

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

FRIDAY, FEBRUARY 18, 2022

9:36 a.m.

Reported by:

Peter Petty



APPEARANCECSCOMMISSIONERS

Russell Yee, Chair
Angela Vázquez, Vice-Chair
Isra Ahmad, Commissioner
Linda Akutagawa, Commissioner
Alicia Fernández, Commissioner
Neal Fornaciari, Commissioner
J. Kennedy, Commissioner
Patricia Sinay, Commissioner
Derric Taylor, Commissioner
Trena Turner, Commissioner

STAFF

Alvaro Hernandez, Executive Director
Anthony Pane, Chief Counsel
Ravindar Singh, Administrative Assistant
Fredy Ceja, Communications Director
Marcy Kaplan, Director of Outreach

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

PUBLIC COMMENT

Renee Westa-Lusk

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Call to Order and Roll Call

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P R O C E E D I N G S

1 Friday, February 18, 2022

9:36 a.m.

2 CHAIR YEE: I'm Russell Yee, the February chair,
3 here at my home in Oakland.
4

5 If we could have roll call, Ravi?

6 MR. SINGH: Yes, Chair. Thank you.

7 Commissioner Ahmad?

8 COMMISSIONER AHMAD: Here.

9 MR. SINGH: Commissioner Akutagawa?

10 COMMISSIONER AKUTAGAWA: Here.

11 MR. SINGH: Commissioner Andersen? Commissioner
12 Fernández?

13 COMMISSIONER FERNÁNDEZ: (Spanish spoken).

14 MR. SINGH: Commissioner Fornaciari?

15 COMMISSIONER FORNACIARI: Here.

16 MR. SINGH: Commissioner Kennedy?

17 COMMISSIONER KENNEDY: Here.

18 MR. SINGH: Commissioner Le Mons? Commissioner
19 Sadhwani? Commissioner Sinay?

20 COMMISSIONER SINAY: Here.

21 MR. SINGH: Commissioner Taylor?

22 COMMISSIONER TAYLOR: Present.

23 MR. SINGH: Commissioner Toledo? Commissioner
24 Turner?

25 COMMISSIONER TURNER: Here.

1 MR. SINGH: Commissioner Vazquez? And Commissioner
2 Yee?

3 CHAIR YEE: Here.

4 MR. SINGH: You have a quorum, Chair.

5 CHAIR YEE: Thank you, Ravi. Barely.

6 Well, welcome, everyone. Today is a business
7 meeting. We have the agenda and the run of show.
8 Looking at the calendar, there's another business meeting
9 scheduled for next week on Wednesday. And by the end of
10 this meeting, we'll have a sense of whether that meeting
11 will be necessary. The next meeting after that won't be
12 until March. That will be the lessons learned exercise
13 set of meetings that we'll have some business meeting
14 time inserted into, so that's the scope of our available
15 time coming up.

16 Let's go ahead and ask for any announcements anyone
17 has today.

18 Go ahead, Commissioner Sinay.

19 COMMISSIONER SINAY: Just because it's unique, I
20 will be meeting with the Finnish press. So a reporter is
21 coming to San Diego, and he wants to do it face-to-face,
22 and he's also going to Texas -- San Diego and Texas. So
23 I just thought I would share that because it'll be
24 interesting to see what his questions are. And this came
25 through Fredy. So it'll be interesting to see what his

1 questions are and what comes out of it, so I thought I
2 would share that.

3 CHAIR YEE: Um-hum. Thank you, Commissioner Sinay.
4 Also, I want to mention the CalMatters recent article on
5 our not getting sued was, I thought, particularly well-
6 done, even though I have a family connection there, full
7 disclosure. And I like the emphasis on saving the state
8 money, you know. There were complaints about us spending
9 too much, so it's nice to be recognized for not having to
10 spend all those legal fees on defending our maps.

11 Any other announcements? If not, we can go to
12 director's report, and we'll start with our executive
13 director, Alvaro.

14 MR. HERNANDEZ: Thank you, Chair. And good morning,
15 Commissioners. So I'm going to start by sharing some
16 information on personnel. As you know, we reported out
17 that last week, Fredy Ceja, our communications director,
18 has taken a new job and is going to be working part-time
19 basis with the Commission through March.

20 He's going to continue to assist the Commission with
21 media contacts, press releases. As you've already heard,
22 he's continuing to funnel those to the commissioners to
23 participate in media or contacts with the media, so work
24 as usual. He will be working with website updates and
25 has been working with Martin Pinera to transition these

1 activities over to him by the end of March.

2 Fredy has also been working with Martin and planning
3 for the archiving of the files and the web content, too,
4 as we start migrating into our Microsoft Cloud.

5 Martin will also take on website activities as well
6 as our social media presence in our post-map phase and
7 report to the outreach director, Marcy Kaplan.

8 Marcy will take on oversight of the external
9 communications and other communications activities,
10 including the website, coordination, and moving forward
11 as we transition from Fredy in March.

12 Our data manager also has taken a job and will
13 continue on with the Commission, like Fredy, on a part-
14 time basis to ensure that our database is set up to
15 archive. Toni continues to work with the data management
16 team to tag record and the planning to transition the
17 data files beyond the Airtable.

18 Paul Mitchell will continue with the Commission and
19 take on the task of helping in the transition of the
20 files to archives, including the shape files. Paul has
21 been one of the primary contacts with the state archives
22 to explain what we will be sending them, including the
23 shape files and GIS-type files, and how best to make
24 those available to the public since they are very unique
25 in how they are handled. So that's the information I

1 have regarding any staff or personnel matters. We --

2 CHAIR YEE: Director Hernandez, could you remind us
3 of Martin's current title? And is that changing with the
4 change in responsibilities?

5 MR. HERNANDEZ: The title is not going to be
6 changing, no. He is the communications coordinator.

7 CHAIR YEE: Okay. Very good. Thank you.

8 MR. HERNANDEZ: Any other questions?

9 UNIDENTIFIED SPEAKER: Yes.

10 CHAIR YEE: Commissioner Sinay?

11 COMMISSIONER SINAY: Did we -- were we able to do
12 evaluations for all of the team members who transitioned
13 out? And if we didn't, is there a way, since a lot of
14 them are trying -- you know, are applying for state jobs
15 to make sure that that is in their state files?

16 MR. HERNANDEZ: We did do that before all the staff
17 were released.

18 Okay. I'll move onto our additional information.
19 As I mentioned at the last Commission meeting, we are
20 going to be migrating over to Microsoft from the Google
21 Suite. Corina has been working with Microsoft and the
22 Google transition teams regarding the migration and will
23 be sending out some communication very soon.

24 Our Google is going to stop having the free legacy
25 accounts that we're currently on beginning in June, so

1 that's why we're moving over to the Microsoft platform,
2 which is part of the state contract. This is the other
3 part of it. And so we'll have support and additional
4 features not previously available on this Microsoft
5 platform.

6 An email will be sent out Tuesday, February 22nd to
7 give everyone until Friday, February 25th to copy your
8 files to your hard drive for backup. If you need
9 assistance, Corina will be available during that time
10 frame. We're planning on performing the migration on
11 February 26th, 27, and then do system testing on Monday,
12 February 28th, and anticipate the launch of the Microsoft
13 platform for everyone to access and be able to work on on
14 February 28th in the afternoon, so it's a short time
15 frame.

16 We've been working closely -- or Corina has been
17 working closely with the Microsoft and Google folks to
18 make sure the transition is as seamless as possible. But
19 what's going to be key for redundancy purposes is to make
20 sure that you copy your files and have a backup of your
21 hard drive. And Corina will be available and will be
22 sending out instructions on how to do so.

23 Any questions? Yes?

24 CHAIR YEE: Commissioner Sinay, and then
25 Commissioner Turner.

1 COMMISSIONER SINAY: I just wanted to check if this
2 sounded as big as I just heard it. When you say "our
3 hard drive" -- we've been told to put everything on the
4 Google Drive, you know, on the cloud. So now we're
5 saying take everything off the cloud and put it onto our
6 hard drive and do it by next week?

7 MR. HERNANDEZ: No, not everything on the hard
8 drive. So more instructions are going to follow. That
9 is not -- because everything is on the Google Drive, but
10 you still have to back it up. So put it in a file that
11 can transfer over. So that is what is going to be
12 required for you to do, so that that way, Corina can take
13 that information and put it into the new platform.

14 CHAIR YEE: Commissioner Turner?

15 COMMISSIONER TURNER: Thank you, Chair Yee. And
16 Alvaro -- Director Alvaro. Just trying to get clarity on
17 what might be -- because everything is, I think, on
18 the -- what -- can you give me an example of what might
19 be on a hard drive that I would want to -- I'm -- because
20 I'm thinking, wipe it, change it. What, is there
21 anything -- tell me more about what I would need off of
22 this computer.

23 MR. HERNANDEZ: Any files that you've been working
24 on, working documents that you referenced, PDFs that
25 you've saved, things of that nature that are not saved

1 within the Google Drive.

2 COMMISSIONER TURNER: Um-hum.

3 MR. HERNANDEZ: I mean, your computer -- you will
4 still have your computer. But if you want it
5 transitioned over to the Microsoft Cloud, you'll have to
6 have that available, to transfer it over.

7 COMMISSIONER TURNER: So if we put stuff on the
8 cloud, then we need to transfer it over? It's not like
9 it's on the cloud so you have access to it and
10 everything's going to be transferred over?

11 MR. HERNANDEZ: My understanding is, if it's in the
12 Google Drive, it's going to be transferred over.

13 COMMISSIONER TURNER: Okay.

14 CHAIR YEE: Yeah. Hopefully, we'll get more details
15 on all of that.

16 Director Ceja?

17 MR. CEJA: Yeah. So this is a good example. So
18 yeah. Everything is in the cloud should transfer over
19 automatically because all they're doing is copying and
20 pasting from the cloud to the other cloud. I think what
21 we're referring to is things that you might have on your
22 desktop. I started, instead of using my cloud because we
23 only had a limited amount of storage and I was running
24 out towards the end.

25 I actually bought an external drive where I was

1 saving all my flyers, everything that I was creating, all
2 my content. So I have, like, thirty files or folders.
3 But I have them -- instead of putting them on my desktop,
4 I put them in an external drive. If you have any files
5 like that, you can dump them in your shared file, and
6 that will get transferred over automatically. So that
7 way, you're not wasting your memory on your computer and
8 it doesn't slow down.

9 CHAIR YEE: Okay. Commissioner Akutagawa?

10 COMMISSIONER AKUTAGAWA: I think, just additional
11 clarification. So what I'm hearing is that the reason to
12 move it onto -- whether it's our hard drives on our
13 laptops or onto an external drive is to have a backup in
14 case that transfer from one cloud account to another
15 cloud account doesn't quite work out the way we want it
16 to. I think that's what I'm hearing in terms of what you
17 said about redundancy and having a backup.

18 MR. CEJA: If the backup -- to the backup, yes.

19 COMMISSIONER AKUTAGAWA: Yup. I am a believer in
20 that.

21 MR. CEJA: 2010 crashed, and we lost a lot of stuff,
22 so let's not repeat that again.

23 CHAIR YEE: Okay. Thank you. Director Hernandez,
24 you can continue. Continue, please.

25 MR. HERNANDEZ: Okay. Thank you. So in regards to

1 the database, Paul and Toni are working on archiving the
2 large volume of data and the files in the database. This
3 exercise is -- as Fredy just mentioned, the 2010 website
4 crashed, and so we're making sure that this doesn't
5 happen. And if, for whatever reason, something does
6 happen, we have those files and records available as we
7 transition as well to the new website.

8 So we wanted to make sure. Redundancy is a -- the
9 way we do business to make sure that we don't lose any
10 information like the 2010 Commission had done. And we
11 are going to be transitioning to a new website or moving
12 the website, whatever the case may be, and we want to
13 make sure that we have those files available and that
14 they are indexed correctly as well, which leads me to my
15 next report out, which is in regards to a meeting that
16 Raul had with the state archives -- the record management
17 team this last week.

18 He discussed preliminary approach to indexing, which
19 is basically the naming convention of the files so that
20 they're easily identifiable. We have a number of files
21 that we have, and they are not consistent in the way that
22 they are named. So we're trying to make it as easy as
23 possible so that if we do transition to a new website,
24 people can easily access those files and pull them in.
25 They know what those files contain.

1 So there's different ways to transfer the different
2 types of files, how to show the spatial files, and
3 spatial files are the shape files, GIS files for public
4 access; and also discuss the general time line for the
5 transfer to occur.

6 As Commissioner Kennedy has communicated before as
7 well as I have, the state archives indicated they are not
8 able to house a CRC website, but are primarily interested
9 in the following records: the 2010 website files; the
10 2020 meeting agendas, transcripts, videos, and meeting
11 handouts; 2020 outreach materials in English and in the
12 translated languages; the 2020 social media files,
13 preferable in their original format -- and we're still
14 working on it; Martin is working on that exercise as we
15 speak -- and then also the 2020 COI submissions. That's
16 the database information. So that's the primary
17 information that they're interested in at this time.

18 We're going to continue meeting with them and
19 discussing this as part of our efforts to make sure we
20 archive all of the information, and we'll be working with
21 the subcommittee, including Commissioner Kennedy, on this
22 effort, as he has also reached out to them to discuss the
23 website in other matters.

24 Raul also met with the State Auditor's Office last
25 week, as was shared with Commissioner Kennedy at our last

1 meeting. The State Auditor's Office is in a transitional
2 period waiting for a new state auditor to be appointed.

3 With that said, they are looking forward to hearing
4 the Commission's ideas for how they can work together to
5 facilitate the launch of the 2030 Commission. After the
6 lessons learned next month, I do recommend that we do put
7 together somewhat of a proposal to begin those
8 conversations with them. I'm sure Commissioner Kennedy
9 had some thoughts or has some thoughts on how we can do
10 that moving forward, as well.

11 Any questions? Russell -- Commissioner -- Chair
12 Yee, you're muted.

13 CHAIR YEE: Sorry, Commissioner Kennedy.

14 COMMISSIONER KENNEDY: Yeah. Just also to reiterate
15 that in my discussions with the state archives, one of
16 the things that they have promised to provide us is a
17 listing of the materials that they have on redistricting,
18 particularly from the 2010 Commission and the 2020
19 Commission, as well as instructions on how the public can
20 access those materials. And we will then turn around and
21 put those instructions on our website so that anyone who
22 is looking for something that may only be found in the
23 state archives will have easy access to the instructions
24 on how to obtain that information. Thank you.

25 CHAIR YEE: I have a question. So in fact, you

1 know, the archive that the public most likely will find
2 and depend on, then -- will it be that, the state
3 archive's version of our data? Or will we still need to
4 maintain a full set of our own data, our own website, and
5 that's what people would find?

6 MR. HERNANDEZ: I believe it's a matter of the 2010
7 information being accessible. Our website, in theory, is
8 going to be available through the 2029-2030 year until
9 the new Commission has their website. And then our
10 information will then become archived.

11 CHAIR YEE: Um-hum.

12 MR. HERNANDEZ: But having it there already makes it
13 a lot easier than --

14 CHAIR YEE: Right.

15 MR. HERNANDEZ: -- having the 2030 Commission trying
16 to --

17 CHAIR YEE: Right.

18 MR. HERNANDEZ: -- do that at that point when
19 they're still trying to do all of the other things that
20 they're required to do.

21 CHAIR YEE: All right. That makes sense.

22 MR. HERNANDEZ: So the effort is to try to get as
23 much in place now as we're transitioning over so that it
24 is there. And should anything happen, again, like the
25 2010 Commission -- 2010 Commission's website crashed.

1 There, I believe, are still some files that we're not
2 able to retrieve or were not available. So with that
3 said, we want to make sure that we have the files
4 available through the archives and -- as long as we have
5 them on our website, as well.

6 CHAIR YEE: Very good.

7 MR. HERNANDEZ: Okay. I just wanted to share
8 regarding the budget. We are still gathering information
9 for our expenditures to date. Still waiting for a few
10 invoices from some of our vendors to update our
11 expenditures, and we'll share more information at a
12 future meeting. I am happy to report that we received
13 approval from both the Department of Finance and the
14 Joint Legislative Budget Committee on our request for the
15 release of the 1.5 million post-map operational funds.

16 The JLBC letter -- they did note that these funds
17 will not count toward the minimum calculation for the
18 2030 redistricting process and that we will provide both
19 the DOF and the JLBC with detailed reports on actual
20 expenditures that they will then use to accurately
21 calculate the base budget for the next redistricting
22 commission. So staff and I will continue to work with
23 the Finance and Administration Subcommittee on this
24 effort.

25 And then finally, I wanted to report that we have

1 submitted the Commission's budget change proposal. I'll
2 reference that from this point forward as a BCP. It's a
3 summary that we submitted to the Department of Finance by
4 the due date of February 8th with our projections of 3.3
5 million over the next eight years. The projections were
6 a result of the Long-Term Planning Subcommittee's
7 spreadsheet that was shared at the last meeting, and
8 we'll be sharing that out again with the details.

9 Our budget officer, Terri Isedeh, is working closely
10 with the Department of Finance to complete the more
11 detailed next step of the BCP process to be completed by
12 the first week of March, and we'll continue to work with
13 the Long-Term Planning Subcommittee to review and make
14 sure that information is correct.

15 Okay. Any questions? Seeing none, that concludes
16 my report. Thank you.

17 CHAIR YEE: Okay. Thank you, Director Hernandez.
18 Maybe this is a good time to check in on that whole
19 question of post-maps consulting help that our line-
20 drawer had alerted to us, counties asking for help
21 resolving and anomalies where our lines don't exactly
22 match parcel lines. And so it's been -- you know, it's
23 gone round and around. It's like a hot potato nobody
24 wants to hang onto.

25 Chief Counsel Pane did meet with a couple of

1 legislative liaisons to make sure that if we were to help
2 that that was okay with the legislature, and they said
3 that's fine. However, it's really a Catch-22 because,
4 you know, we could not contract for that work in time for
5 it to be done. It would take months for us to get a
6 whole new contract together to do it. And nobody else
7 seems to be forthcoming with that help, the Secretary of
8 State's office, the legislature.

9 So I'm really at a loss of what to do. You know, we
10 don't have any leverage over the legislature and the
11 Secretary of State, and yet we seem to be the one closest
12 to the work. So I'm kind of out of ideas. As chair,
13 I've pursued it just because I think, you know, it needs
14 to be done. Somebody needs to do it, you know.
15 Arguably, we may not have final responsibility for it,
16 but we -- you know, we could be in that loop. So I don't
17 know what else to do.

18 Commissioners Kennedy and Fernández?

19 COMMISSIONER KENNEDY: Thank you, Chair. My sense
20 is that, yes, we are probably closest conceptually. It
21 might be the Secretary of State's office that should be
22 the first instance for the counties to go to. But if the
23 Secretary of State's office is not able to provide that
24 assistance, you know, I would not have a problem with us
25 providing it.

1 I guess my question would be, is this something that
2 we could achieve through a change order on an existing
3 contract with Q2 and Haystaq so that it would not so
4 long? Thanks.

5 CHAIR YEE: Yeah. That was a thought. And our
6 current cont -- our contract with the line-drawer is
7 through Haystaq and not Q2. So that seemed like a dead
8 end.

9 Director Hernandez, I don't know if you've got any
10 other information from Raul about ways to contract
11 because that would be quicker.

12 MR. HERNANDEZ: Well, there may be some options.
13 But I think the Commission has to decide if that's
14 something that they want to do and pursue. Then the
15 other piece of it is the funding of it.

16 CHAIR YEE: Right.

17 MR. HERNANDEZ: You know, I don't think we would
18 have the funding that we would need to cover the costs,
19 so we would have to make a request for that additional
20 funding for that purpose. And so that may take a while
21 as well.

22 CHAIR YEE: Right. And Commissioner Fernández?

23 COMMISSIONER FERNÁNDEZ: Thank you, Chair. Yes.
24 Regarding this, I did do some research on it as I
25 communicated to you. And Elections Code section 21001 --

1 it does pretty much specify that committees of the
2 legislature are the ones that are responsible for this,
3 and it also mentions the Secretary of State.

