this is -- it's a -- this is a, you know, I  
18 come back and forth, you know, how involved we want to get,  
19 and I just don't see any way out of we have to be involved.  
20 I just don't see any other way. That's -- we have to or we  
21 can't do our job.

22 CHAIR AKUTAGAWA: Okay. If there are no other --  
23 well, no other commission comments for right now, I -- we  
24 have to go -- I -- I know we need to take public comments  
25 on this motion before -- Commissioner Sadhwani.

1           COMMISSIONER SADHWANI: Thank you. Can I also  
2 just make a procedural suggestion that we can consider?  
3 When it came to doing the census letters, we had had a very  
4 brief discussion about can we get everyone's signatures?  
5 If it -- presuming we move forward with actually submitting  
6 an *amicus* brief, I think it would be a nice effort if we  
7 could actually get everyone's signatures on such a  
8 document.

9           MS. JOHNSTON: You have to be a member of the  
10 California -- of the Supreme Court Bar.

11           COMMISSIONER SADHWANI: Oh, to sign -- to be a  
12 signatory? Well, forget it then. Okay. But for future  
13 refence, I think if we do -- if we can develop some  
14 protocol for our procedures --

15           MS. JOHNSTON: Well, you could put out a press  
16 release supporting it, which -- or announcing it that had  
17 everybody sign.

18           COMMISSIONER SADHWANI: Sure. Yeah. If we can  
19 figure out how to do that for future, I think that would be  
20 generally a great thing to have.

21           CHAIR AKUTAGAWA: Thad's a great thought.

22           All right. Let's open it to public moment. And  
23 looks like -- if I'm looking at this correctly, we have one  
24 already queued up. And Jesse, can you read off the  
25 instructions also?

1           JESSE: In order to maximize transparency and  
2 public participation in our process, the commissioners will  
3 be taking public comment during their meeting by phone.  
4 There will be opportunities to address the commissioners  
5 regarding the items on the agenda. There will also be  
6 opportunities for the public to submit general comments  
7 about items not on the agenda.

8           Please note that the Commission is not able to  
9 comment or discuss items not on the agenda. The Commission  
10 will advise the viewing audience when it is time to submit  
11 public comment. The commissioners will then allow time for  
12 those who wish to comment to dial in.

13           To call in on your phone, dial the telephone  
14 number provided on the livestream feed. When prompted,  
15 enter the meeting ID number provided on the livestream feed  
16 using your dial pad. When prompted to enter a participant  
17 ID, simply press pound.

18           Once you have dialed in, you will be placed in a  
19 queue from which a moderator will begin unmuting callers to  
20 submit their comment. You will also hear an automated  
21 message to press star nine to raise your hand, indicating  
22 you wish to comment.

23           When it is your turn to speak, the moderator will  
24 unmute you, and you will hear an automated message saying  
25 the host would like you to talk, and press star six to

1 speak. You will have two minutes to provide your comments.

2 Please make sure to mute your computer or  
3 livestream audio to prevent any feedback or distortion  
4 during your call. Once you are waiting in the queue, be  
5 alert for when it is your turn to speak, and please turn  
6 down the livestream volume.

7 The commissioners will take comment for every  
8 action item on the agenda. As you listen to the online  
9 video stream, the Chair will call for public comments.  
10 This is the time to call in.

11 The process for making a comment will be the same  
12 each time, beginning by the telephone number provided on  
13 the livestream feed and following the steps stated.

14 Good afternoon, caller. Could you please state  
15 and spell your name for the record, please?

16 MS. SHELLENBERGER: Hello, this is Lori  
17 Shellenberger. It's me again. L-O-R-I  
18 S-H-E-L-L-E-N-B-E-R-G-E-R. I'm the redistricting  
19 consultant for California Common Cause, and I'm calling in,  
20 in support of the motion and the Commission's decision to  
21 submit an *amicus* brief in Trump v. New York.