4 I am not in favor of having a contract where we're
5 being the middle person of communications between
6 counties and potentially line-drawers. I don't want
7 anything to jeopardize even the optics of us drawing
8 lines or any part of drawing lines, so I am completely
9 opposed to us getting involved. I believe the Elections
10 Code section is pretty clear as to whose responsibility
11 is, and I don't want this to set a precedent for future
12 commissions to be involved.

13 However, I do think we need to include this in our
14 lessons learned so that it's not dropped at the 2030.
15 It's something that needs to be addressed early on, not
16 necessarily by the Commission, but that somebody picks it
17 up, not after the fact. Again, I don't believe, as a
18 Commission, we should be entering into an agreement that
19 potentially could have some sort of semblance of moving
20 the lines. We built our lines based on the census
21 blocks, not on parcels, and we really don't need to
22 insert ourselves into that process. Thank you.

23 CHAIR YEE: Um-hum. Thank you.

24 Commissioner Kennedy?

25 COMMISSIONER KENNEDY: Thank you, Chair.

1 Unfortunately, Elections Code 21001 is one of those
2 sections that was last adopt -- or last amended before
3 the creation of the Commission. So you know, yes, I
4 would tend to have some reservations about us diving
5 head-long into this.

6 And perhaps as part of the lessons learned exercise,
7 one of one the recommendations would be to update some of
8 those sections of the Elections Code relating to state
9 and local redistricting that were last amended before the
10 creation of the Commission. It seems to me that that was
11 something that was an oversight. People forgot that
12 there was a chapter in the Elections Code dealing with
13 this or sections in the Election Code that mentioned
14 redistricting that make no mention of the Commission
15 because the Commission didn't exist the last time they
16 were changed. So yeah. This definitely needs to be
17 addressed, you know.

18 And yes, I think Commissioner Fernández has a good
19 point. Our charge was to come up with maps based on
20 census blocks. And to the extent that counties are
21 wanting to do something that's not based on census
22 blocks, you know, what help could we be to them?

23 That said, you know, if -- and as I said before, I
24 think it would primarily fall on the Office of the
25 Secretary of State to assist the counties. But if the

1 Secretary of State's office needs to call on us as a
2 technical resource, then, you know, I'd be interested in
3 looking at how we could respond to a request from the
4 Secretary of State's office to be a technical resource on
5 this issue. Thank you.

6 CHAIR YEE: Thank you, Commissioner Kennedy.

7 Yeah. You know, Commissioner Fernández is right.
8 Whoever may work on this -- you know, they should not
9 even give the appearance of any moving of lines. Nobody
10 is moving lines. Lines do not move. You know, the lines
11 are the lines we drew. It's simply a question of
12 interpreting the lines in small cases where they go
13 through parcels, you know, and somebody has to decide
14 which side of a line that parcel falls on.

15 Yeah. So you know, I think the Election Code that
16 refers to the Secretary of State and to the
17 legislature -- it describes who prepares the maps to
18 deliver to the counties, and that's fine. The maps that
19 are delivered are delivered with the lines we drew.

20 But that doesn't solve these questions of these --
21 involving these parcels, and that's the problem. That
22 work -- that ambiguity is not imagined in the code and no
23 provisions are made to help with them. But if nothing is
24 done, it is just left to the individual counties, then,
25 to figure out what they're going to do on their own,

1 which is -- it kind of looks like how this is heading.

2 Commissioner Sinay?

3 COMMISSIONER SINAY: I feel like I dropped into a
4 conversation that started before I arrived. Can we take
5 a step back? And where did this conversation from and
6 how -- you know, how did this issue get brought to us?
7 Because it seems like some of you have thought about it
8 and have had the conv -- had information about it, versus
9 others of us are kind of hearing it for the first time.
10 So I'm just trying to catch up to those in the know.

11 CHAIR YEE: Sure. So the conversation started with
12 our line-drawers, Q2 -- Karin informing us that she's
13 been getting calls from counties asking for assistance
14 interpreting lines because of lines not matching
15 perfectly with parcels. And so a line may go right
16 through a parcel, and then it's not clear which side of
17 the line that parcel belongs to.

18 This, ultimately, is a problem with the Census
19 Bureau, of course, which theoretically should draw
20 perfect lines, you know, that do not have any of these
21 ambiguities. But in the real world, of course, there are
22 these imperfections.

23 And so she gets calls from the county -- the
24 Secretary of State's office gets calls, which they have
25 been referring to her. And you know, while she's capable

1 of doing this work, of course, she would want to be paid
2 for it, you know, if it -- especially since -- for
3 instance, Santa Cruz County, she reports, is actually at
4 least somewhere between 1 and 200 such anomalies. I have
5 no idea whether that's an outlier or not.

6 So then she reached out to us. And in the back-and-
7 forth with Secretary of State and the legislature, the
8 argument for us is that we're not elected, so we're the
9 one nonpolitical entity in the mix that could address
10 these without having a partisan angle on it. But as
11 Commissioner Fernández mentioned, you know, in theory,
12 the language about the Secretary of State's role in all
13 of this could be interpreted to include such help because
14 it assists the counties in implementing the maps, so
15 that's where we are. And I know it will be a question
16 again for 2030, presumably, as we talk about lessons
17 learned.

18 Commissioner Sinay?

19 COMMISSIONER SINAY: Two questions. So how come
20 some people know about this already and there has been
21 some research, and then -- and others of us -- this is
22 the first time we heard it? Or how did I not hear it?

23 And second, what did 2010 do?

24 CHAIR YEE: Yeah. You know, I've asked that
25 question about 2010 and not gotten a clear answer of how

1 much of an issue it was. For 2020, I think it's come up.
2 It came up last time in the last business meeting, maybe.
3 Perhaps that was a point in the conversation you weren't
4 present.

5 So at this point, I'm out of ideas. So I will try
6 to close the loop with Q2 and Secretary of State and the
7 legislature. But otherwise, I don't know what else we
8 can do.

9 Commissioner Kennedy?

10 COMMISSIONER KENNEDY: Chair, do we have
11 correspondence that we need to reply to, or -- I mean,
12 has all of this been informal?

13 CHAIR YEE: It's been informal. Yeah.

14 COMMISSIONER KENNEDY: It would probably be easier
15 for us, at this point, if we had something in writing to
16 respond to.

17 CHAIR YEE: Yeah.

18 COMMISSIONER KENNEDY: Thanks.

19 CHAIR YEE: Commissioner Sinay?

20 COMMISSIONER SINAY: I was interested in hearing
21 what our legal counsel had to say on all of this.

22 MR. PANE: So good morning. There was a question
23 about what I think about which piece of this? The whole
24 thing or the (indiscernible), or which piece are you
25 referring to?

1 COMMISSIONER SINAY: What guidance would you give us
2 on this question that's keeping the Chair up at night?

3 MR. PANE: So this is largely a policy problem for
4 the Commission to decide. It's not so much a legal
5 question. My understanding, from what I've gathered, is
6 that the Secretary of State is is the primary --

7 COMMISSIONER TURNER: Excuse me. I can't hear you
8 very well.

9 MR. PANE: Can you hear me now? Is this better? Is
10 this any better? Let me see if I can --

11 CHAIR YEE: Marginal.

12 MR. PANE: One second.

13 COMMISSIONER TURNER: Well, that's no way to be. He
14 just hung up. No.

15 CHAIR YEE: It's something we said.

16 MR. PANE: How about now? Is that better?

17 CHAIR YEE: Better.

18 MR. PANE: Okay. So the Secretary of State's office
19 is the main conduit to work with the counties. As
20 Commissioner Kennedy mentioned, the statute was inactive
21 prior to the creation of the Commission or the
22 (indiscernible) the legislature is referenced and so
23 forth. On the one hand, it's the legislature, because of
24 the protected site. On the other hand, you could argue
25 there were six commissions that have now passed where

1 that statute hasn't changed. So there is an intent of
2 the legislature that it stay that way because there has
3 been no change. You still can't hear me?

4 How about now?

5 CHAIR YEE: Oh, much better.

6 MR. PANE: Okay. Great. So I will --

7 COMMISSIONER SINAY: Start over.

8 MR. PANE: Start over? Okay. We're good. Thank
9 you. So I'll start over.

10 The Secretary of State is the primary conduit for
11 counties. And as such, normally, I think we would look
12 to them to work out issues with the county because, as
13 Commissioner Kennedy mentions, the statute is correct and
14 it -- referring to the legislature. But that, as he
15 mentioned, was created prior to the existence of the
16 Commission.

17 And so I think that's what -- you know, why we
18 wanted to make sure if the Commission were to take this
19 on as a policy call, that they wouldn't be stepping on
20 anybody's toes over at the legislature. And that is
21 true; we wouldn't be stepping on any toes. So it's very
22 much a policy call here; it's not a legal question.

23 As the chair mentioned, if the Commission did decide
24 to pursue this, we would have to do and engage in a
25 separate contract because Q2 would have to be the

1 contracting party, and they are a subcontractor to an
2 existing contract. So we would have to create its own
3 contract for this.

4 With that said, we did do some preliminary jumping
5 through some hoops, and we do think there is a way to not
6 make it go for as long as a contract normally takes given
7 the circumstances here. So there is -- I don't want to
8 use the word "fast-track" because that sounds like it's
9 going to be next week. But there may be some options
10 through the State Contracting Manual to not have to take
11 as long.

12 With that said, I think the chair is correct that it
13 is going to -- by the time we are able to get the
14 information to the counties, it may be well past the time
15 that they need it. But it is still very much a policy
16 call for the Commission to undertake if they so choose.

17 CHAIR YEE: Thank you. Commissioner Kennedy?

18 COMMISSIONER KENNEDY: Again, it would be much
19 easier for us to reply to this if we had something
20 specific and official to reply to. Given Chief Counsel
21 Pane's statement just now, I would say that, you know,
22 unfortunately, circumstances are such that, you know,
23 it's not something that we can address as much as we
24 might like to. And you know, leave the burden of this
25 where it should be currently, which is with the Secretary

1 of State's office. Thank you.

2 CHAIR YEE: Thank you, Commissioner Kennedy.

3 Director Hernandez reminds me there was an initial email
4 from Karin, you know, just reporting the requests that
5 she was getting, you know, which got this all started.
6 But otherwise, no other correspondence.

7 Commissioner Ahmad?

8 COMMISSIONER AHMAD: Thank you, Chair. I just
9 wanted to share that I'm also in agreement with what
10 Commissioner Kennedy just stated.

11 CHAIR YEE: Thank you. This seems to be the
12 consensus. And regretfully, I think that's our only
13 option at this point.

14 Commissioner Fernández?

15 COMMISSIONER FERNÁNDEZ: Thank you, Chair. Yes.
16 And if you'd like, I could work with you as well. I was
17 trying to -- if the legislature was supportive of it,
18 then maybe get Secretary of State on board. But again, I
19 agree that we should not involve ourself in a contract,
20 but maybe get the two to talk or maybe see the importance
21 of this or express the importance of it to the Secretary
22 of State. But other than that, I agree with the rest, so
23 thanks.

24 CHAIR YEE: Okay. Thank you. Okay. Unless there's
25 any objections, that will be the plan of action.

1 Okay. Let's move on, then. We're still taking
2 directors' reports. And next up, our communications
3 director, Fredy.

4 MR. CEJA: Thank you, Chair. Hello, Commissioners.
5 I miss you guys --

6 CHAIR YEE: I miss you.

7 MR. CEJA: -- a lot. I wanted to start off by
8 thanking those that participated in the survey that Mia
9 from CalMatters sent. It did turn into a great story
10 about what we're hoping to fix for the next go-around for
11 the Commission and leading into the activities that you
12 all will partake in next month when you do the lessons
13 learned get-together. And I'm sure there will be a
14 following story after that. So thank you, CalMatters,
15 for following my work and continuing to spread
16 information about what we're doing with the next steps.

17 As Alvaro did mention, the comms team is pulling
18 files for state archives from our website, and they've
19 identified the files that would be useful for them to
20 categorize in their database. So we're about twenty-
21 percent done. We should be done with that next week.
22 We're still reviewing options to keep our website alive
23 for the next decade and beyond.

24 More than anything, the issue right now is payment.
25 How do we pay for the website once our administrator and

1 all the rest of the staff are off-boarded? So we're
2 looking at options, and I'm sure Raul will give us a few
3 of those in the next following weeks.

4 So we are migrating from Google Drive to Microsoft
5 OneDrive. What that means for our website documents is
6 that we will have to look at all files and determine
7 which ones are linked via Google Drive, because those
8 links will now be broken or dead, and relink them under
9 Microsoft OneDrive. So anything that we linked from
10 myself or Martin, which were the primary accounts that
11 were linking Google Drive documents, will have to use
12 those Microsoft OneDrive links and replace them on the
13 website, so that's going to take a while.

14 Raul said that we should add an "under construction"
15 note on the front page to let people know that we're
16 doing this. And in case they're looking for information
17 and there's dead link, they'll know why. But that should
18 not deter them from asking for those documents from us
19 via email or something, so we'll put together a clause on
20 the home page that indicates that.

21 We're also downloading all documents on the website
22 and storing them to transfer to, like I said, the state
23 archives and just for own purposes in case we need to
24 recreate the website. If one of the options is to no
25 longer use NationBuilder because of the payment factor

1 and we need to recreate a website, we will actually have
2 a road map of what the current website looks like, so
3 we'll be able to recreate it, including all the text on
4 every single page.

5 So what Martin is doing right now currently is going
6 through every page, taking a snapshot of all the content
7 on every page, and then downloading every single file
8 that's on the page and creating a folder for them. And
9 we will have those available, like I said, for archival
10 purposes and to recreate the website if we need to.

11 Martin's also leading our national op-ed work. I'm
12 sure Commissioner Sinay and Commissioner Yee will be
13 reporting on that later. I have stepped away from that,
14 trying not to take on additional responsibilities because
15 my time will be ending some time in the next few weeks,
16 so I just wanted to make that announcement. I plan to
17 end my time sometime in March, hopefully the beginning of
18 March. So I will not be taking on additional
19 responsibilities, including the op-ed work. I'm leaving
20 that solely to Martin. And if you need assistance from
21 me, of course, I'm always here until I depart.

22 But I also wanted to mention that in the hand-outs,
23 the list of legislative and other fixes that you're
24 planning to do I thought was amazing. I would love to
25 send out a press release indicating once you approve it

1 that that's what you're going to be focusing on for. Not
2 just legislative, but it's other administrative changes
3 in the code to make sure that it cuts red tape for our
4 work and makes what we're doing a whole lot easier for
5 the next go-around.

6 That's all I have for my report. Do you have any
7 questions?

8 CHAIR YEE: Any questions? Commissioner Sinay, I'm
9 wondering whether now might be a good time, since
10 Director Ceja, mentioned it to report on the op-ed
11 effort. Would you like to do that?

12 COMMISSIONER SINAY: Sure. I thought you were going
13 to do it, but I can do it. So as you know, we've been
14 asked by the National Common Cause and League of Women
15 Voters, who are -- you know, who are working in specific
16 states and have chapters throughout the country, to help.
17 You know, it's really to help inspire and give folks hope
18 about democracy.

19 It's not about saying, hey, we, California -- we're
20 awesome and you should all be like us and have a
21 redistricting commission. But it's really about those
22 who are feeling a little bit like, what do we do now?
23 How do we do this? Because the redistricting processes
24 throughout the country -- a lot of them are at stalemate.
25 A lot of them are in court. There's a lot of

1 gerrymandering, and so we just want to give some hope
2 that, hey, there are other ways of doing it.

3 Commissioner Yee and I each separately have written
4 two different types of op-eds, and I know others have.
5 And Commissioner Yee's will be -- they're looking right
6 now to place it in Ohio because there was a -- what
7 Common Cause and League of Women Voters is doing is --
8 they've got their fingers in the different states, and so
9 they'll let us know. Hey, this is a good time. And
10 they'll help, and really, at the local-level newspapers.
11 And again, it's about getting help.

12 Martin sent out an email kind of saying, here are
13 some thoughts. Who wants to participate? Who doesn't?
14 Not everybody was included on this round, even though
15 there was a lot of states (indiscernible), you know,
16 because there just wasn't enough. But anyone can say,
17 hey, you know, we guessed on some of the relationships
18 based on what we had heard. I had forgotten -- I didn't
19 even think I had any relationship with any of the states.
20 And then I was like, wait. Pennsylvania was the first
21 state my family moved to when we came to the United
22 States. And so that's kind of how I ended up there.

23 But the goal is -- really, if you're interested,
24 we're trying to create templates so that you all can cut
25 and paste and then make it personal. Tell your personal

1 stories. In my case, I just cut a piece of my actual
2 application when I applied to be on the Commission for my
3 personal story. So we've written a lot of this already.
4 We just forget to reuse our own writing sometimes.

5 And so Martin has reached out, and he -- you know,
6 he will let you all -- let him know if you are interested
7 in the one that he's shared. Thank you to those who
8 said, I'm interested, you know, when the opportunity
9 comes up if you're not on the list. And it may be a
10 quick turnaround because we don't know how courts are
11 moving and legislature are moving in some of these
12 places.

13 But again, this is just an opportunity, and it's not
14 the only effort we can do. It's just something that we
15 were asked to help, and this is a way we're partnering
16 with some of the nat -- the two national groups who are
17 leading these efforts.

18 CHAIR YEE: Thank you, Commissioner Sinay.

19 Commissioner Kennedy?

20 COMMISSIONER KENNEDY: Thank you, Chair. And thank
21 you, Commissioner Sinay. Just a couple of things.

22 One is -- I think we -- to some extent, we've
23 already missed some very good opportunities. I mean, the
24 timing last week once we passed the litigation time frame
25 was a really good opportunity to get this word out and to

1 say, you know, it may be that states could save a lot of
2 time, effort, anguish, money by having a citizen's
3 commission rather than having things jammed in the courts
4 for weeks and months and costing a lot of money and time
5 and so forth. You know, we can still make that case, but
6 it's not going to be as timely as it would have been last
7 week.

8 Second of all, you know, I certainly agree that
9 having, you know, duos of us write these in cases where
10 there's not necessarily a personal connection is
11 definitely the way to go. The problem when you try to
12 have two people coauthor something when one has a very
13 particular personal connection and the other doesn't is
14 that personal connection would tend to get lost, you
15 know.

16 And so I think in cases where there is a very strong
17 personal connection that, you know, we shouldn't
18 necessarily shy away from individually-authored pieces,
19 but certainly try for team-written pieces where there's
20 not such a strong personal tie. I'll leave it there.
21 Thanks.

22 CHAIR YEE: Thank you. Commissioner Sinay?

23 COMMISSIONER SINAY: I think it will depend on the
24 personal connection and how much does it matter? I mean,
25 I think what we've been told is that the most impactful

1 part of us is that we're multi-partisan and that we were
2 able to work together, and that that's what people are
3 going to be looking at as well. This was written by
4 two -- you know, two different folks.

5 Having the personal connection allows kind of, hey,
6 I'm not just a Californian, because a lot of people are
7 like, oh, those Californians -- you know, they're way
8 over there and they do things, you know, out on a limb.
9 So it's kind of both ways to do it.

10 I think that as the opportunities come up, there
11 will be some that will be solo and some that will be duo,
12 and we're just going to have to be quick and flexible.
13 For instance, I know Commissioner Yee, because Ohio was
14 around the corner, the decision was, let's go with -- and
15 he wrote a really, you know, good piece of his personal
16 story. And so I think it's going to be flexible.

17 I mean, I think we all need to be flexible and be
18 honest. And if you want to submit something by yourself
19 or you feel more comfortable, that's fine. But we're
20 just going based on what we have been told, that the
21 strength of our stories come first in the multi-
22 partisanship, and then second in our personal -- you
23 know, our personal stories are important and our personal
24 connections.

25 CHAIR YEE: Thank you. Commissioner Akutagawa?

1 COMMISSIONER AKUTAGAWA: Yeah. I think on that note
2 about multi-partisanship -- you know, I've seen op-eds
3 that have more than two people on it. And frankly, I
4 think it would be nice if it were a representation of
5 each of the parties, I guess -- I don't know if that's
6 the right word -- you know, on this commission.