22 And I also wanted to let you know that the  
23 Brennan Center for Justice is coordinating the *amicus*  
24 briefs in that case. And full disclosure, I'm calling in a  
25 -- I do also consult with Brennan Center for Justice, but

1 I'm speaking on behalf of California Common Cause today,  
2 but I'm happy to connect Marian to the person who is point  
3 on *amicus* brief there.

4 As of yet, I don't believe there are any other  
5 commissions that have come forward, but that doesn't mean  
6 that there won't be, and that will be a very well-  
7 coordinated *amicus* campaign.

8 Secondly, they can also -- of course, Marian is  
9 fully qualified to -- to draft this brief, but they can  
10 also connect you with law firms who often provide pro bono  
11 counsels to -- to -- to write that brief for you as well.  
12 And those are also prominent supreme -- you know, barred  
13 supreme court litigators that -- that usually are -- are  
14 tasked with writing those briefs.

15 I can remain on if anyone has questions.  
16 Otherwise, thank you.

17 CHAIR AKUTAGAWA: Lori, would you please stay on?  
18 There is a question, it looks like, from one of the  
19 commissioners to you. Commission Sadhwani.

20 COMMISSIONER SADHWANI: Yes, thank you. This is  
21 Commissioner Sadhwani. Thank you so much for calling in,  
22 and this is extraordinarily helpful and such a generous  
23 offer, so I thank you very much for that.

24 I'm wondering -- I know that you're representing  
25 California Common Cause, but certainly Common Cause is a

1 national organization, and I'm wondering if -- if you might  
2 also be able to assist us in connecting to other  
3 commissions to Michigan, to Arizona.

4 I know I don't have those contacts. I don't  
5 know, Marian, if you do, but if that's something that  
6 Common Cause could at least help facilitate, I think that  
7 that could just save us a -- save us a quick step, save us  
8 a little bit of time.

9 MS. SHELLENBERGER: Yes. Absolutely. I -- in  
10 addition to consulting with California Common Cause, I  
11 consult to the national redistricting team that's working  
12 with those commissions, so I can forward information to --  
13 to the commission with those contacts.

14 COMMISSIONER SADHWANI: Very good. Thank you so  
15 much.

16 CHAIR AKUTAGAWA: Thank you.

17 MS. SHELLENBERGER: All right. Thank you.

18 JESSE: There are currently no more --

19 CHAIR AKUTAGAWA: All right. Thank you.

20 JESSE: There are currently no callers in the  
21 queue, Chair.

22 CHAIR AKUTAGAWA: Okay. I think we can move to a  
23 vote.

24 MS. JOHNSTON: Commissioner Ahmad?

25 COMMISSIONER AHMAD: Yes.

1 MS. JOHNSTON: Commissioner Akutagawa?  
2 CHAIR AKUTAGAWA: Yes.  
3 MS. JOHNSTON: Commissioner Andersen?  
4 COMMISSIONER ANDERSEN: Yes.  
5 MS. JOHNSTON: Commissioner Fernandez?  
6 Commissioner Fornaciari?  
7 VICE CHAIR FORNACIARI: Yes.  
8 MS. JOHNSTON: Commissioner Kennedy?  
9 COMMISSIONER KENNEDY: Yes.  
10 MS. JOHNSTON: Commissioner Le Mons?  
11 COMMISSIONER LE MONS: Yes.  
12 MS. JOHNSTON: Commissioner Sadhwani?  
13 COMMISSIONER SADHWANI: Yes.  
14 MS. JOHNSTON: Commissioner Sinay?  
15 COMMISSIONER SINAY: Yes.  
16 MS. JOHNSTON: Commissioner Taylor?  
17 COMMISSIONER TAYLOR: Yes.  
18 MS. JOHNSTON: Commissioner Toledo?  
19 COMMISSIONER TOLEDO: Yes.  
20 MS. JOHNSTON: Commissioner Turner?  
21 COMMISSIONER TURNER: Yes.  
22 MS. JOHNSTON: Commissioner Vasquez?  
23 COMMISSIONER VASQUEZ: Yes.  
24 MS. JOHNSTON: Commissioner Yee?  
25 COMMISSIONER YEE: Yes.