7 You know, having a Democrat, a Republican, and
8 someone who is a no-party preference and having three be
9 on the stories especially -- I think, as was said, you
10 know, not all of us have personal connections or even
11 tenuous connections to some of the other states. And so
12 I think if we try to highlight the multi-partisanship of
13 the -- or make-up of the commission, I think there's a
14 strength in that so that anyone who is reading the op-eds
15 in these other states will see, you know, that our
16 unanimity in terms of the way we pass the maps and
17 everything like that is actually real.

18 And I think that as people are reading what we're --
19 you know, what we're saying about the importance of
20 independent redistricting and it coming from somebody
21 that they feel that they can identify with, even if that
22 person doesn't have a personal connection to the state,
23 so they may identify by a party. I feel like it would
24 just make our case and what we're talking about stronger.
25 So anyways, thank you.

1 CHAIR YEE: Thank you. Commissioner Kennedy, and
2 then Commissioner Turner.

3 COMMISSIONER KENNEDY: Thanks, Chair. Yeah. I
4 think, you know, we have to look at both elements of
5 this. One is, as someone else said a few minutes ago,
6 getting their attention by being someone that they can
7 identify with. And sometimes, as Commissioner Akutagawa
8 says, that may be through identification with party. But
9 I would think that in this case, you know, it would --
10 where there is a deep personal connection -- it's going
11 to be that that personal story that grabs the -- or that
12 lends credibility to the story.

13 And then the story itself is going to be the story
14 of how we reached this, you know, unanimous decision and
15 avoided legal challenges to the maps, et cetera. I
16 think, you know, that part really needs to be the meat of
17 the story more than the grab. The grab where there is a
18 personal -- a deep personal connection, I think, needs to
19 be that deep personal connection.

20 Where there's not, you know -- and particularly,
21 where we're putting something into a national forum, then
22 yes, by all means, let's have three of us, and one from
23 each sub-pool. And yes, I think that would, you know,
24 add to the value of the piece. But I think that the meat
25 of the pieces, no matter which approach we're taking,

1 needs to be the unanimity and the fact that the maps
2 weren't challenged. Thanks.

3 CHAIR YEE: Thank you. Commissioner Turner, and
4 then Commissioner Taylor.

5 COMMISSIONER TURNER: Thank you. And I'm certain
6 it'll be powerful however it shakes out. I'm curious as
7 to, you know, how are we selected? What were the
8 connections? I'm looking at the area that I was selected
9 for, and I'm thinking, [hmm], I don't know. I'm not
10 quite sure why that was.

11 CHAIR YEE: Commissioner Sinay, do you want to speak
12 to that?

13 COMMISSIONER SINAY: I knew you were going to put
14 that put that on me. Honestly, it was -- some of it had
15 nothing to do with the state. Some of it just had to do
16 with -- we've started with who has those personal
17 connections with the states, and we had to go based --
18 very few of you responded. Some did, and so we had to go
19 through our memories of different stories folks had told
20 us. And so it's like, Michigan -- oh, Commissioner Le
21 Mons was from Michigan. Oh, wait. Commissioner, you
22 know, Sadhwani grew up in New York. And then some
23 people -- like, Commissioner Toledo told us he went to
24 school in New York.

25 And then from there, we wanted -- we built up mixes,

1 mixed party, mixed ethnicity, mixed stories. It went
2 from everything -- you know, it's really -- there was not
3 a lot of rhyme or reason, so you can move around if you
4 want if there's another one that makes more sense. It
5 was really a draft to get it out there so people could
6 have something to respond to because we know we might
7 need to move really, really quickly.

8 And so we just wanted to get things going. So
9 anyone, feel free to move around and go to another one.
10 Let Martin know. Or I guess we're in a public meeting,
11 so you can let us know here too. But as I said, there
12 was no rhyme or reason. It was just kind of mixing what
13 we knew, and "we" being Commissioner Yee, Martin, Fredy,
14 and I kind of like, okay, what kind of makes sense here?
15 And that's how we went with that.

16 CHAIR YEE: Thank you. Commissioner Taylor?

17 COMMISSIONER TAYLOR: Yeah. I don't want to belabor
18 that, what we were discussing. But I do think it's a
19 component of both. So I think a personal story always
20 captures the essence of your point. But I do think that
21 the cooperation of what we did would work well if we had
22 those teams of individuals that were the coauthors.

23 So it can lead with the personal story; that's a
24 component. But I do think we also want to highlight what
25 we were able to do as different parties. And I think,

1 then, the nation where we're at right now -- we do see
2 through that lens. So that would add credibility to
3 those particular stories as well. Thank you.

4 CHAIR YEE: Right. And Commissioner Sinay and I
5 have discussed -- you know, put together a document or an
6 archive of all the pieces that have been written so far,
7 and then maybe just piece -- you know, loose paragraphs,
8 a set of those that might inspire you or even a cut-and-
9 paste archive that you can use when you're building the
10 thing that you're working on.

11 Commissioner Akutagawa?

12 COMMISSIONER AKUTAGAWA: Yeah. On that note,
13 besides what I just said, I also want to just name that I
14 did not see Commissioner Fernández and Commissioner
15 Taylor on the list. And I don't know if, for various
16 reasons, they had chosen not to be on. But I think it
17 would be important that all of us be represented on at
18 least one of the op-eds.

19 Particularly, I know -- I think, with what
20 Commissioner Sinay said, that in some cases, you know,
21 there wasn't always a direct connection to it. And I
22 know, for me, I don't have a direct connection to the
23 state that I was assigned to. I'm happy to participate,
24 but I think it's important that we include everybody, you
25 know, as part of the op-eds that are being written.

1 Thank you.

2 CHAIR YEE: Commissioner Sinay?

3 COMMISSIONER SINAY: Definitely. And we
4 definitely -- you know, this is the first round. And we
5 were also looking at creatively -- well, we want to write
6 a Spanish op-ed with the three -- with Commissioner
7 Fernández, Commissioner Toledo, and I.

8 I'll be honest. Commissioner Taylor, you were on
9 Pennsylvania, and then I remembered I had a Pennsylvania
10 commissioner. So please keep moving, and I do think we
11 can do three. And I agree with Commissioner Akutagawa.
12 We looked at setting it all up in three, but then that
13 became more people that we had to get together for a
14 quick turnaround.

15 But definitely, Commissioner Fernández and
16 Commissioner Taylor, you are critical. And jump on any
17 of the ones that have two that you -- you know,
18 Commissioner Taylor, Commissioner Akutagawa, and I would
19 definitely appreciate your contribution to Pennsylvania
20 because that would make it the three different parties.

21 And so we didn't want to go -- be too prescriptive.
22 We wanted to have enough so that we could move and then
23 also give enough for creativity.

24 CHAIR YEE: Definitely. I mean, we definitely want
25 everyone to write who wants to write. And you know,

1 putting together this brainstorm list -- maybe we should
2 have just been a little more thoughtful about making sure
3 everybody's names showed up once.

4 Chief Counsel Pane, I'm wondering if you might
5 comment on authoring things with three commissioners
6 together and whether that's a Bagley-Keene risk.

7 MR. PANE: No, it was -- yeah.

8 CHAIR YEE: It is?

9 MR. PANE: Thank you, Chair. No, that's not a
10 Bagley-Keene risk. It's a one-way communication that's
11 no different than all fourteen commissioners sending a
12 letter to a recipient for whatever reason we would -- you
13 know, it's a one-way communication. It's perfectly
14 acceptable.

15 CHAIR YEE: Excellent. Thank you so much. I'm
16 wondering -- you know, Commissioner Sinay and I, you
17 might recall, got started on all of this because of a
18 thought of, maybe, working with Common Cause and League
19 of Women Voters to get a national gathering of
20 independent redistricting commissions together just to
21 share ideas and encourage each other. That's how this
22 got started, and then it morphed into this. And that's
23 still actually on the table, but it morphed into this op-
24 ed-writing campaign.

25 I'm wondering if she and I ought to be constituted

1 as a subcommittee, actually, so that we can continue this
2 work and not just piggyback on, you know, the
3 communications director's reports or whatever. I'm
4 trying to think of a snappy name. The best name I have
5 thought was Storytelling Subcommittee. I don't know if
6 that's really serious enough. National Promotion, maybe?
7 I'm not -- it's something so that she and I can meet and
8 report, you know, formally.

9 Commissioner Kennedy?

10 COMMISSIONER KENNEDY: I would go with something
11 more along the lines of Out-of-State Engagements.

12 CHAIR YEE: That's a possibility, yeah. Of course,
13 there is also the -- yeah, the parallel effort to help
14 and encourage local redistricting in California in state.
15 Yeah, she and I have not been working on that. But that
16 is something we may also get involved in. Perhaps, that
17 would be something -- out-of-state engagement
18 subcommittee? My daughter just recently got engaged, so
19 I'm thinking engagements in the greatest context.

20 Commissioner Akutagawa?

21 COMMISSIONER AKUTAGAWA: Yeah, I guess, maybe, part
22 of it may be a question for Anthony, because I don't know
23 if calling it out of state would raise questions about
24 what are -- what are we really doing, when we're supposed
25 to be California, and also, it seems limiting if you're

1 going to be doing work, you know, in terms of writing
2 some of the offense in -- in state as well, too.

3 I, kind of, like -- well, I don't know --
4 storytelling may not be the appropriate name -- but I do,
5 kind of, like going in that direction. Maybe, it's not
6 really quite storytelling, but you know, I did, kind of,
7 like that better.

8 CHAIR YEE: Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: I was more of trying to
10 keep it as generic as possible, because -- so it can
11 encompass other areas if possible. Just like --

12 CHAIR YEE: Sure.

13 COMMISSIONER FERNANDEZ: -- continued redistricting
14 engagement, 'cause that would encompass in state, out of
15 state, and we're not specifying out of state.

16 CHAIR YEE: Okay. Thank you. Commissioner Sinay?

17 COMMISSIONER SINAY: Commissioner Fernandez, kind
18 of, took my thought. You know, did -- I have two ways of
19 looking at this. One is, we may want two different
20 committees. One that works on the in-state -- 'cause
21 that can end up being really big -- and one that looks at
22 the national. But we can start with just, you know, post
23 redistricting engagement or promotion. Whatever
24 Commissioner Fernandez said made sense. Sorry. My mind
25 is a whole sift ever since we finished the maps.

1 CHAIR YEE: Commissioner Kennedy?

2 COMMISSIONER KENNEDY: Thank you, Chair. I guess
3 I'm seeing the op-ed effort as something that may be a
4 little -- I don't know -- shorter term. I mean, it's not
5 that we won't do it from time to time, but to me, the
6 greater need for a subcommittee is precisely on this idea
7 of engaging with other redistricting efforts, whether
8 they be already in place where individuals could be in
9 state or out of state who are interested in implementing
10 something similar -- just, kind of, proponents of citizen
11 redistricting, wherever they are, and that, to me, is
12 something that would be a more of a long-term commitment,
13 a long-term need for a subcommittee, where -- you know,
14 we have an Outreach subcommittee, right? That can deal
15 with the op-ed aspect of it. But the engaging with other
16 bodies, whether they are already formed citizens
17 redistricting bodies or groups of citizens who are
18 interested in establishing such a body, that, to me, is
19 what really would be deserving of the establishment of a
20 subcommittee. Thank you.

21 CHAIR YEE: Um-hum. Yeah. I mean it could
22 certainly morph into that over time. I'm thinking
23 redistricting engagements subcommittee? It sounds like
24 it would cover the bases and the -- both specific enough
25 and nonspecific enough to cover the work that needs to be

1 done.

2 Commissioner Sinay?

3 COMMISSIONER SINAY: Sorry. I raised my hand,
4 lowered it, raised it again. But I think something along
5 the lines of -- I like that. I would include, though,
6 independent or citizen. I don't -- usually, I don't like
7 the word citizen, but I think in this case, it could
8 work, just because we don't want to get involved in all
9 types of redistricting. It's really the independent --
10 you know, the citizen part that's been what we were, kind
11 of, looking at. But I leave it up to you, Chair.

12 CHAIR YEE: I think I can be left ambiguous. You
13 know, for instance, the Ohio situation, and they did not
14 have a citizens and commission right now, so the fact
15 that we're owning our story there -- so maybe, the most
16 generic, redistricting engagements subcommittee.

17 COMMISSIONER SINAY: All right.

18 CHAIR YEE: You want to go with that? Okay. So I
19 am appointing Commissioner Sinay and myself to the new
20 redistricting engagements subcommittee. Thank you.

21 Any other comments? Okay. If not -- let's see. We
22 have about seventeen minutes. We can move on to the
23 Outreach --

24 COMMISSIONER SINAY: Sorry.

25 CHAIR YEE: Oh, I'm sorry. Commissioner Sinay?

1 COMMISSIONER SINAY: That was my fault. I didn't
2 say it sooner. Just on deadline, we've been trying to
3 get time lines, but it's actually impossible to get exact
4 time lines, because legislature and supreme courts and
5 stuff like that -- courts work on their own time line --
6 but we will -- as we get information, we'll definitely
7 get it to you as quickly as possible. And we are
8 looking, as we said, to set up a place where you all can
9 have -- you know, you can look at different ones. But if
10 you can start working with your team on creating a draft
11 and working with Martin, that would be great and -- so
12 just that when we get the call, we don't freak out.

13 FEMALE SPEAKER: Thank you so much.

14 CHAIR YEE: And Chief Counsel Pane, maybe, you could
15 remind us on -- you know, as we create drafts, pass them
16 to each other, share examples, do those need to be posted
17 publicly, or how does that work?

18 MR. PANE: Yeah. What I would recommend for a
19 process is, we have a particular draft -- and maybe, we
20 work through legal office first just to make sure that
21 they go where they need to go -- and if we can post them,
22 we can post them -- just so that we're very deliberate.

23 CHAIR YEE: Okay. Very good.

24 MR. PANE: Thank you.

25 CHAIR YEE: So for instance, you know, things that

1 have already been written, things that have already been
2 drafted, do those need to be -- but do those need to,
3 ultimately, be posted publicly?

4 MR. PANE: Well, those have been posted publicly
5 already, right?

6 CHAIR YEE: Not all of the -- not all things, no.
7 So for instance, what I wrote for the Ohio media, that
8 was just me and Common Cause working together.

9 MR. PANE: But that article has been posted?

10 CHAIR YEE: No, it's still seeking -- it's still
11 looking --

12 MR. PANE: Oh --

13 CHAIR YEE: -- to get into the -- yeah.

14 MR. PANE: -- it's a draft? Okay. But it's going
15 to be publicly posted. That's what we want to make sure
16 happens.

17 CHAIR YEE: Okay.

18 MR. PANE: So as long as it's publicly posted,
19 that's what we want to make sure that happens.

20 CHAIR YEE: Publicly posted by us, or just by
21 anybody?

22 MR. PANE: So as long as it's publicly posted, that
23 what we want to make sure that --

24 MR. PANE: Publicly posted. That way, if anybody
25 needs access to it, they have it.

1 CHAIR YEE: I see. Okay. Commissioner Kennedy?

2 COMMISSIONER KENNEDY: Thank you, Chair. Chief
3 Counsel Pane, are we -- are you, then, also the clearing
4 house if I were to draft something and want to circulate
5 it to see who else wanted to sign onto it and be listed
6 as a co-author? That would go to you. And you would
7 send it out to colleagues and say, hey, you know, this
8 has been drafted. Anybody else want to put their name on
9 it?

10 MR. PANE: Yes, I'm the clearing house.

11 CHAIR YEE: Such power. Okay. Thank you for those
12 clarifications. Let's see. We have fourteen minutes.
13 Director Kaplan, if you want to get -- at least, get
14 started on your report?

15 DIRECTOR KAPLAN: Okay. Hi, Commissioners. Thank
16 you. So I wanted to highlight, I did meet with Frank
17 Pisi who is with the Sacramento County Office of
18 Education. He also runs their CLIC network, which is the
19 Content Literacy, Inquiry, and Citizenship Project. He,
20 along with teachers, had drafted the redistricting
21 curriculum that we helped to distribute across the
22 states, so -- we met just to discuss a little bit more
23 about how it was used across the state, and also, ideas
24 on going forward -- whether there's, like, a revamp of
25 the lesson plan -- so we did talk about two options that

1 I wanted to share with you to hear feedback from the
2 Commission that this is something you want to pursue.

3 One was -- so he had also been critical in creating
4 the census curriculum that the state census office had
5 used with county offices of ed across the state -- so he
6 really sees this as the census curriculum was, kind of,
7 phase one, redistricting was phase two, and looking at a
8 potential phase three lesson plan. And this would entail
9 looking at the outcomes of redistricting. Again, similar
10 to the redistricting curriculum that they had created --
11 starting with the national lens -- like what happened
12 across the country -- and then zoning down specifically
13 to California and also expanding beyond just the state
14 commission, but also looking at the local level.

15 I think he really highlighted a lot of their youth
16 engagement work and ways to engage youth in local issues,
17 including school boards, and looking at even school board
18 redistricting. And so highlighting, you know, the
19 different efforts that went on and then what were the
20 outcomes, and really having an opportunity for students
21 to, kind of, dive deep into what the new maps are, what
22 are the demographics, their political landscape of
23 those -- of those districts, and how was there a shift
24 over the ten years. And he also had -- we also talked
25 about, you know, tying this to the election and the

1 broader civic lens, so this could be something that they
2 would implement in the fall -- tying it to the elections
3 and then looking at the outcomes -- and you know, maybe,
4 this first year -- but then looking at it in other years
5 what is, you know -- what do these new districts change
6 in terms of other turnout, or the demographics of those
7 who are voting as well.

8 So that was one idea that I wanted to bring back
9 with you all to see if this is something you want to move
10 forward with to really discuss further with Frank, and
11 kind of, lay out options. I think there could be a cost
12 associated this -- with this, but it was pretty
13 nominal -- in terms of what we discussed -- and so
14 whether or not that's something the Commission would be
15 able to do, or explore other avenues for that.

16 And then secondly, we also discussed a little bit
17 about the census curriculum. And he really emphasized
18 the need to continue to further tie the census curriculum
19 with redistricting, also, and that there's opportunities
20 when the timing is right, in terms of that broader
21 curriculum, to look at how there could be more
22 information around redistricting within that curriculum.

23 And we also discussed the ACS data and how that was
24 also used in terms of CVAP data that was used with the
25 redistricting curriculum, too, and so other -- other --

1 the other census surveys that the U.S. and Sphere (ph.)
2 utilizes, like the ACS or the economic census, and ways
3 to increase some information around that.

4 So that was a little bit out of scope, but I think
5 just the time together of redistricting, and at some
6 point, I think, in your longer term plan when you're
7 hoping to connect with the census for 2030, that that
8 would also be an opportunity to tie that together with
9 this.

10 And then also, I think, just highlighting with this
11 lesson plan around the new maps, I know you all had
12 mentioned what are ways that you could have brought in
13 education around the new maps, and this seemed like an
14 opportunity to do that with not a heavy lift on terms of
15 the Commission, and so I had shared with Commissioner
16 Fernandez -- also who was critical in helping to get this
17 initial redistricting curriculum created -- and so she
18 wanted me to bring it to the full Commission for
19 discussion.

20 So I could pause there. And we could talk about
21 this. And then I'll go through the rest of the May
22 report as well. Oh --

23 CHAIR YEE: Thank you, Director Kaplan. Yeah.
24 Commissioner Sinay, and then Commissioner Kennedy.

25 COMMISSIONER SINAY: How exciting. I think this is

1 great. And I think one other thing -- I was actually
2 just thinking about this yesterday or this morning, or at
3 some point -- is that it would be ideal if this type of
4 education didn't just happen once every ten years, and so
5 tying it all together -- but also how do we make sure
6 that the census -- you know, that it -- that the census
7 redistricting and post redistricting is discussed and
8 there's exercises and stuff that can take place all year,
9 you know, just so that folks -- you know, as those kids
10 grow up and they hear about redistricting, they're --
11 they know how to give a community to -- you know, they're
12 ready to give their communities of interest or submit a
13 map, or you know -- you know -- so that would be, kind
14 of, the ideal vision.