1 MS. JOHNSTON: Unanimous, Madam Chair.

2 CHAIR AKUTAGAWA: Thank you very much. Okay.

3 MS. JOHNSTON: I voted yes for you. I knew what  
4 you wanted.

5 CHAIR AKUTAGAWA: All right. Next up on our  
6 subcommittee agenda, we have the hiring of the deputy  
7 executive director.

8 And just briefly, before I go on to that, I do  
9 need to -- I apologize. I do need to leave this meeting  
10 for another brief meeting. Commissioner Fornaciari is  
11 going to be taking over for me, and so I'm going to hand  
12 this over to him now so that I don't disrupt the  
13 conversation around the hiring of the deputy executive  
14 director.

15 VICE CHAIR FORNACIARI: Thanks, Commissioner  
16 Akutagawa.

17 Before we get started on that, Kristian, what's  
18 our break time, and what does ASL support look like as far  
19 as continuing on?

20 MR. MANOFF: Break time is 4:53.

21 VICE CHAIR FORNACIARI: Okay. And then --

22 MR. MANOFF: As far as I know, we're good on ASL  
23 support. I got a thumbs up from them, so there you go.

24 VICE CHAIR FORNACIARI: Okay. And then just do  
25 any of the commissioners kind of have a feeling for how

1 much longer they're -- they want to go, or just carry on?  
2 Commissioner Taylor?

3 COMMISSIONER TAYLOR: Yes, I probably have to  
4 drop off at the break.

5 VICE CHAIR FORNACIARI: Okay. Commissioner  
6 Vasquez?

7 COMMISSIONER VASQUEZ: Could I make a suggestion  
8 to the group to consider a hard stop at 6, 5:30? I'm not  
9 sure what folks' appetites are for going late into the  
10 night. I am willing, but, you know, I'll be honest, the  
11 brain starts to fade at a certain point.

12 VICE CHAIR FORNACIARI: Commissioner Turner?

13 COMMISSIONER TURNER: Yep. I did not anticipate  
14 going later today, coming back, so I'll be off -- I'll need  
15 to be off no later than the next maybe 15, 20 minutes.

16 VICE CHAIR FORNACIARI: How do folks feel about  
17 just going -- well, going to the break and we'll check in  
18 then, see if we want to stop or we're -- I'm not feeling  
19 well either. You guys can tell. I apologize if I keep  
20 dropping off. So let's -- let's get back to it.

21 Hiring of the deputy executive director update?  
22 That would be Fernandez and Ahmad.

23 COMMISSIONER AHMAD: Do you want to go  
24 Commissioner Fernandez or should I? Yeah. Okay. Fill in  
25 where I have gaps.

1           So an update for the group and for everyone, we  
2 are finally moving forward with the duty statement.  
3 Woohoo. So our process has started as of today, and we  
4 have a meeting on the calendar -- Commissioner Fernandez  
5 and I with our candidate -- set for later this week to  
6 provide updates, so we intend to share the copy of the duty  
7 statement, the changes that we had discussed in closed  
8 sessions for that candidate, and relay all of that  
9 information to the candidate.

10           Commissioner Fernandez, do you have any other  
11 updates?

12           VICE CHAIR FORNACIARI: So then when -- okay. So  
13 you know, to anticipate Commissioner Le Mons' question, so  
14 -- when are we get it in the -- you know, stick the -- the  
15 statement -- the duty statement into this churning machine  
16 to get the machine going and our -- you know, how long is  
17 that going to take to come out the other end with a -- with  
18 a job offer?

19           COMMISSIONER AHMAD: So we -- we were told, I  
20 believe together at one point, that the process is  
21 approximately three weeks, and we are going to be annoying  
22 every single day, and contact staff, and keep pushing it  
23 forward, and hopefully get the person on within the three-  
24 week timeframe.

25           VICE CHAIR FORNACIARI: Oh, so it's already going

1 through the --

2 COMMISSIONER AHMAD: Yeah, as of today, so  
3 it's --

4 VICE CHAIR FORNACIARI: -- through the  
5 bureaucracy.

6 COMMISSIONER AHMAD: It's --

7 VICE CHAIR FORNACIARI: Oh, okay.

8 COMMISSIONER AHMAD: -- flying away into the  
9 processes.

10 VICE CHAIR FORNACIARI: Okay. Beautiful.  
11 Wonderful. Okay.

12 Any questions on that at this point?  
13 Outstanding.

14 C, hiring of chief counsel. Andersen and Toledo.

15 COMMISSIONER ANDERSEN: This one's easy.  
16 References have been checked. The offer will be made  
17 possibly today, probably. And then we will see.

18 As far as the -- how soon, I don't recall, but  
19 we'll -- we may -- we might be able to make more  
20 information today, tomorrow -- I mean tomorrow.

21 VICE CHAIR FORNACIARI: Okay.

22 COMMISSIONER ANDERSEN: Commissioner Toledo, do  
23 you want -- have anything else to say?

24 COMMISSIONER TOLEDO: No. I think Commissioner  
25 Andersen -- I mean Fernandez had something, a question, I

1 believe.

2 VICE CHAIR FORNACIARI: Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Yes. I did find out  
4 this morning that the references were checked, so now I  
5 have to coordinate with Commissioner Akutagawa because both  
6 of us were charged with moving forward with contacting the  
7 candidate. So hopefully -- apparently she's not available  
8 now, so we'll try to make some time either today or  
9 tomorrow sometime during a break or something.

10 VICE CHAIR FORNACIARI: Yes. I'm not sure when  
11 she's going to be back available, so you'll have to get  
12 with her directly.

13 Any other comments on that, questions? Yes,  
14 Commissioner Sadhwani, then Commissioner Le Mons.

15 COMMISSIONER SADHWANI: Just in the spirit of  
16 moving forward, would it make sense to charge someone in  
17 Commissioner Akutagawa's absence so that it could move  
18 forward today?

19 VICE CHAIR FORNACIARI: Go ahead, Commissioner  
20 Fernandez.

21 COMMISSIONER FERNANDEZ: I don't mind teaming up  
22 with Commissioner Ahmad again. That's -- since we already  
23 know the process, are you game?

24 VICE CHAIR FORNACIARI: Is there -- the Chair --  
25 Commissioner Akutagawa's part of the -- part of the team

1 because she's the Chair. Marian?

2 MS. JOHNSTON: Yes?

3 VICE CHAIR FORNACIARI: Would it be okay if in --  
4 in the absence of Commissioner Akutagawa that we have  
5 Commissioner Ahmad --

6 MS. JOHNSTON: Whatever you -- that would be  
7 fine.

8 VICE CHAIR FORNACIARI: -- and Fernandez make the  
9 offer?

10 MS. JOHNSTON: That would be fine.

11 VICE CHAIR FORNACIARI: That's okay? Okay.  
12 Well, then, Commissioner Toledo?

13 COMMISSIONER TOLEDO: Just a quick -- and I --  
14 and this is -- I'm fine with this. Commissioner Akutagawa  
15 did -- had asked Commissioner Andersen and myself to -- to  
16 join her in making the offer as well, so -- but -- but I  
17 think having Alicia -- or Commissioner Fernandez and  
18 Commissioner Ahmad do this would make sense given that  
19 they've been involved in every job offer, and continuing  
20 that makes sense to me.

21 VICE CHAIR FORNACIARI: Okay. I want to make  
22 sure I give space for anyone else who wants to make a  
23 comment on this.

24 Okay. So I'm going to assume that no comments  
25 mean that you're supportive of that. If not, wave your

1 hand ferociously. Okay. I don't see any hand waving.

2 Okay. So then Commissioner Fernandez and  
3 Commissioner Ahmad, if -- if you guys would hook up and  
4 take the lead on that, that would be great.

5 Then we'll move forward to Item D, hiring of --  
6 where are we -- communications director. That's Taylor and  
7 Vasquez.

8 COMMISSIONER TAYLOR: Good afternoon. So  
9 references have been checked as we -- as we discussed.  
10 However, there's been some additional information that we  
11 need to discuss in closed session.