15 I do feel that if there's a cost -- I mean, we
16 should look at what they should -- you know, kind of,
17 parcel this all out and make it look that it's something
18 that's going to be permanent versus temporary -- you
19 know, part of the curriculum -- and I -- there's a lot
20 of -- that -- I don't think that that necessarily would
21 be funded by us, but looking at who are some of the
22 regional funders who are -- you know, state funders who
23 are interested in specific engagement right now and
24 building civic engagement in youth. But I think this is
25 really exciting. Thank you for sharing.

1 CHAIR YEE: Thank you. Commissioner Kennedy, then
2 Commissioner Fernandez.

3 COMMISSIONER KENNEDY: Thank you, Chair. Yeah, this
4 is very exciting. I'm strongly supportive. Every class
5 of students that graduates from California schools
6 should, you know, encounter this curriculum before they
7 graduate, so that we don't have gaps in the population
8 that somehow missed it. You know, if it's only given
9 once every ten years, or two years out of every ten
10 years, we've got, you know, hundreds of thousands, if not
11 millions, of students who are missing out on this. And I
12 don't want that to happen. And I would very much support
13 this being a high priority for us throughout the
14 remainder of our term. Thank you.

15 CHAIR YEE: Thank you.

16 DIRECTOR KAPLAN: And just to --

17 CHAIR YEE: Commissioner Fernandez?

18 DIRECTOR KAPLAN: -- to highlight that. So census
19 and redistricting are part of, like, the CORE curriculum,
20 so these -- the redistricting curriculum is really more
21 of a lesson plan, so for teachers who want to go beyond
22 what -- you know, what is in the textbooks -- that's
23 where these lesson plans are really ways -- you know,
24 whether it's, like, a week-long activity or ways to have
25 sparse it out over time -- and so exactly, kind of, just

1 where you're highlighting this, how to use the -- how to
2 use the curriculum ongoing throughout the ten years, and
3 not just during the cycle. Go ahead.

4 CHAIR YEE: Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Thank you, Chair. Yes, I
6 just wanted to differentiate between the two -- and I
7 think Marcy did a great job -- that curriculum is more
8 of, yes, that will be taught. A lesson plan would be
9 something to supplement that conversation. And when
10 Marcy was talking to me about it, it actually was
11 something that I thought could be part of, like, a
12 master's project or a thesis, or someone that's in that
13 field could actually take a look at the effects of
14 redrawing the lines every ten years. And I did want to
15 ask Marcy -- I didn't bring my notes from our
16 conversation -- but was this effort going to be for this
17 fiscal year? I thought it was. And I know we -- he had,
18 kind of, talked about some funding -- you know, nominal
19 funding -- I think, was, maybe ten thousand dollars or
20 something like that -- which I do feel it's very specific
21 to redistricting. I would support if it's nominal like
22 that.

23 For future years, I don't know if we have it in the
24 BCP, so we'd have to discuss that further. Thank you.

25 DIRECTOR KAPLAN: Yeah, so I think the timing would

1 really depend on further conversation with him, but it
2 was nominal. It was, like, around five thousand. It's
3 really a stipends for a couple of teachers to put
4 together, the curriculum, so I think there's,
5 obviously -- like, if you want to do trainings and that,
6 kind of, way bigger thing, there's always ways to expand
7 something, but I think in order to just get it written
8 and on their website and pushed out through their
9 network, it was pretty nominal, so I think if that's
10 something that you want to explore further, too, and --
11 and I do also want to highlight if -- you know, through
12 the Lessons Learned -- if you want him to come and speak,
13 or just any other information -- he was going to take a
14 look at the downloads rate of the curriculum, so -- I
15 mean, I'll follow up with him to see if he's able to pull
16 that, so we can get a sense of how often it was used as
17 well.

18 CHAIR YEE: And Commissioner Kennedy?

19 COMMISSIONER KENNEDY: Thank you, Chair. Two
20 things. One is -- you know, in conjunction with this --
21 I know that we all have different demands on our time --
22 but to the extent that we are ready, willing, and able
23 to, I would like to think that we could be useful as
24 guest speakers in some contexts -- and I don't know how
25 we would want to handle that administratively -- but

1 going forward -- particularly once we're down to, you
2 know, minimal staffing -- but you know, I would certainly
3 be willing to if I'm -- if I'm around and able to -- and
4 in that regard, I would appreciate it if Director Kaplan
5 could, again, just send out a reminder of where we can
6 access the content to take a look at it. Thanks.

7 CHAIR YEE: Thank you. So Director Kaplan -- let's
8 see we have about two minutes right now -- are you
9 seeking just a consensus from us that -- to continue
10 pursuing this, or you need more than that?

11 DIRECTOR KAPLAN: Yeah.

12 CHAIR YEE: I'm hearing general enthusiasm. Anyone
13 object or have any concerns? Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: No, I was just going to see
15 if I could partner with Marcy to continue on this --

16 DIRECTOR KAPLAN: Yeah.

17 COMMISSIONER FERNANDEZ: -- effort. And also,
18 Commissioner Vazquez was also part of the education
19 panel -- I think that was what it was called at that
20 time.

21 CHAIR YEE: Right.

22 COMMISSIONER FERNANDEZ: Thanks.

23 DIRECTOR KAPLAN: Yeah. And just --

24 CHAIR YEE: Okay.

25 DIRECTOR KAPLAN: -- to highlight. The curriculum

1 has been on our website. It's in the outreach materials,
2 and it's under redistricting curriculum. And we did push
3 it out through -- to county offices of ed throughout the
4 process, and some other statewide networks as well.

5 CHAIR YEE: Right. Okay. It seems like we have
6 that consensus. So we thank you for --

7 DIRECTOR KAPLAN: Okay.

8 CHAIR YEE: -- this initiative. Director Kaplan
9 and -- right now, we will be going to break. And when we
10 come back, we'll continue with your report.

11 DIRECTOR KAPLAN: Okay. Great.

12 CHAIR YEE: So we're on break until 11:15.

13 (Whereupon, a recess was held from 10:59 a.m.
14 until 11:15 a.m.)

15 CHAIR YEE: We continue with our Outreach Director's
16 report and Director Kaplan.

17 DIRECTOR KAPLAN: Thank you, Commissioner Yee. So I
18 also wanted to highlight that we posted and distributed
19 our FAQ document about the new maps in thirteen
20 additional languages, so that's on our website now, and
21 also was posted on social media and sent out in an email
22 blast yesterday with the meeting announcement for this
23 weekend -- upcoming meetings as well -- and I think what
24 was covered already, just working with the comps team on
25 items, including pulling the documents for state

1 archives.

2 I did work with the Outreach and Engagement
3 subcommittee on the survey responses, so I don't know if
4 you wanted me to go over that during this report or
5 during the subcommittee report?

6 CHAIR YEE: Anybody have a preference? Maybe now,
7 since we're now on the subject.

8 DIRECTOR KAPLAN: Okay. So let me share my screen
9 and then -- okay -- and then I think I can do the
10 slideshow. Okay. Does that -- does that work?

11 CHAIR YEE: Perfect.

12 DIRECTOR KAPLAN: Okay. Cool. So as you all know,
13 the Commission sent out a feedback survey -- I'm going to
14 go over a little bit more just about who we sent it to
15 and the responses -- and this was to -- just a list of
16 some initial feedback as you go into your Lessons Learned
17 process. It's not the only way that the public can
18 provide feedback to the Commission on the process, but
19 was one avenue that the Commission directed staff to
20 distribute.

21 So as I mentioned in the previous Commission
22 meeting, we did get 334 responses. This is a breakdown
23 of who responded. The majority was individuals, but
24 there were those that were affiliated with an
25 organization, and then some that didn't respond to that

1 question identifying their affiliation.

2 So just to recap. We did send the survey out to our
3 email list, which was over 14,000. These are the dates
4 that were sent at the end of January, beginning of
5 February, reminders, and the open rates for that, which
6 were, I think, pretty consistent with how the Commission
7 open rates have been for other email blasts that we've
8 sent.

9 We did also distribute and promote the email before
10 the Outreach staff rolled off. They helped send those
11 out as well as Commissioners. And then it was also
12 posted on social media, so we pulled a little bit of the
13 analytics for those posts just to get a bit of an idea
14 of, you know -- we did -- we did, you know, spend some
15 time to really try to get this out as much as possible --
16 and I believe it was picked up. I think I remember
17 seeing it in some of the media clippings, also.

18 So I'm just going to go through some of the
19 responses and really just, kind of, give some high-level
20 recap of those -- you know, to help -- not to go into too
21 much detail.

22 So this was one of the first questions on what
23 county the respondents were from. I think it's just
24 interesting to highlight that we did hear really broadly
25 across the state. We heard back from forty-four out of

1 the fifty-eight counties, so this is the number of
2 responses from each county -- you know, with larger
3 response -- responses from those counties with larger
4 population, also, so I think that was also a little bit,
5 you know, representative of the population of those as
6 well.

7 Again, "empty" -- when you see empty throughout
8 this, it means that someone didn't respond to the
9 question, because they were not all required. So this
10 was the question on, "How did you first hear about the
11 Commission?" So again, this document is posted. If you
12 need to zoom in -- I know I used as much of my skills as
13 I could with Airtable, I used charts and tried with
14 Excel, but if you need to zoom in, the PDF is on the
15 website, also -- so just really highlighting some of
16 these larger -- you know, the ones that folks checked off
17 the most. So one key thing to note about this question
18 is that the respondents were limited to a single
19 response.

20 We wanted to hear about how they first heard about
21 it versus, like, how they heard about it ongoing -- and
22 so we'll go into that in the next question -- so really
23 just -- really emphasizing the importance of, you know,
24 CBOs and other trusted messengers to really get the word
25 out about this effort, as well as the internet, given

1 COVID, and just highlighting others. And I noted some of
2 the other responses. And there were throughout the --
3 throughout the survey, folks who had applied for the
4 Commission, and had noted that -- that, you know, really
5 continued to stay on in this process as well.

6 So this question is, "How did you stay informed?"
7 And this is a little bit different, because respondents
8 could check off as many as they wanted. So these numbers
9 are the number of records of the response, but also,
10 again, really highlighting our communications and how
11 effective that was in getting the word out, and
12 highlighting some of the other -- other ways that -- that
13 from the respondents we heard from, they continued to
14 stay informed on the process.

15 And then we also asked how the public participated
16 in the process, and just highlighting, you know, the two
17 or -- or really the three highest were providing public
18 input, helping to spread the word, and watching
19 Commission meetings as well as some of the other
20 activities that are noted below that were written in
21 under the other question -- and again, they had applied
22 to be a commissioner was one -- the common theme that we
23 saw throughout a lot of the answers -- and this was also
24 a multiple select question.

25 And then -- so then we included some open-ended

1 questions. And I went through and tagged -- so I'm not,
2 like, a statistician or anything, but I went through and
3 tried to get a sense of some of the common themes that I
4 saw in the responses and tagged those, and kind of, ran
5 this to see -- so it really, kind of like, spread, you
6 know, one side of the spectrum to the other and like,
7 this response, there was stuff people would write in what
8 worked well, but someone would write the same exact thing
9 in what didn't work well. But I do think -- I do think
10 really helpful to emphasize that the themes around
11 transparency and accessibility, and how that really
12 worked that -- you know, a big thing was, like, you got
13 it done. And you met the criteria. And you met the
14 deadline. And that was something that people really felt
15 worked well.

16 There was also folks who just noted it didn't work
17 well. And so that was their response to the question.
18 And so that was whether it was one specific thing or
19 another. I just, kind of, tried to capture them into
20 this broader theme. And this is a little bit more of the
21 detail of some of these questions.

22 So just to give you some examples of what was
23 grouped under these broader themes -- and so I don't know
24 if you want me to walk through these, or you know, you
25 can take a look at the handouts to see some -- just some

1 more of the examples that I think brings it down a little
2 bit more to a granular level for these themes -- and then
3 another question is, "What could've worked better?" And
4 recommendations for 2030. This also was an open-ended
5 question. And again, I went through to try and find some
6 of the common themes. And you know, even though earlier
7 on in the survey response, being informed was a really
8 high -- was something that a lot of people responded to
9 here. There was a lot of recommendations on really how
10 to improve and broaden education -- public education,
11 even allowing for more time. I think -- you know, a lot
12 of these are things you all have touched on in the past,
13 but.

14 Another for you to highlight is really, you know --
15 really improving options to submit and review -- and
16 review the public input. And so I'll go into that a
17 little bit more in these slides. Also, whether it's
18 really broadening Outreach to different sectors, or
19 focusing more on equity in marginalized communities, or
20 you know, input looking at the meeting times, and -- or
21 the amount of time focused on for public input -- just
22 more information for the public when they're in the
23 queue, on their wait times, and so I think just ways to
24 really look at leveraging technology for 2030. We
25 were -- you know, and ways to -- other ways that the

1 public had input on these improvements as well as
2 reviewing the input.

3 And then there was a lot of input on the map viewer
4 and the PDFs, and how to improve readability, different
5 suggestions on how the Commission could be more
6 representative of Californians -- type management was an
7 interesting one -- and really, like, at the broader time
8 lines of some meeting times -- and I do want to point
9 out, also, there were some that were N/A. And those were
10 really like comments that weren't related to statewide
11 redistricting. And they had to do with the local level,
12 or just something not even related to redistricting.

13 And then the last question that we had was, "What
14 else would you like to share with the Commission?" And
15 so these were, like, pretty -- they weren't so spread out
16 around different themes. I really just clumped them
17 together more. I think Commissioner Sinay had the
18 suggestion on, kind of, the -- you know, positive and
19 negative -- and put around this, so there was about
20 thirty percent, you know, really thanking the Commission
21 for the work, and a job well done.

22 This was, like, the last question, "Anything else
23 you want to share with the Commission?" There were a lot
24 of people who used this -- the question as a way to be,
25 like, I didn't like how my district was -- and lots of

1 other interesting notes -- which was, you know, a place
2 for them to be able to share that feedback -- and then,
3 also, just, like, additional feedback or unrelated
4 comments. And so these were some of the additional
5 comments that weren't really addressed in some of the
6 previous slides that I went over -- you know, expanding
7 the Commission to more members, really highlighting the
8 accessibility, ways that the Commission made the process
9 accessible and how to expand on that, and that -- just
10 more opportunity for public input as well -- and that was
11 also an open-ended question. So that was it.

12 And I don't know if -- I think I saw a hand up. Do
13 you guys have questions?

14 CHAIR YEE: Thank you, Director Kaplan. A really
15 excellent survey. And very well presented. Thank you so
16 much for preparing these slides. Discussion? Any
17 questions or responses?

18 DIRECTOR KAPLAN: No, I can stop sharing.

19 CHAIR YEE: And certainly, I included some of these
20 findings in the Lessons Learned exercise.

21 DIRECTOR KAPLAN: I did -- if there aren't -- oh,
22 okay. Go ahead.

23 CHAIR YEE: Commission Fernandez?

24 COMMISSIONER FERNANDEZ: No, thank you. I just
25 wanted to thank Marcy and the team for putting this

1 together. This definitely will be helpful for our
2 Lessons Learned, so -- and thank you for putting it in a
3 document that is easy to follow. Thanks.

4 DIRECTOR KAPLAN: And then, I think -- just
5 highlighting Commissioner Sinay -- I think, was wanting
6 to explore a potential report on this, so I don't know,
7 Commissioner Sinay, if you wanted to share your thoughts
8 with the Commission what you were thinking in terms of --

9 FEMALE SPEAKER: Are you finished in here?

10 DIRECTOR KAPLAN: -- the initial report to
11 companion --

12 FEMALE SPEAKER: Are you finished?

13 DIRECTOR KAPLAN: No.

14 CHAIR YEE: Commissioner Sinay, and then
15 Commissioner Turner. I think -- yeah -- Commissioner
16 Sinay?

17 COMMISSIONER SINAY: And the idea was just to take
18 the -- just -- there's been some requests from the media
19 and others for this report, and just how to take -- you
20 know, instead of it being a PowerPoint, really, just
21 making it a more official document-lookings for others.
22 But there can also be the argument that that's not
23 needed, because it'll be part of the Lessons Learned.
24 But we were going to discuss it a little bit more.

25 CHAIR YEE: Okay. Any other thoughts? Okay. Well,

1 thank you so much, Director Kaplan, for that excellent
2 work. And it's always interesting as we get feedback --
3 and both encouraging and helpful to think of what we can
4 improve. Commissioner, thank you.

5 Okay. Director Kaplan, anything else for Outreach?

6 DIRECTOR KAPLAN: No, that's it. Thank you.

7 CHAIR YEE: Thank you so much. Okay. We'll move on
8 then to Chief Counsel for Chief Counsel's report.

9 MR. PANE: Thank you, Chair. I don't have any legal
10 updates to share with you at this time. But I'll be
11 happy to answer any questions, should anyone ask.

12 CHAIR YEE: You promised lawsuits. Why have you
13 broke that promise? Any questions for Chief Counsel?
14 Ah, he gets off easy. Okay. Very good. That concludes
15 agenda item 2. And we'll go to public comment for the
16 Director's reports.

17 COMMENT MODERATOR: Yes, Chair. In order to
18 maximize transparency and public participation in our
19 process, the Commissioners will be taking public comment
20 by phone. To call in, dial the telephone number provided
21 on the livestream feed. It is 877-853-5247. When
22 prompted to enter the meeting ID number provided on the
23 livestream feed, it is 85675153409 for this meeting.

24 When prompted to enter a participant ID, simply
25 press the pound key. Once you've dialed in, you'll be

1 placed in a queue. To indicate you wish to comment,
2 please press star 9. This will raise your hand for the
3 moderator.

4 When it is your turn to speak, you will hear a
5 message that says, the host would like you to talk, and
6 to press star 6 to speak.

7 If you would like to give your name, please state
8 and spell it for the record. You are not required to
9 provide your name to give public comment.

10 Please make sure to mute your computer or livestream
11 audio to prevent any feedback or distortion during your
12 call. Once you are waiting in the queue, be alert for
13 when it is your turn to speak. And again, please turn
14 down the livestream volume.

15 And we do not have anyone in the queue at this time,
16 Chair. And we'll let you know when the instructions are
17 complete.

18 CHAIR YEE: Okay. Thank you so much, Katy. After
19 public comment, we'll be moving into subcommittee
20 updates. I will start with Outreach and Engagement. And
21 then after that, we'll be back with Jean (ph.).

22 COMMENT MODERATOR: And the instructions are
23 complete, Chair. And we do not have anyone in the queue.

24 CHAIR YEE: Thank you, Katy. Okay. Let's move to
25 agenda item 3, subcommittee updates. And we'll start

1 with Outreach and Engagement, staying on the topic.

2 COMMISSIONER SINAY: I think Director Kaplan covered
3 most of it. For right now, we haven't made the survey
4 results public, because people have their names, and all
5 that, associated with it. We would have to strip it all.
6 But I think, honestly, the report that Director Kaplan
7 created is really a good overview. And it gives a lot of
8 the details needed.

9 CHAIR YEE: Okay. Very good. Any discussion for
10 Outreach and Engagement? If not, let's move to
11 Bagley-Keene. After Bagley-Keene, it will be long-term
12 planning. So Bagley-Keene subcommittee?

13 COMMISSIONER KENNEDY: Commissioner Vazquez?

14 CHAIR YEE: You're being called out.

15 VICE-CHAIR VAZQUEZ: Yes. So we have had --
16 Commissioner Kennedy and I have had a few conversations
17 with some key folks about Bagley-Keene reform in play.
18 And now, I'm blanking on the bill number. I believe it's
19 AB 137 --

20 MR. PANE: I think it's -- I think it's --

21 VICE-CHAIR VAZQUEZ: Yes, is that right?

22 MR. PANE: -- AB 1733.

23 VICE-CHAIR VAZQUEZ: 1733. I was right with the
24 numbers. AB 1733, that has been introduced to try to
25 extend some of the Bagley-Keene exemptions around virtual

1 meetings and having to make each remote location
2 physically accessible to the public -- or publicly
3 accessible-- and so we have been in conversation --
4 largely with the Little Hoover Commission -- their
5 executive director who has been, sort of, facilitating, I
6 think, some conversation with the legislature about this
7 particular issue, and so -- I'm trying to think of what
8 else is important. There is -- there does seem, sort of,
9 support for this particular issue within the legislature.
10 There are some community-based organizations' concerns
11 around these reforms with regard to transparency.