12 VICE CHAIR FORNACIARI: Okay.

13 COMMISSIONER TAYLOR: So we have that scheduled  
14 for the 28th, and we'll be able to proceed further once we  
15 have that conversation with the full commission.

16 VICE CHAIR FORNACIARI: Okay. All right. Very  
17 good. Any -- I guess -- well, you can ask questions, but  
18 maybe they can't answer them at this point, or we can wait  
19 till the 28th.

20 Okay. Oh, Commissioner Le Mons?

21 COMMISSIONER LE MONS: I don't have a question  
22 for them, but I do have a question for us. Did -- we  
23 didn't put closed session on this agenda as --

24 VICE CHAIR FORNACIARI: No, unfortunately, we  
25 didn't.

1 COMMISSIONER LE MONS: Ah, okay.

2 VICE CHAIR FORNACIARI: We have it on -- we're  
3 having it -- a closed session for personnel discussions on  
4 every agenda from here on out.

5 COMMISSIONER LE MONS: I see.

6 VICE CHAIR FORNACIARI: Anything -- yeah. Okay.  
7 Then Finance Committee, I think we have nothing -- oh,  
8 sorry. Commissioner Sadhwani.

9 COMMISSIONER SADHWANI: No problem. Just one  
10 real quick question. So October 28th is a little while  
11 from now. I understand from a scheduling standpoint in 14  
12 days that that is probably how it has to be. Are we at all  
13 in touch with our chosen candidate or other candidates to  
14 know that -- to let them know that we are still in this  
15 process? Should we do that?

16 I would hate to lose candidates if there's a  
17 larger issue or -- do you know what I'm saying? I don't  
18 want to have to reinvent the wheel if this candidate  
19 doesn't work. I don't know what the issue is, but I -- I  
20 just wonder what the -- what is the communication with the  
21 -- our chosen candidate or the other candidates?

22 VICE CHAIR FORNACIARI: Commissioner Vasquez?

23 COMMISSIONER VASQUEZ: Yeah. My -- my  
24 understanding is that we left it with each candidate that  
25 we would communicate -- we would close out the process with



1 them but no additional communication since their interview  
2 has happened, so we're still in -- we're still in the  
3 process of -- as far as they know. And correct me if I'm  
4 wrong, Commissioner Taylor.

5 COMMISSIONER TAYLOR: No, that's -- that's  
6 correct. No additional contact with the candidates.

7 And while the -- and I would -- I would say --  
8 and you guys can tell me if your experience is different --  
9 for a job -- for a job interview, we're still within a  
10 relatively short timeframe. If I were to get back within  
11 two weeks from a multitude of jobs that I've applied for, I  
12 probably would've been ecstatic. So I still think we're  
13 within the framework with where a person would be -- would  
14 expect that we're in our bidding process.

15 COMMISSIONER SADHWANI: Thank you.

16 VICE CHAIR FORNACIARI: Okay. Commissioner  
17 Fernandez, did you have a comment? I saw your hand was  
18 raised.

19 COMMISSIONER FERNANDEZ: No, that's -- I was  
20 going to mirror what Commissioner Taylor said. We're still  
21 -- it'll still be within a two-week time period, so it  
22 would be okay to not have to communicate back to all of the  
23 candidates. So thank you.

24 VICE CHAIR FORNACIARI: Okay. Very good.

25 Finance Committee, we don't have anything

1 significant to report. Gantt Committee, anything at this  
2 point? Commissioner Kennedy?

3 COMMISSIONER KENNEDY: Just that we will -- I  
4 would propose to take the input from tomorrow's discussion  
5 on milestones and key dates incorporated into the Gantt  
6 chart as it currently stands. And then when I hear from  
7 Director Claypool in the course of the week for our half-  
8 hour getting-to-know-you chat, we can discuss how we hand  
9 that over to him.

10 VICE CHAIR FORNACIARI: Okay. Anything else on  
11 that? Okay. Nothing to add.

12 Okay. Line drawer RFP, Saguenay and Andersen?

13 COMMISSIONER SADHWANI: Sure.

14 VICE CHAIR FORNACIARI: Commissioner Sanguine?

15 COMMISSIONER SADHWANI: Commissioner Andersen, do  
16 you want to go or shall I?

17 COMMISSIONER ANDERSEN: Go right ahead.

18 COMMISSIONER SADHWANI: Okay. Perfect. I'll  
19 start, and feel free to jump in.

20 So we have been busy. As mentioned earlier, we  
21 have taken the approach to have a number of conversations  
22 with folks who have been either directly or tangentially  
23 involved in the 2010 process. Our purpose here is that in  
24 order to hire a line drawer, we felt we needed to know  
25 about who line drawers are and what is the field and scope

1 of line drawers.

2           As mentioned several meetings ago, there was a  
3 list that was created. I don't know if -- exactly if it  
4 was created by the State Auditor's Office or by Raul or who  
5 exactly created this list, but we were given that list, and  
6 we wanted to be able to verify it.

7           So thus far, we have had a conversation with  
8 Karin MacDonald, the -- from -- in her capacity as Q2, the  
9 consulting firm in which she was the line drawer for 2010.  
10 We had -- we had an -- I had initial conversation with Paul  
11 Mitchell, and we're having a follow-up conversation. He is  
12 seen as a Democratic party line drawer. We also had a  
13 conversation with Doug Johnson who -- who did one of the --  
14 the trainings for us earlier in the -- in the year and is  
15 often seen as -- as more of a Republican-leaning line  
16 drawer. Those have been very helpful. We are anticipating  
17 a few additional conversations and follow-up conversations.

18           Our expectation is to prepare a memo for you all  
19 with the key pieces that we have learned as well as,  
20 hopefully, to begin a draft -- and I think the information  
21 that was provided to us this morning in that email, a draft  
22 of the RFP or whatever process it is that we will use.

23           We would like to ask that we have some time on  
24 the agenda for the November 4th, 5th, and 6th meeting so  
25 that we can present to you kind of our findings from these

1 conversations as well as a draft of that RFP to move  
2 forward.

3           Some of the things that we have learned, you  
4 know, without going into too great of detail here, one is  
5 the the process in 2010 was extraordinarily chaotic and  
6 very difficult for a line drawer to do. As we heard  
7 earlier, there were only two people -- Doug Johnson and  
8 Karin -- who -- who applied in 2010.

9           The -- the field of line drawers both here and in  
10 the state of California and nationally -- is very small,  
11 and these folks are already becoming very busy. And our  
12 task is monumental. We are the largest state in -- in the  
13 country with many, many districts to be drawn. So I -- I  
14 agree with Director Claypool that we do need to get on this  
15 sooner rather than later, and -- but I think we also need  
16 to have a very realistic understanding of the -- the field  
17 that we're entering into, and therefore use all of that to  
18 help determine the scope of that RFP. And we've been  
19 soliciting a lot of feedback about that.

20           Commissioner Andersen, is there anything else  
21 that I've missed?

22           COMMISSIONER ANDERSEN: Just -- just that when we  
23 say, you know, draft the RFP, we are talking about the  
24 scope portion of that. We're not talking about the  
25 particular details. And so we have indeed been working on

1 this. We've been getting a lot of good input. We're also  
2 getting ideas about how to approach it and how to evaluate  
3 it, which we got a couple (indiscernible) on which have  
4 been very eye opening, very helpful in terms of what's --  
5 things that went wrong and pit foil -- pitfalls to avoid.

6           And that's -- and there is -- also we're finding  
7 is how the connection to the -- the Voting Rights Act and  
8 through this COI tool or whatever tool, how it -- these all  
9 need to be meshed together, and so it does give us the  
10 whole idea of these -- they're not separate items. They  
11 are essentially one -- different aspects of the same item,  
12 which has been very helpful as far as this -- detailing the  
13 scope, so we're really working on that aspect, and that's  
14 what we plan to come back with you to a -- basically a  
15 rough draft of that -- that portion.