12 I think some folks, maybe, are not as familiar with
13 the accessibility argument for why these exemptions
14 actually, sort of, improve access to government business,
15 both for folks serving on the Commission -- so for
16 disabled folks, like myself, who can't travel, but also
17 for the public, right? The online meetings in of itself
18 are just, frankly, way more accessible to folks who don't
19 have, you know, transportation or the time, or childcare
20 to travel to attend business meetings in person.

21 So I think -- in terms of, sort of, political
22 strategy, I think there are some conversations that need
23 to be had with some of the folks who have concerns about
24 why we, and the folks who are supporting this effort,
25 feel that, you know, we're actually improving access to

1 government, rather than limiting transparency.

2 I'll pause there. Commissioner Kennedy, anything to
3 add?

4 COMMISSIONER KENNEDY: Thank you, Commissioner
5 Vazquez. I guess, at this point, the only thing that I
6 would like to put on the table is a question for Chief
7 Counsel Pane. And this regards my approach to this,
8 which is, you know, how do we ensure that reasonable
9 accommodations can be made for individuals with
10 disabilities, even if the legal reforms are not yet in
11 place?

12 In other words, what scope do we have to not
13 publicize Commissioner Vazquez's location after the
14 executive order expires under a reasonable accommodation
15 for an individual with a disability? Because, I think,
16 you know, we're not going to have a lot of opportunity to
17 discuss this between now and the end of the executive
18 order. And I want to have this conversation and not just
19 let it happen and say, oops, time caught up with us.
20 Thank you.

21 MR. PANE: So to answer your question, Commissioner
22 Kennedy, I don't see an exemption that would, otherwise,
23 not require us, under Bagley-Keene as currently written,
24 to avoid having to publish addresses.

25 If the executive order were to expire, and if this

1 bill were not passed -- you may note that it is trying to
2 pass it through two-thirds, so that it's effective
3 immediately as opposed to it being effective January 1 of
4 the following year, so -- but currently, the answer isn't
5 as much an accommodation question as much is it's what --
6 sort of a privacy discussion, and whether disclosing
7 someone's home address is a privacy issue and it's --
8 that has its own issues. But as far as an ADA
9 accommodation -- but what you would do is, we would try
10 to make any and all accommodations, so that any
11 Commissioner is able to attend in a public setting. And
12 that's going to have to depend on the particular
13 circumstances as to how we would make that accommodation.

14 It might have to be in a separate room within the
15 same location, that could be a possibility. So I think
16 we'd have to work out the details as to exactly how that
17 happens. But if you're asking right now, with the law
18 currently drafted and no executive order -- sort of in
19 the hypothetical loop -- let's fast forward to March --
20 after March 31st and no bill passes, it reverts back to
21 what we currently have under Bagley-Keene, which is we
22 have to publish addresses for any location of any member
23 that is going to participate.

24 The alternative, then, is to participate as a member
25 of the public, which doesn't require publishing an

1 address, but then, of course, any commissioner that does
2 that, isn't going to be able to vote, because they aren't
3 attending as a commissioner, they're attending as a
4 member of the public.

5 CHAIR YEE: Commissioner Fornaciari?

6 COMMISSIONER KENNEDY: Okay.

7 CHAIR YEE: I'm sorry.

8 COMMISSIONER KENNEDY: If I can --

9 CHAIR YEE: Sure.

10 COMMISSIONER KENNEDY: If I can follow up, Chair?

11 You know, I understand that Bagley-Keene is there. And
12 we have all committed to, you know, complying with
13 Bagley-Keene. But there are other laws on the books and
14 I guess, my sense, having advocated for the political
15 participation of people with disabilities for fifteen
16 years now, is that, you know, there is a solid case for
17 making a reasonable accommodation. I believe that not
18 publicizing the address would be a reasonable
19 accommodation.

20 I think the disability precluding travel is
21 something that needs to be, you know, taken seriously and
22 accommodated. And you know, for one commissioner with a
23 proven disability not to have to provide their physical
24 address, to me, that's a reasonable accommodation. And
25 you know, do we have to be sued in order to determine

1 whether ADA applies in this case? I don't know. But to
2 me, it's a reasonable accommodation, and I would press
3 for making that reasonable accommodation. Thank you.

4 CHAIR YEE: Commissioner Kennedy? I meant,
5 Commissioner Fornaciari?

6 COMMISSIONER FORNACIARI: Yeah, I'm hundred percent
7 supportive of what Commissioner Kennedy said, and his
8 position.

9 To the extent that, even if it's a violation of
10 Bagley-Keene, I do -- I would not support sharing
11 Commissioner Vazquez's address. I don't care. I mean,
12 she's got a legitimate disability and a legitimate
13 reason, and it's just absurd that we would be required to
14 expose her to an environment that would do her harm. I
15 mean, it's beyond ridiculous. So I'm hundred percent
16 supportive in not sharing Commissioner Vazquez's address,
17 however the chips may fall.

18 CHAIR YEE: Okay. So then the question would be,
19 you know, as the end of -- as March approaches, and then
20 the end of March approaches, would we agree that that's
21 our intention as a Commission if, you know -- if AB 1733
22 falls apart, and it does look like it will be reverting
23 to the old Bagley-Keene, then will it be our intention to
24 test -- to make ourselves a test case for this?

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Thank you, Chair. Chief
2 Counsel Pane, what are the ramifications of this, if we
3 do move forward and we don't, you know -- I totally
4 support not having to disclose something that is a health
5 issue, right? A health concern in making something
6 worse. So what are the ramifications for not adhering to
7 the -- all of the Bagley-Keene? I mean, we'd be --
8 whatever -- ninety percent there, but -- and just one
9 instance. So thanks.

10 MR. PANE: Yeah, I'm happy to -- so to answer your
11 question, Commissioner Fernandez, any time there is a
12 Bagley-Keene violation that's ruled, any action that
13 takes place during that meeting is null and void. And
14 there are, of course, associated court costs and -- that
15 are usually associated with that. But that's usually the
16 main reaction.

17 There's also -- and I can certainly talk about this
18 in closed session, or elsewhere as well, about litigation
19 exposure. I'd be happy to do that as well.

20 CHAIR YEE: Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: So just for clarification.
22 If we take no action during the meeting, would there be
23 anything else? 'Cause there -- we've had some meetings
24 where we don't have action taken, so -- just, you know, I
25 wanted to make sure I know what my boundaries are.

1 MR. PANE: I can certainly get you the statute that
2 talks about Bagley-Keene and the violations, and
3 everything that comes along with that. I can certainly
4 get that to you.

5 CHAIR YEE: Okay. You know, and the clock is
6 ticking. We do not have that many business meeting slots
7 before the end of March, so this is something, certainly,
8 not to lose track of.

9 Is there a desire from Commissioners to discuss this
10 further at a closed session today? I'm seeing some yes
11 nods.

12 FEMALE SPEAKER: Yes.

13 CHAIR YEE: Yes. See, Kristian, I'm sorry we didn't
14 anticipate this, but can that be arranged? And let us
15 know the time frame when that can be arranged.

16 MR. MANOFF: Sure thing, Chair. Do you want to go
17 into closed session in say, ten minutes?

18 CHAIR YEE: Does that sound good, Chief Counsel?
19 Okay. Meanwhile, Commissioner Vazquez?

20 VICE-CHAIR VAZQUEZ: Yeah. Just on the broader
21 issue about Bagley-Keene, I think at our next business
22 meeting, Commissioner Kennedy and I will bring forward a
23 motion to support AB 1733 as just a -- so that we as the
24 Commission can take a stand on this bill and continue to
25 advocate for its adoption, barring the time line -- the

1 specific executive order expiration time line.

2 CHAIR YEE: Right. And I think the general
3 consensus is we're definitely all for it, for sure.

4 Commissioner Fornaciari?

5 COMMISSIONER FORNACIARI: Should we do that now?
6 Because we don't have another business meeting before
7 then.

8 VICE-CHAIR VAZQUEZ: Do you folks feel ready? I
9 mean, I -- the bill text is available, AB 1733 -- it's
10 publicly available, so I -- I mean, if folks feel ready
11 for it, I'm happy to make a motion to have the Commission
12 support AB 1733, and continue advocating for its passage.

13 CHAIR YEE: Yeah. You know, I have not actually
14 read the text of the bill. I do not know if
15 Commissioners feel like you really would need to before.
16 I'm actually taking a vote.

17 Commissioner Akutagawa?

18 COMMISSIONER AKUTAGAWA: Yeah, I think I would
19 support it as well, too. And I think we've gotten, at
20 least, a briefing -- a high level briefing, at least,
21 from Commissioner Vazquez and Kennedy. And I think, you
22 know, the heart of it is around, you know, accessibility
23 and you know, ensuring that, you know, all Californians
24 would have the opportunity to be able to participate on
25 commissions like this and -- and also in giving their

1 public input as well, too, without having to physically
2 travel to a location that a meeting would held. So I
3 would be in support of it.

4 And I think what Commissioner Fornaciari is right.
5 You know, at this point, pushing it off, I don't think is
6 really going to make -- change our minds any more or any
7 less. And who knows, you know, if we will have a
8 meeting -- you know, when our next business meeting will
9 be, so I think let's do it while we can.

10 CHAIR YEE: Okay. Commissioner Turner?

11 COMMISSIONER TURNER: Thank you, yes. I stand in
12 agreement. And we have the text now to read in its
13 entirety. And perhaps, we can do that as we're on our
14 way to closed session, for those that needed more time.

15 I want to second the motion.

16 CHAIR YEE: Okay. I don't believe we've actually
17 had a motion yet.

18 COMMISSIONER TURNER: Oh, I thought I did hear one.

19 CHAIR YEE: We heard the --

20 VICE-CHAIR VAZQUEZ: I did put forward a motion.

21 COMMISSIONER TURNER: Yes.

22 CHAIR YEE: Oh, I'm sorry. Okay. I thought that
23 was the intention -- or the offer to make a motion.

24 Okay. So we have a motion on the floor for the
25 Commission to support AB 1733. And a second from

1 Commissioner Turner. Further discussion?

2 VICE-CHAIR VAZQUEZ: I think the idea was, maybe, we
3 would discuss -- or I was thinking, in my head, maybe
4 some folks wanted to have a closed-session discussion
5 first, and then we can reconvene, finish out public
6 discussion, take a vote. Is that okay --

7 CHAIR YEE: Sure. Yeah.

8 VICE-CHAIR VAZQUEZ: -- Counsel Pane?

9 CHAIR YEE: Sure. That makes sense, yeah.

10 VICE-CHAIR VAZQUEZ: Okay.

11 MR. PANE: So Chair, we are -- if I understand you
12 correctly, we are tabling this motion; is that your
13 understanding, until we return in open session?

14 CHAIR YEE: Yeah, if -- yeah, if that's the correct
15 procedure. Yes, that's fine. Commissioner Kennedy?

16 MR. PANE: Commissioner Kennedy has a thought, I
17 think.

18 CHAIR YEE: Yeah.

19 COMMISSIONER KENNEDY: Yeah. So I'm wondering if
20 we're, perhaps, conflating a couple of things here. My
21 sense was that the purpose of a closed session would be
22 to discuss exposure to litigation, if we decided to
23 withhold Commissioner Vazquez's home address from agendas
24 after the expiration of the executive order.

25 The motion is on whether or not to endorse AB 1733,

1 which, to me, is a very different question. And I don't
2 think we need the closed session in order to discuss and
3 decide on whether or not to endorse AB 1733. Thank you.

4 CHAIR YEE: Okay. They do seem related, though.
5 And there may be thoughts that people want to share in
6 closed session.

7 By the way, you know, this would not apply just to
8 Commissioner Vazquez. If it all expires and goes worse,
9 I mean, this will apply to all of us. We will all need
10 to be in a public setting, so it's -- yeah, it's not just
11 one of us.

12 Commissioner Turner?

13 COMMISSIONER TURNER: Thank you. I totally agree
14 with what Commissioner Kennedy says. I do think they've
15 been conflated. My purpose of mentioning the closed
16 session, and taking some time on it, is for those that
17 mentioned they did not have an opportunity to read the
18 fullness of the text. And I do think we still need a
19 closed session to discuss the other issue. And just
20 wanted to make that clear. Thank you.

21 CHAIR YEE: Okay. I'm wondering what to do --
22 whether what the plan should be is to, perhaps, table the
23 motion and then recess until let's say, noon -- give
24 ourselves, you know, five or ten minutes to read the
25 text -- and then convene in closed session to discuss,

1 possibly, both matters. And then come back out of closed
2 session to reconsider the motion.

3 Commissioner Kennedy?

4 COMMISSIONER KENNEDY: I was with you for the first
5 part, but I still don't think we can consider our support
6 for the bill before the closed session.

7 CHAIR YEE: Except that some of us want to -- want a
8 few minutes to read it. So why not?

9 COMMISSIONER KENNEDY: Yes, yes. That's what I --
10 that's where I was with you.

11 CHAIR YEE: Yeah, yeah.

12 COMMISSIONER KENNEDY: So yes, let's recess, or
13 stand down, until noon to give us all a chance to go
14 through it -- or go through it again -- and then come
15 back, finish any discussion on the support for the bill,
16 take public comment on potential support for bill, and
17 then vote. And then we can figure out the timing of the
18 closed session after we take this vote. I don't think
19 the closed session is necessary for the vote.

20 CHAIR YEE: Okay. I'm still thinking the -- there's
21 a possibility that the matter is overlapping us at,
22 Commissioners may want to discuss them together, so I'd
23 like to start with -- stay with my plan A, then.

24 Well, let's recess right now, reconvene in closed
25 session at noon, and see where that closed session takes

1 us. And then go from there. Okay?

2 So Kristian, we'll have a closed session starting at
3 noon.

4 MR. MANOFF: Sounds good.

5 CHAIR YEE: Okay. Thank you, everyone. See you
6 then.

7 (Whereupon, a recess was held from 11:53 a.m.
8 until 1:30 p.m.)

9 CHAIR YEE: Welcome back. We are returning from
10 closed session under the pending litigation exception.
11 And no action was taken.

12 We continue with a discussion of AB 1733 and
13 whether -- and returning to the motion on the table,
14 which is whether to endorse that bill, officially, as a
15 Commission. So I open the floor to further discussion of
16 AB 1733.

17 Commissioner Fornaciari?

18 COMMISSIONER FORNACIARI: Yeah, I guess, what -- I
19 guess my question is, we didn't talk about what our
20 actions are going to be. Are we going to send letters to
21 the legislature? Are we going to advocate to the
22 governor to extend the order -- the executive order? Are
23 we -- do we have actions, or are we just expressing
24 support?

25 CHAIR YEE: BK subcommittee, maybe -- do you have

1 ideas? Commissioner Kennedy?

2 MR. PANE:MR. PANE: Chair -- chair --

3 CHAIR YEE: Um-hum.

4 MR. PANE: -- if I could just chime in here? I
5 believe --

6 CHAIR YEE: Please.

7 MR. PANE: -- the motion that we had on the floor --
8 if we're returning back to that motion -- is to
9 support -- so the Commission is taking a public show of
10 support of a particular bill that was first and seconded,
11 and that was tabled.

12 So the question is, are we bringing that back right
13 now, or are we, maybe -- or are we discussing a different
14 and possible action?

15 CHAIR YEE: Right. Thank you for that precision.
16 And yes, we are bring it back right now. So the motion
17 is simply to support. And of course, that could involve
18 any number of, you know, actions, but taking the
19 position, so -- but I don't know. BK subcommittee, do
20 you want to just enlighten us to some ways you might be
21 thinking of -- in washing out that support?

22 COMMISSIONER KENNEDY: At this point, you know, what
23 we're looking for is a letter of support, generally. My
24 understanding is the bill has not yet even been referred
25 to a committee, so we don't necessarily even have an

1 addressee, other than the sponsor, Assemblyman Quirk.
2 I'm sure that, you know, something to Assemblyman Quirk
3 would be welcome, but eventually, once it's referred to a
4 committee, I would think that we would also need to write
5 to the committee to express our support.

6 CHAIR YEE: Dr. Ceja.

7 DR. CEJA: Thank you, Chair. Yeah, so normally what
8 you do is you submit the letter to the author, and they
9 get it on the record as a supporting organization. So
10 they'll have that on the record and on the website, when
11 people look up the bill.

12 But in addition to that, it would be a great
13 opportunity to have a commissioner testify at every
14 committee when it moves through the process, particularly
15 explaining why the Commission is pushing for it with
16 regards to having certain commissioners who are not able
17 to host meetings at their home, and how inappropriate
18 that would be.

19 CHAIR YEE: Okay, very good. It sounds like that
20 could all fall under the rubric of support, so. I'm not
21 seeing nine commissioners, so I don't think we can move
22 to a vote yet; two, four, six. So further discussion?

23 So the language refers to you do have to publicize a
24 place, and so I assume that's typically always just the
25 CRC office; that's the place where people can give

1 testimony? Director Hernandez, is that correct; the
2 place referred to that's always publicized; that's the
3 CRC office, that's where people would come to give
4 testimony?

5 DIRECTOR HERNANDEZ: It depends. If you're having a
6 body of commissioners in Southern California, they have a
7 location.

8 CHAIR YEE: True, okay, yeah.

9 DIRECTOR HERNANDEZ: They would be there.

10 CHAIR YEE: Um-hum, great.

11 DIRECTOR HERNANDEZ: Otherwise, at this point, it is
12 here in the office. Now moving forward, let's say, a
13 year from now, the place can be something completely
14 different --

15 CHAIR YEE: Right.

16 DIRECTOR HERNANDEZ: -- given that we may or may not
17 have the office.

18 CHAIR YEE: Right, right. Okay.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes, thank you. I wasn't
21 sure if you were referring to the current language or the
22 proposed language, but also if we don't have enough to
23 take a vote, we could all -- we could always table it
24 again and then move on to the next item.

25 CHAIR YEE: Right. It looks like we may have to do

1 that. Thank you. Learning on the job.

2 Commissioner Akutagawa?

3 COMMISSIONER AKUTAGAWA: Yeah, sorry. I think, is
4 it possible to just table this? I mean, do we have to
5 keep talking about it if we're at a place where we're
6 ready to vote, but we don't have quorums, you just table
7 it?

8 CHAIR YEE: I think that's what we'll have to do.
9 We have -- there's seven of us by my count, so okay. If
10 there's no further discussion, then we may table the
11 motion and we will move on to long-term planning. And I
12 believe there's a handout you can refer to potential
13 legislative changes. And so I'll hand it over to Long-
14 Term Planning Subcommittee for that, and other
15 discussion.

16 COMMISSIONER FERNANDEZ: Okay. It's Commissioner
17 Akutagawa and myself. So we did -- there is a handout.
18 It's called Potential Legislative Changes. And I can't
19 remember if we talked about this last time or not, and
20 the reason we're bringing this up now is that there was a
21 reach-out to the Commission.

22 There is an author that is willing to sponsor a
23 bill, and we feel that right now might be a good time
24 regardless because it's fresh in everybody's minds, we
25 just finished our maps. It of course does not prevent us

1 from potentially going forward in future years for
2 additional legislative change -- proposed changes, and
3 again, or I'm not sure how many are familiar with
4 legislation once it's authored and entered. It changes
5 many times; it goes through many iterations before it's
6 actually finalized, so what Commissioner Akutagawa and I
7 tried to do was capture those items that have been talked
8 about in the past, and so what we did is put together a
9 spreadsheet of the specific potential changes. Some will
10 be grouped under government code sections that can go
11 through the legislature, and then some you have that will
12 be constitutional code language changes, which ultimately
13 have to go back to the voters of California for a change
14 to be made.

15 And I'm not sure, Commissioner Akutagawa, did we
16 want to go through each item, or if -- hopefully,
17 everybody's had a chance to review it and they can -- if
18 there's any comments to the different items or if there's
19 something that we probably missed, you know, just two
20 commissioners trying to remember everything -- and
21 provide feedback on that.

22 Commissioner Akutagawa?

23 COMMISSIONER AKUTAGAWA: Yeah, I think if possible,
24 yeah, just getting questions, any feedback, anything
25 that's missed, if you disagree with any of our

1 recommendations, I think that that would be easiest,
2 instead of trying to go line by line through each one.