16           COMMISSIONER SADHWANI: That's correct. And I  
17 would just add also to that, that the community outreach  
18 piece, I think that our conversations with the line drawer  
19 have been very interested and helpful at trying to  
20 understand the community outreach piece and how we will  
21 need to do things differently from 2010, based on what we  
22 talked about with the -- in all of the conversations is  
23 that while having all this community engagement is  
24 wonderful, it's actually very difficult and costly to -- to  
25 do.

1           And so we have heard twice that the figure for  
2 this kind of contract would probably run us 2 to 3 million  
3 dollars, so I want to put that out there for everyone.

4           And certainly as we continue to think about our  
5 community outreach plan, we need to be thinking about how  
6 the line -- how we anticipate the line drawer to be  
7 engaged. Is it the same way as 2010, or will it be some  
8 different way, and how are we going to communicate that in  
9 an RFP in terms of that scope of work?

10           VICE CHAIR FORNACIARI: I saw Director Claypool's  
11 hand.

12           EXECUTIVE DIRECTOR CLAYPOOL: I just wanted to  
13 add that in 2010, the difficulty -- the reason we only  
14 received two is because we scoped out their experience  
15 wrong, and we required that they have -- have statewide  
16 experience, and then we had to back it off to SMA,  
17 Statistical Metropolitan Area.

18           So how you -- as you're putting that together in  
19 your thoughts, you'll -- you'll get more if you require  
20 less experience, but you'll -- but that's the dilemma  
21 because very few people can give you a statewide  
22 experience, like Doug Johnson did Arizona. Now Karin has  
23 done California. Who else has done statewide experience?  
24 So --

25           COMMISSIONER ANDERSEN: Actually, to address that

1 very point is it's not necessarily quantity of work. It's  
2 quality of work. And that's -- that is a -- we've gotten  
3 that from several different angles, and also just talking  
4 among -- with -- on the subcommittee, it's certain types of  
5 experience, not necessarily the size of experience, because  
6 that's what's absolutely crucial, which is really helping  
7 us tailor the scope.

8           So that -- and that is exactly -- and also the  
9 one thing about the cash, because it did play into, you  
10 know, people who just said oh, forget it because now there  
11 are many more line -- many more people who are looking for  
12 line drawers, including advocacy groups who can pay a lot  
13 of money. So there's the whole money issue too, which  
14 didn't -- which came out of -- from 2010 came at it from a  
15 different angle. So we're trying to consider all these  
16 items.

17           VICE CHAIR FORNACIARI: Okay. So you -- we'll --  
18 we'll hear from you in -- in more -- much more detail in a  
19 couple weeks.

20           Are there any -- any other questions for the team  
21 before we move on to the next -- we are up against the  
22 break. We have two minutes. Well, is that enough? I  
23 mean, how much -- how long do you need, Commissioner  
24 Sadhwani and Yee? I don't want to -- I don't want to short  
25 you guys, so I just -- you -- should we take the break and

1 then come back, or are we in the mood to kind of finish for  
2 the day and -- and take it up first thing in the morning?

3 I -- where you guys at?

4 COMMISSIONER YEE: What was --

5 COMMISSIONER SADHWANI: I'd be fine with that. I  
6 don't know.

7 VICE CHAIR FORNACIARI: Finish for the day and  
8 take it up in the morning? Is that --

9 COMMISSIONER YEE: I don't think we have -- we  
10 don't have a lot to report, but I think the mood was to  
11 call it quits after, you know, in a minute or two, right?  
12 So --

13 VICE CHAIR FORNACIARI: Okay. All right.  
14 Then -- let's see. I think we need to see if there's  
15 public comment before we -- before we end. Is that  
16 correct? So Jesse, can you read the -- the direction for  
17 public comment, and -- and we'll see if we have some public  
18 comment? And we will recess after that.

19 JESSE: In order to maximize transparency and  
20 public participation in our process, the commissioners will  
21 be taking public comment during their meeting by phone.  
22 There will be opportunities to address the commissioners  
23 regarding the items on the agenda. There will also be  
24 opportunities for the public to submit general comments  
25 about items not on the agenda.



1           Please note that the Commission is not able to  
2 comment or discuss items not on the agenda. The Commission  
3 will advise the viewing audience when it is time to submit  
4 public comment. The commissioners will then allow time for  
5 those who wish to comment to dial in.

6           To call in on your phone, dial the telephone  
7 number provided on the livestream feed. When prompted,  
8 enter the meeting ID number provided on the livestream feed  
9 using your dial pad. When prompted to enter a participant  
10 ID, simply press pound.

11           Once you have dialed in, you will be placed in a  
12 queue from which a moderator will begin unmuting callers to  
13 submit their comment. You will also hear an automated  
14 message to press star nine to raise your hand, indicating  
15 you wish to comment.

16           When it is your turn to speak, the moderator will  
17 unmute you, and you will hear an automated message saying  
18 the host would like you to talk, and press star six to  
19 speak. You will have two minutes to provide your comments.

20           Please make sure to mute your computer or  
21 livestream audio to prevent any feedback or distortion  
22 during your call. Once you are waiting in the queue, be  
23 alert for when it is your turn to speak, and please turn  
24 down the livestream volume.

25           The commissioners will take comment for every

1 action item on the agenda. As you listen to the online  
2 video stream, the Chair will call for public comments.  
3 This is the time to call in.

4 The process for making a comment will be the same  
5 each time, beginning by the telephone number provided on  
6 the livestream feed and following the steps stated.

7 Chair, there's currently zero callers in the  
8 queue.

9 VICE CHAIR FORNACIARI: Okay. Thank you. We'll  
10 -- we'll allow a couple of minutes for the livestream to  
11 catch up, and then folks can call in, if that's okay.

12 COMMISSIONER VASQUEZ: Thank you to our Chairs  
13 today.

14 VICE CHAIR FORNACIARI: You're welcome.

15 COMMISSIONER VASQUEZ: It's tough.

16 VICE CHAIR FORNACIARI: It's really distracting.

17 COMMISSIONER VASQUEZ: It's really tough.

18 VICE CHAIR FORNACIARI: Yeah. So Commissioner  
19 Sinay, do you have a -- do we have a speaker for tomorrow,  
20 or is that the one you mentioned would be on the fourth  
21 through sixth?

22 COMMISSIONER SINAY: No. We have no speakers on  
23 this agenda.

24 VICE CHAIR FORNACIARI: Okay.

25 COMMISSIONER SINAY: Next -- next week we've --

1 VICE CHAIR FORNACIARI: Oh, next week during --

2 COMMISSIONER SINAY: We have a panel, yeah.

3 VICE CHAIR FORNACIARI: Okay. Okay. Very good.

4 COMMISSIONER SADHWANI: So if I'm reading that  
5 right, then we actually don't have too, too much left for  
6 tomorrow.

7 VICE CHAIR FORNACIARI: Well, the key milestones  
8 will probably take a while. I'm not sure how much the COI  
9 tool, how long that conversation's going to take. But  
10 yeah. Otherwise --

11 COMMISSIONER SINAY: Knock on wood, Sara.

12 VICE CHAIR FORNACIARI: It'll be before 7:30 when  
13 we finish up tomorrow.

14 COMMISSIONER VASQUEZ: Have you met us?

15 VICE CHAIR FORNACIARI: What's that?

16 COMMISSIONER VASQUEZ: Have you met us?

17 VICE CHAIR FORNACIARI: That's why I said 7:30.  
18 Maybe I'm being too optimistic.

19 Okay. Well, it's been -- I feel like it's been  
20 enough time to -- for the livestream to catch up and folks  
21 to call in. And we have no one in the queue at this point,  
22 and we will take public comment first thing in the morning.

23 So with that, I will call recess. We are  
24 recessed until tomorrow at 9:30, so thank you all.

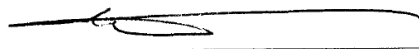
25 (Opening session recessed until October 21, 2020.)

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IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of July, 2021.



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PETER PETTY  
CER\*\*D-493  
Notary Public

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