3 COMMISSIONER FERNANDEZ: Okay. So we'll start with
4 Commissioner Kennedy.

5 COMMISSIONER KENNEDY: I just wanted to say I'm not
6 clear on how this is coming out of this subcommittee
7 because recommendations, legislative, regulatory, and
8 procedural, are the last item of the lessons learned
9 exercise outline, and my expectation has always been that
10 this is going to be a product of the lessons learned
11 exercise. Thanks.

12 COMMISSIONER FERNANDEZ: Right. And I think the
13 reason this was brought forward is because the
14 legislature did come forward; I'd probably have to defer
15 to either Chief Counsel Pane or Executive Director
16 Hernandez.

17 They reached out, wanting to know if there were any
18 areas right now because, like, as I mentioned, there is
19 an author that is willing to sponsor this, and there will
20 be -- we do have opportunities to make changes to that
21 language after our lessons learned, because as I said,
22 the bills go through many changes before it actually is
23 finalized and then brought forward to a vote. But since
24 we do have someone willing to author the changes and
25 again, it's right off of census, right off of

1 redistricting, right off of our efforts. Again, we could
2 go forward in the future with potential changes as well,
3 but at this point, since we're not having to knock on
4 someone's door, and they came knocking at our door, we'd
5 like to take advantage of that.

6 CHAIR YEE: Right. So this is assembly member Isaac
7 Bryan, I believe, who initiated this conversation and I
8 as Chair assigned the task to long-term planning, just
9 because it was a good fit and they had already done some
10 thinking about this.

11 This absolutely does not preclude revisiting the
12 whole question at the end of the long-term -- of the
13 lessons learned exercise. And of course we do have eight
14 years to bring up any other matters, so that's how we got
15 to this current spot.

16 Commissioner?

17 COMMISSIONER FERNANDEZ: One last -- I just want to
18 correct this. I believe the language reads that we
19 cannot bring forward changes. I think years ending in 9,
20 0, and 1.

21 CHAIR YEE: Okay, yeah.

22 COMMISSIONER FERNANDEZ: Something like that, so
23 it's not necessarily eight years left, but we do have
24 quite a few years left.

25 CHAIR YEE: Yeah, very good.

1 Commissioner Sinay, and then Akutagawa.

2 COMMISSIONER SINAY: Thanks. So I appreciate this
3 coming, and I would like us to discuss some of the
4 recommendations that were made here because -- well,
5 there's two that I'm not sure that we would want the
6 legislature to clarify, or we want to have clarified.
7 And that's number 5, clarifying the definition of
8 redistricting matters, as well as clarifying what public
9 input means.

10 In -- I personally think that having it a little
11 broad is done on purpose, and that allows for flexibility
12 and allows for the community to share their thoughts. I
13 can understand why we would want to clarify it just so
14 that it's black and white, but sometimes I think gray is
15 better, especially on the parts that are about engaging
16 the community and how we engage the community. You know,
17 don't ever ask for a -- don't ever ask a question if you
18 don't want to hear the answer. And so those were the two
19 that kind of struck me as I'm not sure if we really do
20 want that clarified for us.

21 Then the other one, number 3, you know, we've
22 gone -- we've kind of gone back and forth on the whole
23 grant making end, if we think that commissions should be
24 that -- be part of giving money to organizations that
25 then later are coming back.

1 There's -- because they're advocacy organizations in
2 most cases, it's not just outreach dollars, but it is
3 groups coming back and advocating to the Commission. And
4 my thought is, it would be much more efficient, coming
5 from the nonprofit perspective, if when you receive a
6 grant from the census, you knew that it was census plus
7 redistricting, and so they could plan a much better
8 campaign and hire staff for a longer period of time, and
9 more qualified, and it would be just a much more robust
10 program than it is now, where it stops, starts, stops,
11 starts, and so my thought was, if we wanted to have a
12 little bit of conversation about first, is that the right
13 place or not. But you know, there are other options.

14 And my final one, and this goes to the
15 constitutional code, but I do think we should talk if we
16 should increase from fourteen to fifteen. I'm not -- I
17 haven't been convinced of that, and I know in talking to
18 people from other states that have smaller commissions,
19 or have worked with smaller commissions, a smaller number
20 is easier during the line drawing phase; a larger number
21 is easier during the outreach phase. And so I think we
22 have to have a more robust conversation before we say
23 yes, let's try to make those changes.

24 So I know those were general, but I would feel
25 rushed to tell the legislature we want these changes

1 without robust conversations.

2 CHAIR YEE: Thank you, Commissioner Sinay.

3 Commissioner Akutagawa, if you could just pause for
4 a minute, maybe we can let Chief Counsel Pane weigh in,
5 and I'm wondering if he's going to tell us we actually
6 need a motion to discuss this -- such a motion.

7 MR. PANE: Well, actually I was going to do a little
8 bit more of a background in answering Commissioner
9 Sinay's point.

10 CHAIR YEE: Okay.

11 MR. PANE: So and this is just for everyone's
12 refreshing of recollection. The Government Code 8251(c)
13 restricts the legislature from making changes. They
14 can't just come up with a bill however they want. It's
15 two parties here; it's the legislature and it's the
16 Commission.

17 So to Commissioner Sinay's, I think, concern of did
18 we want to clarify something or do we want to leave it
19 more ambiguous, we had a -- the Commission has a seat at
20 the table in deciding what that looks like. Now, if the
21 Commission, as a matter of policy, nevertheless wants to
22 not clarify it, that's fine, but I did want to make clear
23 that the legislature can't write up its own definition of
24 redistricting matters and we're stuck with it. That is
25 not the -- what's in the law.

1 If any changes are made to the Commission statutes,
2 it takes both the legislature and two-thirds, by the way,
3 of the legislature, and the Commission, a supermajority,
4 to say this is the language. And if both parties agree
5 on that language, and that's what's enacted, then we can
6 have -- we can look at those changes and changes be made.
7 I just wanted to clarify that point.

8 CHAIR YEE: Okay. And then further, maybe you can
9 advise us, you know, in general, what might be the best
10 way to go forward with this document. Should we have a
11 motion first?

12 MR. PANE: So I don't know that we need -- Chair, I
13 don't think we necessarily need a motion right now. What
14 would be helpful, I think, is if we got at least a
15 general understanding, a general agreement, of all of the
16 topics, at least at this point, to Commissioner Kennedy's
17 point, we -- there's lessons learned still that might
18 sort of bubble up some additional ideas, but at least at
19 this sort of snapshot in time, point in time, if that
20 list looks good or if we have -- there's some on there
21 that doesn't look good to the Commission, or there are
22 additional ones that aren't on the list, that we're aware
23 of, like I said, at this time, I think it would be
24 helpful to get this conversation going, because as
25 Commissioner Fernandez mentioned, and as I briefly

1 mentioned, it takes both the Commission and the
2 legislature, and the legislature is going to change
3 language, and then the Commission needs to see if they're
4 okay with that language or if they think language should
5 be different.

6 And so doing a motion at this point probably
7 doesn't -- isn't the best use of the Commission's time
8 because it's likely to change.

9 CHAIR YEE: Very good. And just to put a needful
10 fine point on it, then, are -- you know, if we have a
11 consensus for this list, does that mean we really are
12 behind every one of these proposals, or is it that we
13 wish to at least explore some of them that might still be
14 a difference of opinion on?

15 MR. PANE: I think you can explore them at this
16 point. The more clarity, the better; I understand that
17 right now, the Commission, you know, we had this as a
18 handout for today. It may not have -- we don't have
19 enough time yet to have fleshed-out language or that sort
20 of level of detail.

21 So I think as much detail at this point that the
22 Commission is comfortable with, I think would be helpful.
23 I don't think we necessarily need a motion on each
24 individual one at this point, but it would be helpful to
25 know what does our list look like, at least, again, at

1 this point in time.

2 CHAIR YEE: Right, okay.

3 So Commissioner Akutagawa, and then Fernandez.

4 COMMISSIONER AKUTAGAWA: Yeah, so as one of the two
5 members of this committee, I wanted to -- I was hoping to
6 give clarification earlier, and maybe this would've
7 cleared up some of the questions that followed.

8 So to Commissioner Kennedy's point, this wasn't just
9 something that just came out of nowhere. This actually
10 is an outgrowth of the long-term planning document that
11 we circulated earlier, and there were things that did
12 come out as part of those long-term planning activities
13 that were clearly in need of either legislative or
14 constitutional changes.

15 And so as Commissioner Fernandez were just, you
16 know, going through line by line every item, we started
17 collecting all the things that we were hearing from
18 everybody. I think our intent wasn't to say this is the
19 final list, but there is this kind of strike while the
20 iron is hot moment, where we have this opportunity to
21 start this conversation, just like with the budget, where
22 we had to give the ten-year look at what we're
23 anticipating.

24 We realize that not everything is going to be exact
25 and that, you know, there is going to likely be changes

1 because, I mean, you know, we had such a long, long kind
2 of roadmap look at all of the potential, you know,
3 expenses, and expenditures, and the activities that we'll
4 be doing. Same with this, too. We wanted to put
5 something together that at least gets the conversation
6 started, and that also indicates to the legislature that
7 these are generally where we're going with it, and we
8 want to start the conversation. And we do realize that,
9 you know, we hadn't really had it in this way, so this is
10 just the first pass.

11 So Commissioner Kennedy, it's not meant to say, you
12 know, what we're going to do with lessons learned is
13 going to be completely null and void because we've
14 already moved on it, but it's really just to say we do
15 need to start it because the request is there, and while
16 we have the opportunity, you know, rather than let it
17 pass, we just needed to just jump on some of the things
18 that we've already heard multiple times from different
19 commissioners about certain things that we know are going
20 to come up again.

21 And then, as we do the lessons learned, we also
22 realize that, you know, that brainstorming is also going
23 to bring up other things. But we felt that this is what
24 we needed to do, to at least get the conversation
25 started, especially because we don't have a lot of

1 meetings. And so, you know, we weren't expecting that we
2 were going to have a vote on any of these, but these are
3 just kind of like what we're hearing, and the
4 recommendations were based on what we were hearing. And
5 it's not to say that it has to be what it is, but you
6 know, it's just, again, a conversation starter. Thank
7 you.

8 CHAIR YEE: So just to follow that up, so at this
9 point, let's say we agree that all of these are at least
10 worth discussing. Then we would discuss these with
11 assembly member Bryan's office, back and forth, back and
12 forth, but there would still need to be final language
13 that we would agree on to any of the points that we were
14 going to forward. So this is certainly not the last stop
15 before agreeing to support any of these, yeah. Okay.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes, thank you, Chair.

18 You're absolutely correct. The language, the
19 Government Code section, is very specific as to any
20 education. Any legislation language changes have to be
21 approved by supermajority. So one, we can't do that
22 today regardless; we don't have enough to do the
23 supermajority.

24 And so what I've been doing is I noted down the ones
25 that so far would require further discussion. So I'm

1 wondering if maybe we could go that route, like, get a
2 list of those that require further discussion and if
3 there's anything additional, I'm just trying to think of
4 what would be the more efficient way to go. Thanks.

5 CHAIR YEE: Vice Chair Vazquez?

6 VICE CHAIR VAZQUEZ: Thank you. Yes. I'm actually
7 of similar mind with Commissioner Fernandez. I -- my
8 recommendation is that we sort of pull out the ones that
9 need more discussion, and push forward with this
10 particular opportunity on the low-hanging fruit, things
11 that we have, you know, good consensus on, we have a good
12 idea of what we want to see; maybe not exact language,
13 but, like, we're all in agreement that -- about what the
14 change is that we want to pursue.

15 And then, these sort of, I think, bigger
16 conversations, we should make sure to address them as
17 part of the long-term planning conversations in March,
18 with an eye toward the next legislative opportunity to
19 make the bigger adjustments.

20 CHAIR YEE: Okay.

21 Commissioner Fornaciari?

22 COMMISSIONER FORNACIARI: So I just want to
23 understand the process here. You -- the idea is that we
24 just come up with these notional ideas and we sit down
25 with the legislature and begin to hash out language or

1 something, and then come back to the Commission with that
2 language, or I mean -- how are going to get there from
3 here is what I don't understand. I mean, I think all of
4 these topics need some deep discussion by the Commission.
5 So help me understand; help me get there from here.

6 COMMISSIONER FERNANDEZ: So I just want to -- the
7 legislature, Bryan, reached out, and he would like an
8 idea of the areas that we are looking at, in terms of
9 proposing legislation. And so yes, this would be the
10 conversation starter, in terms of these are the areas.

11 Again, he's reached out to us; I don't -- we don't
12 to wait too long before we respond, because we want to
13 make sure that he knows we're still interested in
14 revising some of this language. So yes, I mean, so far
15 I've only heard from one commissioner in terms of
16 different areas that could be further discussed, and if
17 there's additional items, too, we can take those as well.

18 But again, some of it may be -- may come from
19 lessons learned. Maybe we go forward with some of this,
20 and then at lessons learned, we decide nope, we're going
21 to take it back; we don't want to amend these areas. So
22 again, just because we go forward and we talk, and we
23 might submit something, doesn't mean that's what it's
24 going to look like at the end.

25 CHAIR YEE: Okay. Commiss -- Vice Chair Vazquez?

1 VICE CHAIR VAZQUEZ: Yeah, I was just going to say
2 my experience with this has been that, you know, if we
3 put forward these topics like Commissioner Fernandez
4 says, then really one of the next major steps is that the
5 legislature, the lawyers, go and pick out the relevant
6 sections that we could amend, and then we would likely
7 have an opportunity to look through and see how exactly
8 we would want to change the language, if we want to add
9 anything, you know, propose new wording to make things
10 more amenable to our processes, you know, basically we
11 start the drafting process and we would, you know, likely
12 have assistance from, you know, legal minds about what
13 pieces of the Government Code we would need to change in
14 order to accomplish our goals.

15 So for me, it seems like the first step is to make
16 sure that we have consensus about the goal, so not
17 specific language, but that we all have a general
18 consensus about we want this thing to change, or this was
19 the issue that we met up with; let's see specifically
20 what in the Code created this situation that we could
21 change to prevent it in the future. That's -- that would
22 be my recommendation.

23 CHAIR YEE: Okay. Why don't I turn it over at this
24 point to Commissioners Fernandez and Akutagawa, and you
25 can take us through this list in any way you wish to get

1 to the point you want us to get to.

2 COMMISSIONER FERNANDEZ: Okay, great.

3 So I guess we were trying to not go through the
4 list, but I guess we'll go through the list, but like on
5 a high level.

6 What do you think, Commissioner Akutagawa, is that
7 okay?

8 COMMISSIONER AKUTAGAWA: Yeah, yeah.

9 COMMISSIONER FERNANDEZ: And so the process --

10 COMMISSIONER AKUTAGAWA: And perhaps --

11 COMMISSIONER FERNANDEZ: -- go ahead.

12 COMMISSIONER AKUTAGAWA: Maybe I could just start by
13 just saying the first two is based on the conversations
14 that we've been having, and we put them in because we
15 know that we have a subcommittee that's working on it,
16 and so it was in support of that subcommittee's work.

17 COMMISSIONER FERNANDEZ: Yeah, and we did, for the
18 second one that is for the federal incarcerated
19 population, for that one, we added "if provided" because
20 right now, we're in limbo; we don't know if the Federal
21 Bureau of Prisons is going to provide that information
22 for us, so it's kind of like a placeholder. We know we
23 want to do something with it, but it'll depend on the
24 outcome of the subcommittee and that communication.

25 So are there any concerns with going forward

1 conceptually with both of those, in terms of reallocating
2 the state and federal incarcerated population to their
3 last known address? Okay.

4 Let me check those off there.

5 And then on number 3, that one is empowering the
6 Commission to make grants for prospective work. And I
7 understand what Commissioner Sinay was saying, that it
8 would be great if the census could take over that
9 process. And just because the Commission has the
10 authority to make grants would not mean that they would
11 have to make grants, if that makes sense. It was more of
12 if going forward, how we are now, it would've been great
13 to have that authority, and it kind of ties a little bit
14 into number 4, in terms of exempting the Commission from
15 state procurement and contracting regulations. We put
16 them separate just because they are two different
17 avenues.

18 And so on this one, Commissioner Sinay is the one
19 that brought this one up, in terms of hopefully working
20 with census to see if they can conduct some of this
21 outreach work for us.

22 And any other comments on that Commissioner
23 Fornaciari?

24 COMMISSIONER FORNACIARI: Yeah, I mean, so either
25 way, that's, I guess, going to require some legislative

1 changes, right? I mean, if we believe that we ought to
2 have the Census Bureau or the organization that does the
3 census outreach take on the response -- some of the
4 responsibility for redistricting outreach, then that's
5 going to be a different set of legislation that will be
6 required.

7 COMMISSIONER FERNANDEZ: Yes. Commissioner Turner?

8 COMMISSIONER TURNER: Yeah, I was thinking in terms
9 of the challenge, even in shifting it with some of the
10 conflict of interest, and how it perhaps could limit or
11 prevent different ones from either serving on the
12 Commission, or we're still going to fall back into an
13 issue of how we kind of select individuals to receive
14 grants, and probably inadvertently keep others from being
15 able to apply. So this is -- it's -- I guess it for sure
16 will require a lot more conversation.

17 COMMISSIONER FERNANDEZ: Thank you.

18 Chief Counsel Pane?

19 MR. PANE: Thank you, Commissioner. I just want to
20 make one quick clarification. As I mentioned a little
21 bit earlier around this discussion, 8251 says any changes
22 to the Commission statute sort of require both the
23 Commission with the exact language to be what's adopted
24 by two-thirds of the -- of both houses of the
25 legislature.

1 If we're talking about statutory changes not to the
2 Commission statutes, those -- the Commission certainly
3 could make recommendations, but there is no restriction
4 on those that the Commission needs to have the exact
5 language is what's actually adopted.

6 So I just wanted to make that point. If we're
7 making -- proposing changes to the elections code, for
8 example, that is not part of the Commission statutes
9 under the Government Code, under 8251, under this
10 chapter, Chapter 3.2.

11 So there is probably a little bit less of a
12 restriction on the legislature because what has to be
13 agreed for Chapter 3.2 is both the exact language the
14 Commission needs to make and the legislature needs to
15 adopt that same language. If we're outside Chapter 3.2,
16 that restriction is not there. So I just wanted to make
17 that point of clarification.

18 COMMISSIONER FERNANDEZ: Thank you, that helps. And
19 just to clarify even further, in the election code
20 sections that do mention the Commission, we are -- we can
21 still go forward with proposed language changes, correct?
22 Okay.

23 MR. PANE: That's correct.

24 COMMISSIONER FERNANDEZ: Okay, so number 3 we will
25 leave as for future discussion.

1 Number 4 is exempting Commission from state
2 procurement and contracting regulations. So that would
3 be having -- being exempt from having to go through the
4 whole bidding process and RFP process.

5 Any concerns moving forward with that? Commissioner
6 Kennedy -- and before Commissioner Kennedy, I did want
7 to -- I didn't really go over the spreadsheet, but the
8 first one obviously is the topic or the area. And the
9 second -- or actually, I guess, the third column, it says
10 code section to amend, we're trying our best to see which
11 area would be amended. And then the notes would be any
12 other information that we may have.

13 So Commissioner Kennedy?

14 COMMISSIONER KENNEDY: Thank you. I mean I've been
15 involved in procurement actions related to time-bound
16 processes for many years, and so my sense is that we're
17 not looking so much to be completely exempted, as perhaps
18 having a special regime of requirements that are more
19 sensitive to the time-bound nature of our work.

20 I mean, we want to ensure fiscal responsibility and
21 accountability, and you know, saying exempting us from
22 all of these requirements sounds like, you know, complete
23 freedom, and I don't think that's what we want; I don't
24 think that's what the people of California want.

25 So if we could phrase it more in terms of developing

1 a special regime applicable to redistricting and perhaps
2 other, you know, time-bound processes, I think that would
3 be helpful. Thank you.

4 COMMISSIONER FERNANDEZ: I'm not going to call on
5 you, Linda. You can just go for it.

6 COMMISSIONER AKUTAGAWA: Yeah. I was just going to
7 say, I think part of it -- part of the reason why that
8 came up was, we were thinking about some of the delays, I
9 guess we'll say, around some of the contracting with,
10 like, the media, you know, those kinds of things. So we
11 just -- yeah, we weren't just looking for a free for all,
12 but my understanding, if I recall correctly, and maybe
13 Director Kaplan can speak to this, but my -- or our
14 understanding, or my understanding, is that I think the
15 California census was -- had some of that flexibility so
16 that they can enter into contracts quickly to, you know,
17 do the media buys and things. I mean, I think it took
18 Fredy, like, four or five months, and then we missed part
19 of a window because of the recall, and you know, we're
20 just trying to alleviate some of that and not, yeah,
21 be -- not not be accountable, though.

22 COMMISSIONER FERNANDEZ: Marcy?

23 MS. KAPLAN: Yeah, and I -- you know, I can just
24 add, the California Complete Count, Census 2020 office
25 had that. They did not use that for all of their

1 contracts, so for, like, the majority of the funding, it
2 was still done through a competitive bid, and it was
3 utilized in some of the -- like the funding I oversaw,
4 which was sectors, which was more flexible, it was
5 utilized later on when they didn't get bids for certain
6 RFPs, and also when they needed a quicker turnaround.

7 And my more limited understanding of it is, it's not
8 that it necessarily speeds up time, it just reduces the
9 time of going to a competitive bid, which then overall
10 reduces time, but you still have to go through the, like,
11 channels of once you have a contract, then getting it
12 executed through the state. So there's still that piece
13 of it, but there's the, I guess, the first half, and Raul
14 would probably have more background on all the details of
15 that, so. You could still have it and not necessarily
16 use it for everything.

17 COMMISSIONER FERNANDEZ: Right, yes, thank you. And
18 that's -- and interestingly enough, we are exempt from
19 the personnel, the hiring practices, and we didn't always
20 use it. We still went out to, you know, recruitment. We
21 had flyers, we had all that. So it's just having the
22 ability to do it, if we -- the ability to be able to do
23 it if we need to. And especially this year, or this time
24 around when we had that flexibility extra spending that
25 we'd like to talk about, and being able to get those

1 contracts into place quicker than we were, as
2 Commissioner Akutagawa mentioned.

3 Any other conversations regarding that one? Okay,
4 so this one we'll go ahead and move forward, and then
5 we'll also make sure we take Commissioner Kennedy's
6 comments.

7 The next one is number 5, and that one is clarify,
8 provide definition of what redistricting matters means.
9 This was something that was brought up by a couple of
10 commissioners prior. I can go either way with it. It
11 was something that kind of -- we had to define at some
12 point.

13 So any comments on that; and I know Commissioner
14 Sinay could talk about that. Commissioner Yee?

15 CHAIR YEE: Thank you. You know, so yeah, I think
16 this argument goes both ways. One way is to leave it
17 vague so that we have flexibility, and that you know, it
18 doesn't give people a roadmap to challenge us.

19 The other view is that if we don't define it, then
20 somebody else will define it in some way. And I'm
21 wondering, Chief Counsel Pane, I mean, of course no one
22 else can change the statutory language without us being
23 involved. But what are some other ways that we might get
24 constrained on the definition says this, and you know,
25 receiving redistricting input language by others?

1 MR. PANE: So I think, as best as I can tell, just
2 thinking right now out loud what the options are, I think
3 one option is to provide the statutory changes and have
4 that work through the process that is available.

5 I think the only other option is to have the Supreme
6 Court, in a subsequent litigation, tell everyone what
7 these topics mean. One involves Commission input and one
8 doesn't, or very less of it. I mean, we'd be through
9 pleading versus, you know, adoption from the Commission.

10 So those are the only two ways to change this
11 terminology. Either the statute is very clear -- is
12 clear enough where no court involves itself; or the
13 courts get involved and they say you don't have it quite
14 right; here's how you need to be thinking about it.

15 So I think there's really two avenues, either the
16 judicial branch or the legislative branch.

17 CHAIR YEE: Very good, thanks. Yeah, I'm inclined
18 to take the initiative and to define things, because if
19 you don't, you know, 2030 will be back in the same
20 situation we're in, and you know, spending time trying to
21 define things again, so that's my inclination. Thanks.

22 COMMISSIONER FERNANDEZ: Commission Vazquez?

23 VICE CHAIR VAZQUEZ: I'm not wholly opposed to
24 coming up with language or addressing this particular
25 issue in clarifying what redistricting matters are. That

1 being said, I think -- I personally feel like I would
2 only feel comfortable doing that after a much lengthier
3 discussion than what is being pitched today.

4 I also am not convinced that us clarifying it means
5 that it's any less likely that someone will take us to
6 court about it. So I don't know, you know, we can
7 clarify it, but someone could take us to court and say
8 well, this isn't, you know, in line with transparency or
9 what have you, right? Like, people could still have beef
10 with it and take us to court.

11 So I'm not -- if we feel like it will improve the
12 work of this Commission and future Commissions to further
13 define redistricting matters statutorily, then that's
14 one -- that's, like, one reason to do it. But for me,
15 it's not a reason to say well, you know, we think future
16 Commissions could get sued over this because future
17 Commissions could get sued over each piece of the law.
18 And so I'm not convinced that we are, like, magically
19 endowed with the wisdom to create the perfect language
20 that will keep us from getting sued, so those are my
21 thoughts.

22 COMMISSIONER FERNANDEZ: Thank you.

23 Commissioner Fornaciari?

24 COMMISSIONER FORNACIARI: Sure, yeah. So I'll just
25 share, my reaction to this is we spent a an awful lot of

1 time talking about what we thought these things were,
2 what we thought public input was, what we thought
3 redistricting matters is. And I would be really super
4 hesitant to define what that is for the 2030 Commission
5 and Commission beyond, because I think that the act of
6 that conversation is important and the act of thinking
7 about that is important for each Commission, and you
8 know, how they go forward. You know, and we're not going
9 to understand the context of future Commissions, and for
10 us to -- I -- my initial reaction would be, I'd be really
11 hesitant to define these any further, and just allow
12 future Commissions to define it themselves. But either
13 way, I think we need a much, much deeper conversation
14 about those two topics.

15 COMMISSIONER FERNANDEZ: Thank you.

16 Commissioner Kennedy?

17 COMMISSIONER KENNEDY: Thank you. I just wanted to
18 check with Chief Counsel again on something that I've
19 raised in this regard, which is don't we have one more
20 option on this, which would be going to the opinion unit
21 in the Office of the Attorney General? Thanks.

22 MR. PANE: So Commissioner Kennedy, your point about
23 going to the opinion unit of the Attorney General, a
24 state department is certainly free to go to the Attorney
25 General's office to seek an opinion. That doesn't mean

1 you'll get one. And there may be constraints within the
2 existing structure as to why a body may not receive an
3 opinion. The Attorney General's opinions unit
4 distinguishes an informal opinion versus a formal
5 opinion.

6 And so I would say, I mean, the -- there's a
7 footnote in one of the Attorney General opinions that
8 say, you know, this isn't exactly the force of law, an
9 opinions unit, but it is cited in cases. So it's --
10 truthfully, it's somewhere in between authoritative case
11 law, which was the first instance I mentioned, and
12 stat -- so I would put -- I hate to use this term, but I
13 would put the Attorney General opinion in a lesser
14 authoritative role than either of the two avenues I
15 mentioned, which is a statutory change, which obviously
16 has the force of law, and a court case, which has the
17 force of law unequivocally.

18 I think an Attorney General opinion is helpful and
19 is certainly cited, but doesn't carry the kind of weight
20 that the other two avenues do. So I think it's a little
21 ambiguous to whether or not that's -- it's certainly an
22 option, but I don't know how much weight that really is
23 going to serve a future Commission, if we even did get
24 one, which again, is not a guarantee.

25 COMMISSIONER KENNEDY: And if I can follow-up, you

1 know, maybe, you know, in some ways, I wish we had
2 submitted this to them a year or more ago, but you know,
3 maybe this addresses some of the concerns if we were to
4 submit something to the opinion unit.

5 It's not necessarily, you know, binding with the
6 force of law on the 2030 Commission, but it does provide
7 them with some additional guidance that we didn't have.
8 Alternatively, we could just recommend to them that they
9 approach the opinion unit and do the same at, you know,
10 in due course. Thanks.

11 COMMISSIONER FERNANDEZ: Thank you. And I think on
12 this one, obviously we're going to need more conversation
13 on it, so it'll go to lessons learned.

14 And again, this is -- these are topics that not
15 necessarily Commissioner Akutagawa and I put together.
16 Actually, both of us felt that we agree with Commissioner
17 Fornaciari. We were like, well, it should be up to each
18 Commission to decide what those definitions are, so we
19 completely -- we agreed with that.

20 So any other comments on this topic, on number 5?
21 Marcy?

22 MS. KAPLAN: Hi. I'm just wondering, I guess
23 somewhat related to this, if another approach is to
24 perhaps look at bolstering the language around the
25 Commission's requirement to conduct outreach, and if

1 maybe that's a different change that you look at to
2 really broaden and expand that for future Commissions? I
3 don't know how that plays into this and what that
4 requires, in terms of change, but.

5 COMMISSIONER FERNANDEZ: Okay, thank you. We will
6 add that for lessons learned. I think that's
7 Commissioners Yee and Kennedy, but I will add it to the
8 list for lessons learned.

9 Okay, and then we will move on to number 6. So
10 number 6 is allow no party preference to be considered a
11 party for purposes of considering commissioner membership
12 categories. Are there any comments or concerns regarding
13 this topic? Because right now, no party preference would
14 be lumped with all of the other parties that are not
15 either number 1 or number 2 in the state. And right now,
16 I think it was the other day, I looked it up and I think
17 Republican -- it was like a .2 percent difference between
18 the no party preference and Republicans.

19 And this really comes into play because you're
20 talking about the five versus the four commissioners on
21 the -- currently on the Commission.

22 Commissioner Fornaciari?

23 COMMISSIONER FORNACIARI: Okay, I think you
24 explained the -- just make sure I understand what you're
25 considering no party preference, a party for purposes of

1 counting, you know, who -- what are the two biggest
2 parties; is that what you're saying?

3 COMMISSIONER FERNANDEZ: Yes. Right. So
4 necessarily the makeup of the Commission, right, the
5 membership, the Commission membership.

6 COMMISSIONER FORNACIARI: Right, right, right.

7 COMMISSIONER FERNANDEZ: So let's say that, for
8 example --

9 COMMISSIONER FORNACIARI: Yeah.

10 COMMISSIONER FERNANDEZ: -- no party preference was
11 more than Republicans, but because they're not considered
12 a party.

13 So this would probably -- this will affect two
14 areas. I believe one would be a constitutional change,
15 and one would be a Government Code change, so it'd
16 actually have to be in two separate -- it'd have to go
17 through two separate processes.

18 Commissioner Sinay?

19 COMMISSIONER SINAY: Currently, isn't the way it's
20 written, Democrat, Republican, and those who aren't from
21 one of the two parties, so that would include Green,
22 Libertarian, and everybody else? Or are Libertarians and
23 everybody else just kind of thrown out, and it's just no
24 party preference, Republicans, and Democrats?

25 COMMISSIONER FERNANDEZ: No, what it says now is,

1 let's see, I'm going back -- that it's two -- it's five
2 from the largest party, second from the second largest
3 party, and then -- five from the largest, five from the
4 second. It doesn't say Democrat or Republican.

5 COMMISSIONER SINAY: Right.

6 COMMISSIONER FERNANDEZ: It just says largest party.

7 COMMISSIONER SINAY: Right, right.

8 COMMISSIONER FERNANDEZ: Right.

9 COMMISSIONER SINAY: But I'm saying how is no party
10 preference being defined; is that --

11 COMMISSIONER FERNANDEZ: Oh, yeah.

12 COMMISSIONER SINAY: -- including Libertarians,
13 Green Party, and all others, or not?

14 COMMISSIONER FERNANDEZ: Right, so it would -- no,
15 it would be -- no, it would be separate, because when
16 you -- we actually went to an elections form to see how
17 that came up. And so that would be separate; that would
18 be no party preference is the box that you're checking.
19 So that's separate from the Libertarian, and Green, and
20 all the other parties. But because they're not called a
21 party, right, we want to make sure that they're
22 considered as a party, in terms of determining the
23 commissioner membership. Does that make sense?

24 COMMISSIONER AKUTAGAWA: I was thinking the same
25 thing as you, Commissioner Sinay. So what Commissioner

1 Fernandez is saying is that we actually did go onto the
2 actual Secretary of State site --

3 COMMISSIONER SINAY: Yeah, I --

4 COMMISSIONER AKUTAGAWA: -- as if we were going to
5 register. And the language is clear that it is party.
6 So for example, so in the State of California, those who
7 check off no party preference is actually higher in
8 percentage than, let's say, some of the other --

9 COMMISSIONER SINAY: Right.

10 COMMISSIONER AKUTAGAWA: -- the Green Party, the,
11 you know, all -- and so we realized that we have to make
12 a clarification that even though those who check off no
13 party preference, for the purposes of a category, that
14 they're the -- that if they are one of the top three,
15 then if their registra -- those who check off no party
16 preference is higher than, say, Republican -- those who
17 check off Republican, then they should be considered the
18 second largest party or category, I guess.

19 COMMISSIONER SINAY: So I get what you're all
20 saying. I think I would actually look at this a
21 little -- so okay. I'm going to bring up something
22 that's probably different.

23 So yes, I agree with that; I know that that's become
24 a big issue in California that there are more people who
25 identify as no party preference. I still feel, though,

1 that there's a disenfranchisement of those who don't fall
2 in one of those three categories. So I would like us to
3 consider the third category those who don't fit in 1 or
4 2, and not no party preference. So that would be two
5 different changes. So one change would be that no party
6 preference is considered a party, and therefore it may be
7 one of the two biggest parties, but that the third pool
8 of people end up being from all others, meaning --

9 COMMISSIONER FERNANDEZ: But that's what it is now.
10 That is what -- so let's say, for example, the second
11 party was no party preference, which bumped the
12 Republicans. So the Republicans would be with the Green
13 and Libertarian parties. So all of those would be lumped
14 together.

15 COMMISSIONER SINAY: Right, but that's not how we
16 talk about it all the way through. So I just want us to
17 be clear, you know, because in redistricting world,
18 everybody talks about that third part -- that third
19 category as no party preference when there is a party
20 preference for some of them. And so we need to be
21 careful -- I just want to make sure that we're not
22 disenfranchising those who don't pick one of those three.

23 COMMISSIONER FERNANDEZ: Well, and the language is
24 very specific. It does specify it that way. And the
25 reason I think the Commission has been referring to it as

1 no party preference is because the four commissioners in
2 that category are all no party preference. They don't
3 have a different desig -- they didn't have a different
4 designation.

5 COMMISSIONER SINAY: Right, but I don't want to --
6 what I'm asking us is to be more open in the future when
7 we're thinking about other commissioners and letting
8 people think that they can apply.

9 COMMISSIONER FERNANDEZ: Okay, thank you.
10 Commissioner Kennedy?

11 COMMISSIONER KENNEDY: Thank you, Commissioner
12 Fernandez, and thank you, you know, for highlighting that
13 if the numbers did change slightly, you know, Democratic
14 party would be the largest, no party preference would be
15 the second largest grouping, and Republican and others
16 would be that third category, and that is important for
17 all of us to understand.

18 That being said, I still believe that for the
19 credibility of the Commission and the process, the
20 cleanest way to address this is simply to, as we've said,
21 or as you've said, propose a constitutional change to
22 increase the size of the Commission to fifteen and make
23 it five, five, and five, independent of the numbers. And
24 you know, I think that would do a good bit for the long-
25 term credibility of the body and the process, and resolve

1 this question of which is bigger, which is not bigger.

2 That would just go away; that wouldn't come if the

3 Commission size were expanded to fifteen. Thank you.

4 COMMISSIONER FERNANDEZ: I would disagree a little
5 bit with you. I rarely disagree with you, Commissioner
6 Kennedy, but if we don't -- if no party preference isn't
7 identified as a party, then they would always be lumped
8 with that third group, so potentially you could have less
9 than four or five that are no party preference. Does
10 that make sense? Am I confusing my brain right now? So
11 if --

12 COMMISSIONER KENNEDY: If you're saying that --
13 sorry, if you're saying that if you had a Libertarian, or
14 a Green, or a Peace and Freedom as one of the five, that
15 that would reduce the number of no party preference below
16 five, then yes, I understand that.

17 COMMISSIONER FERNANDEZ: Um-hum, yeah. That's what
18 I was saying, yes.

19 COMMISSIONER KENNEDY: But I -- yeah, I mean, but I
20 still think that five, five, and five is a better way to
21 go for the long-term health of the body in the process.

22 COMMISSIONER FERNANDEZ: Yes, and we do have that
23 one on the chart on the second page under the
24 constitutional code language. Thank you.

25 Commissioner Yee?

1 CHAIR YEE: Yeah, very interesting discussion. And
2 just to point out, I mean, one argument for lumping
3 together no party preference and small parties is
4 otherwise the small parties basically have zero chance of
5 ever having representation because, you know, unless
6 Peace and Freedom becomes at least the third largest
7 party, or yeah, you know, it just has no chance
8 whatsoever. So that would be one argument for lumping
9 together no party preference and small parties as one
10 category, whether four or five.

11 COMMISSIONER FERNANDEZ: Okay.

12 Commissioner Akutagawa?

13 COMMISSIONER AKUTAGAWA: Yeah, we did talk about
14 things like that. I think part of it, though, is that
15 there is a distinct grouping of those who choose to not
16 affiliate with any party whatsoever, and so if they do
17 become, and they have actually -- the latest data is
18 showing that they are now the second largest registration
19 in the State of California.

20 So then, to what I think Commissioner Fernandez was
21 saying earlier is then the third grouping would be
22 whatever the third in size of registration, plus all
23 others, would become that third grouping. And so it
24 would be Republicans plus, you know, all of the other
25 smaller parties, would be the pool from which then

1 potential commissioners would then be chosen from in the
2 future, instead of saying it would be always those who
3 state or choose no party affiliation plus all others.

4 COMMISSIONER FERNANDEZ: Yes, thanks. Yeah, similar
5 to how it was done this time was no party was grouped
6 with all of the other parties.

7 Commissioner Sinay?

8 COMMISSIONER SINAY: So my understanding, from
9 reading a lot of the data, you know, reading a lot on
10 this topic, is that some of the no -- a lot of the no
11 party preference folks are Republicans who have moved
12 over to no party preference. And that includes people in
13 the legislature who were Republicans and now are saying
14 no party preference. Some are moving to Democrat, but a
15 lot are staying at no party preference.

16 So in theory, if this is true, I mean, I think we
17 need to do a lot of research on this; wouldn't we be
18 giving more opportunity for Republicans to be reflected
19 on the Commission is they are individuals who have chosen
20 in recent years to move -- I know you have to have the
21 five years of voting and all that, but I want us to be
22 really careful about this because it's not -- just to
23 really look at the research and be really careful. I
24 don't think that just looking at the data without
25 understanding where the changes have come is enough right

1 now.

2 COMMISSIONER FERNANDEZ: I'm not sure where to go
3 with that comment because I don't think it's only
4 Republicans that have gone to no party preference, I'm
5 just going to go on the record to say that.

6 But I think either way, you're discriminating
7 against one party or another, and just because no party
8 preference doesn't have a title of a party, you're
9 somewhat discriminating against them.

10 COMMISSIONER SINAY: I think the other way to look
11 at is, I don't think that we are a two-party -- I think
12 we're discriminating because we constantly try to focus
13 on the strength of two parties, when in reality, it could
14 be far more of it. So I understand what you're saying.

15 I do understand that some will leave, but I'm going
16 from the data over the last ten years of who's kind of
17 moved in that direction.

18 So maybe this is just one area that we really need
19 to -- we can't move forward right now, but we have to
20 have longer conversations, and maybe bring some experts
21 in to have those conversations with us.

22 COMMISSIONER FERNANDEZ: Okay. And I just want to
23 rebuttal to that, where because a Republican has changed
24 their mind, they're not -- they're going to be considered
25 Republicans always, regardless of where they -- and

1 that's what I'm hearing, anyway.

2 Commissioner Vazquez?

3 VICE CHAIR VAZQUEZ: I do think there is data.

4 There are people who unpack these political demographic
5 shifts and correlate, you know, can help us draw some
6 correlations and potentially some informed conclusions
7 about how party preference has been reflected in a
8 variety of ways.

9 I will say that there was a -- there is some
10 political analysis that was done even when formulating
11 our Commission and our ballot initiative. And I think
12 there was some wisdom, whether you agree with it or not,
13 in terms of requiring, you know, a certain length of time
14 of civic engagement in a particular party.

15 And so I also don't want -- for me personally, I do
16 think there's some wisdom in preserving some of that
17 because again, I think there is a benefit that we could
18 lose around political consistency. And I think that also
19 has to do with trust building. We're a multi-partisan
20 commission, and I think as you step into a new group, the
21 only way -- starting point you have to build trust is
22 someone's track record. And I think it can help inform
23 some important political trust building across the
24 Commission to have a general sense of someone's
25 consistent political beliefs.

1 I'm not -- again, same as the other prior
2 conversation about redistricting matters; I'm not wholly
3 opposed to this idea, but I don't think we have it fully
4 baked within -- amongst the fourteen of us for us to
5 start working on statutory language to adopt it.

6 COMMISSIONER FERNANDEZ: Thank you.

7 Commissioner Akutagawa?

8 COMMISSIONER AKUTAGAWA: Yeah, I guess -- okay, two
9 things. One, I think Commissioner Fernandez and I, we
10 understand that there's going to definitely need to be
11 more conversation on most, if not all, of these things
12 unless there's, you know, a fairly clear consensus. I
13 don't think we're just trying to get to the, like, end
14 result today, where we're all going to be in agreement.
15 I think, you know, we're cognizant that there's still a
16 lot to be done. I think we just wanted to generally
17 know, you know, is this a move forward.

18 So I think from this conversation, I feel like, you
19 know, it does require more conversation, but we can move
20 forward on it. And I think we also -- I think, you know,
21 we all need to be thinking about it. I mean, for --
22 we've just seen this and you can look at the code and
23 everything like that. I think there's a lot of other,
24 kind of, our own research and analysis and consideration
25 that we need to do.

1 Secondly, I'm a little uncomfortable with what we're
2 (audio interference) those who choose to check off, you
3 know, no party preference or decline to state on their
4 registration. You know, I don't want to just assume
5 things about people just because they choose not to
6 identify with one major party or another. I think there
7 are different reasons why different people will choose
8 what they choose, and I think we just need to respect
9 that. You know, I think as much as there are
10 Republicans, I think there are also Democrats, and then
11 there are other people from all of the other parties that
12 choose to do that as well, too, for various reasons.

13 And so I think I just want to just, you know, be
14 mindful of that and just respect those choices, too, and
15 you know, not make someone feel like, okay, if you're
16 this, then you must be this really in disguise. I don't
17 think it's anything like that. So I just would like us
18 to be careful about, you know, about that and as we've
19 always done, I think we'll continue to have very
20 thoughtful and reasoned conversations. I think we're
21 not -- as I said, I think there's still more to be
22 discussed on this point.

23 I think if we can, you know, we can -- I think
24 Commissioner Fernandez has noted that we'll just keep
25 moving forward on this one, and we'll move on to the

1 next. I also do see that Commissioner Vazquez has her
2 hand up, too.

3 VICE CHAIR VAZQUEZ: Thank you. Can I get some more
4 clarification on what you mean by move forward, because I
5 just -- I'm not personally comfortable with us labeling
6 this particular issue as a move forward, if move forward
7 means we're going to hand this to the list of issues that
8 we'd like to incorporate in this spot bill.

9 COMMISSIONER AKUTAGAWA: I think I just define it
10 as, I think there's still further conversation. I mean,
11 I don't think, you know, we're asking for everybody to
12 vote, but just maybe taking a pulse, unless there's -- I
13 mean, I don't know. I mean, is there, like, a very --
14 you know, strong opposition to it? I mean -- I feel like
15 this warrants out these continued conversation. And --

16 COMMISSIONER FERNANDEZ: Right. I think she was
17 talking about -- again, these were just topics that we
18 were going to inform the author about. Doesn't mean
19 we're going to, you know, submit the language. But this
20 would be one that we would further discuss in lessons
21 learned. And that's what we're -- what I put it down as.
22 I think we -- are we going to switch over, Chair, to go
23 back to the motion?

24 CHAIR YEE: Yes. Thank you --

25 COMMISSIONER FERNANDEZ: Okay.

1 CHAIR YEE: -- Commissioner Fernandez. So break in
2 the action. We're going to reconsider the motion on the
3 table, because Commissioner Turner will need to be
4 leaving at 3. So if we get a vote before that. So the
5 motion on the table is whether or not to visually support
6 AB-17-33. And we'll need any further discussion and in
7 public comic and then a vote. So any further discussion
8 on the motion? And Director Hernandez is bringing it up.

9 Let's see. Katie drew there -- oh. I see. Okay.
10 Yeah. We can go ahead and call for -- ask for public
11 comment, once the worksheet is up.

12 MR. MANOFF: And I'll be helping you with that,
13 Chair.

14 CHAIR YEE: Okay. Thank you, Kristian.

15 MR. MANOFF: All right. The commissioner will now
16 take public comment on the motion on the table. To give
17 comment, please call 877-853-5247, and enter meeting ID
18 number 85675153409. Once you've dialed in, please press
19 star nine to enter the comment queue. The full call-in
20 instructions are right at the beginning of the meeting,
21 and are provided on the livestream landing page. And
22 there is no -- there are no callers at this time, Chair.

23 CHAIR YEE: Thank you, Kristian. Commissioners
24 Vazquez and Turner, is the language acceptable to you?

25 COMMISSIONER TURNER: Yes. It is.

1 CHAIR YEE: Mr. (sic) Vazquez?

2 VICE CHAIR VAZQUEZ: Sorry. I thought you heard me.
3 Yes.

4 CHAIR YEE: No. Very good. Okay. Any discussion?
5 Kristian, any public comment?

6 MR. MANOFF: The instructions are complete on the
7 livestream, and there is no one in the queue to give
8 commentary.

9 CHAIR YEE: Okay. Let's go ahead to take a vote.

10 MR. HERNANDEZ: Very well. We'll begin at the top
11 here. Commissioner Ahmad?

12 CHAIR YEE: She had to leave.

13 MR. HERNANDEZ: Thank you, Chair. Commissioner
14 Akutagawa?

15 COMMISSIONER AKUTAGAWA: Yes.

16 MR. HERNANDEZ: Commissioner Anderson?

17 CHAIR YEE: She's absent.

18 MR. HERNANDEZ: Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 MR. HERNANDEZ: Commissioner Fornaciari?

21 COMMISSIONER FORNACIARI: Yes.

22 MR. HERNANDEZ: Commissioner Kennedy?

23 COMMISSIONER KENNEDY: Yes.

24 MR. HERNANDEZ: Commissioner Lamons (ph.)?

25 CHAIR YEE: Absent.

1 MR. HERNANDEZ: Commissioner Sadhwani (ph.)?

2 CHAIR YEE: Also absent.

3 MR. HERNANDEZ: Commissioner Sinay?

4 COMMISSIONER SINAY: Yes.

5 MR. HERNANDEZ: Commissioner Taylor?

6 MR. TAYLOR: Affirmative.

7 MR. HERNANDEZ: Commissioner Toledo (ph.)?

8 Commissioner Turner?

9 COMMISSIONER TURNER: Yes.

10 MR. HERNANDEZ: Commissioner Vasquez?

11 VICE CHAIR VAZQUEZ: Yes.

12 MR. HERNANDEZ: Commissioner Yee?

13 CHAIR YEE: Yes. I think Commissioner Akutagawa
14 needs a 1 rather X.

15 MR. HERNANDEZ: Yeah, I have to change those.

16 Sorry, I apologize for that. Otherwise it doesn't
17 recognize it. Okay. So you have nine. Motion passes.

18 CHAIR YEE: Very good. Thank you, everyone. Let's
19 hope for the best. Okay. Back to long-term planning
20 subcommittee.

21 COMMISSIONER FERNANDEZ: It's been so much fun, so
22 far, that I'm going to pass it onto Commissioner
23 Akutagawa.

24 CHAIR YEE: All good.

25 COMMISSIONER AKUTAGAWA: All right. We're going to

1 go onto number seven. And I do have to -- full
2 disclosure to everybody, I do have to drop out -- off at
3 3 o'clock. My apologies. But we're on to number seven,
4 which is define fully functional. We do have this on
5 here because there has been conversations over the
6 past -- even before we had submitted the maps about this.
7 Occasionally, you know, it's come up.

8 So we thought we would add this to it in terms of
9 perhaps, you know, trying to get some definition to it.
10 However, if -- as with some of the others, if leaving it
11 a little bit more flexible is preferable, then this is
12 what we're here to do, is to find out what you all think.
13 And also, I'll just note that, we do realize that any --
14 any changes -- and again, it's just bringing up the
15 topic, but any changes to any language would be done so
16 in conjunction with the State Auditor's Office as well,
17 too.

18 Commissioner Fornaciari?

19 COMMISSIONER FORNACIARI: Yeah. I'm definitely on
20 board on having a in-depth conversation about -- and
21 about what fully functional means, and in what that would
22 look like. There -- a number of ideas have been floated
23 around, but I support it. But I think it's a deeper --
24 much deeper conversation for our lessons learned. But I
25 support floating the idea with the legislature at this

1 point.

2 COMMISSIONER AKUTAGAWA: Thank you, Commissioner
3 Fornaciari. Commissioner Kennedy? We're adding to your
4 lessons learned list.

5 COMMISSIONER KENNEDY: Thanks. You know, I'm not
6 even sure that this needs to rise to the level of the
7 legislature. We've discussed on occasion that, you know,
8 this is -- this -- that they -- California consolidated
9 regulations provide definitions, and that -- you know, if
10 what we're looking for is a definition, we need to find
11 out who has the power to write these regulations.

12 The bigger question is if we want to be able to
13 write definitions into the CCR, then we need the power to
14 do that. And I would observe that part of the problem
15 that we have is that the definitions -- if you look
16 through the CCR definitions, they apply almost
17 exclusively, or absolutely exclusively, to the process of
18 selecting the commissioners. The definitions in the CCR,
19 which theoretically could, and should, cover any and all
20 statutory language relating to the commission, currently
21 only deal with the selection of the commissions. So to
22 me there's a big gap there, and we need to be looking at
23 a deeper issue; which is who has the power to write these
24 definitions. And if it's us, what do we need to do to
25 get that power. Thank you.

1 COMMISSIONER AKUTAGAWA: Thank you, Commissioner
2 Kennedy. Chief Counsel Pane?

3 MR. PANE: Thank you, Commissioner. I just would
4 like to answer Commissioner Kennedy's question about who
5 has the power to define fully functional. In that chart
6 there, you'll note that the statute -- there's a statute
7 reference, because it's part of the commission's statute
8 is the term being used. It is also a State Auditor
9 regulation, about fully functional. So could the State
10 Auditor choose to further clarify its existing regulation
11 on what fully functional is? Yes.

12 What we probably seek to do that in consultation
13 with the commission and the State Auditor? That would be
14 a policy choice for the commission. But because they
15 sort of go together, it is the State Auditor's
16 regulation, but it is also used in the commission's
17 statute. So I think it makes sense to work
18 collaboratively on such a change. But it is -- to
19 your -- to answer your question, Commissioner; who has
20 the power to make that change? The State Auditor would
21 be making the change to its own regulation.

22 COMMISSIONER KENNEDY: If I can follow up, the -- my
23 reference to the gap in the regulations goes beyond
24 anything that the auditor is involved in. You know, I
25 see scope for definitions that are needed in phases of

1 the redistricting process that go beyond anything that
2 the auditor is involved in. So who has the power to
3 write those definitions into the CCR? And if we want to
4 have a role in writing those definitions into the CCR, we
5 need to find out how we go about getting the power to do
6 that. The --

7 MR. PANE: I think if we wanted --

8 COMMISSIONER KENNEDY: -- the auditor's office --

9 MR. PANE: Go ahead. Sorry.

10 COMMISSIONER KENNEDY: The auditor's office is only
11 directly involved in a -- in a very important but time
12 limited portion of the entire redistricting process. And
13 yet there's a need for definitions that apply to other
14 phases of the process. So are we the ones that should
15 have the power to write those definitions, or is somebody
16 else; and if it's us, how do we go about getting that
17 power?

18 MR. PANE: So to answer that piece of the question,
19 Commissioner, I think -- I think you're right that for
20 the -- for the period of that -- sort of after the State
21 Auditor component, we would need regulatory authority.
22 We do not currently have regulatory authority. So
23 without that regulatory authority, we have to do what
24 we're starting to engage in now; which is discuss
25 statutory, or even constitutional changes, because a

1 regulatory change is not on the menu right now. Could it
2 be on the menu? Yes. If I statutory change occurs that
3 specifically allows the commission to promulgate
4 regulations. But until that statute exists, that is not
5 an authority we currently have.

6 COMMISSIONER AKUTAGAWA: Okay. Thank you. We will
7 add this onto our list for further conversation. And
8 thank you, Commissioner Kennedy. I think you've brought
9 up some great points. Thank you, Commissioner Fornaciari
10 for your comments as well to that. I think there's -- I
11 think similar feelings, since it has come up from
12 multiple commissioners.

13 Let's move onto number eight, which is something
14 that I know Commissioner Sinay did raise as a concern, at
15 the beginning; which is to clarify and provide definition
16 for what public input means. And thoughts on this one?
17 Commissioner Sinay?

18 COMMISSIONER SINAY: I just want to say. I think
19 Neal -- I'm sorry. Commissioner Fornaciari, said it well
20 when we were discussing the number five, that he'll -- I
21 keep going back to the reason we worked together was
22 because we had to struggle through some of these things.
23 And we came up with a collective definition, versus
24 someone hit us over the head and said this is what it is.
25 I think when you have things that are black and white,

1 yes it makes life easier, but it doesn't allow for
2 building that trust and understanding and knowing where
3 people are coming from.

4 COMMISSIONER AKUTAGAWA: Thank you, Commissioner
5 Sinay. Commissioner Kennedy?

6 COMMISSIONER KENNEDY: I think that, in the interest
7 of time, and recognizing what you've put on here, that we
8 should also -- oh -- include number ten in this
9 discussion, because it refers to the one that we're
10 currently discussing. And I -- personally, I think that
11 number ten provides the justification, the rationale, for
12 clarifying what public input means. I think it's
13 important to have an understanding that public comment,
14 during regular non-mapping business meetings, does not
15 constitute receiving input on redistricting. Thanks.

16 COMMISSIONER AKUTAGAWA: All right. Thank you very
17 much. So if I can clarify what I think I heard you say
18 is, basically, number ten resolves the question of number
19 eight that that is the distinction in that we can -- that
20 we don't need to address is legislatively; is I think
21 what I'm interpreting, Commissioner Kennedy?

22 COMMISSIONER KENNEDY: Well, I -- I think we do need
23 to clarify what public input means. But I think one of
24 the main reasons we need to do that is what's listed in
25 number ten. So that it's not subject to a 14-day meeting

1 notice requirement, but only a -- that regular public
2 comment during regular non-mapping business meetings
3 doesn't increase the requirement for public notice from
4 10-days to 14-days.

5 COMMISSIONER AKUTAGAWA: Okay. Thank you --

6 COMMISSIONER KENNEDY: Thanks --

7 COMMISSIONER AKUTAGAWA: -- very much. Thank you.
8 Commissioner Yee -- or Chair Yee?

9 CHAIR YEE: Thank you. Yeah. I agree with
10 Commissioner Kennedy. And you know, I think it's worth
11 clarifying. I mean I appreciate what Commissioner Sinay
12 mentioned about, you know, bonding through -- struggling
13 through some of these things. But I think 20/30 will
14 have plenty of things to struggle with, you know. And
15 half the time that we had. So if there's something
16 fairly obvious that we can relieve them of I'd be
17 inclined to go ahead and do so. Especially when it's a
18 pretty clear issue here.

19 COMMISSIONER AKUTAGAWA: All right. Thank you.
20 Thank you, Chair Yee. All right. Any other comments?
21 Okay. And I know that Commissioner Fernandez is also
22 taking notes too, so she will be grouping these. All
23 right. Let's go ahead then. Let's move onto number
24 nine; which is clarify what a day is in defining mapping
25 deadlines. We did look up a code that is noted there,

1 and that code does define a day as a calendar day. And
2 we spoke with Anthony, and he also did some additional
3 checking, and Black's Law Dictionary, which the courts
4 would also refer to -- and correct me if I'm wrong,
5 Anthony -- defines a day as a full 24 hours. In other
6 words, midnight to midnight. So we -- it was brought up
7 to us as something to be addressed legislatively, but we
8 feel that, since it's already defined, we don't need to.
9 Commissioner Kennedy? Oh. No? Okay.

10 COMMISSIONER KENNEDY: Yes. Very much. So if we
11 had something that said no later than one day following
12 X. And if the deadline for X is 5 p.m. on a Tuesday. If
13 we have to leave a full calendar day, midnight to
14 midnight, in between 5 p.m. on Tuesday and the deadline
15 for the other thing, then what we're saying is you really
16 have 48 hours, not 24 hours? So this -- I mean -- I
17 think that defining things in terms -- when you're
18 talking elections, and particularly when you're talking
19 very tight deadlines, specifying the number of hours is
20 better than specifying the number of days. But you know,
21 this idea of having to have a full 24-hour day midnight
22 to midnight in between something and something else.

23 If you say, you know, no later than one day after,
24 and the deadline is 5 p.m. Tuesday, are you talking about
25 5 p.m. Wednesday, or are you talking about sometime on

1 Thursday? To my mind it's still not clear. And lack of
2 clarity in these things is what leads to controversy and
3 raised temperatures and tempers. So the more that we can
4 do to eliminate any possibility of misunderstanding, the
5 better. And I don't think we're there. Thank you.

6 COMMISSIONER AKUTAGAWA: Thank you, Commissioner
7 Kennedy. We did have that rather extensive discussion
8 with Anthony about that, in the sense that -- Anthony,
9 perhaps I can ask you to -- to weigh in on this part and
10 what you shared with Commissioner Fernandez and I in
11 terms of when the clock starts, and what that means in
12 terms of time?

13 MR. PANE: So just that the reference is -- there is
14 already -- so I think the context of this was, what was a
15 calendar day, back before. And that, in the absence of
16 any other specific definition, which the commission could
17 propose as a matter of policy, that's what Blacks Law
18 Dictionary has, as a definition for a calendar day; is a
19 full midnight to midnight. That is a day. Is a midnight
20 to midnight. So what that essentially applies to is a
21 situation where a body takes an action at 9 a.m. on
22 Monday. If you're going to calculate a day, you don't
23 count Monday. You have to count Tuesday. A full 24-hour
24 midnight to midnight, and that's -- that is one calendar
25 day, for purposes of calculation. If you have to

1 calculate. Now, the commission could choose to provide a
2 different definition, if they want. It's just, in the
3 absence of anything else, they're already exists a way to
4 interpret what that means. If that is helpful.

5 COMMISSIONER AKUTAGAWA: Thank you, Chief Counsel
6 Pane. Commission Fornaciari?

7 COMMISSIONER FORNACIARI: So I just want to check in
8 with Commission Kennedy. So in the instance of us
9 approving the maps and then waiting for three days to
10 certify the maps, or whatever the terminology was, I
11 forgot it already. Would you rather have the statute
12 read 72 hours? Is that what you're saying? So if we
13 approved it on noon or on Monday, we could do the second
14 approval at 12:01 on Thursday, instead of waiting until
15 Friday? I -- okay. Seems reasonable.

16 COMMISSIONER AKUTAGAWA: Okay. Thank you
17 Commissioner Fornaciari. All right. So I think it's
18 sounding like this is going to be something for further
19 discussion, given, Commissioner Kennedy, what you brought
20 up. And so Commissioner Fernandez, we will add this back
21 up to the list as for consideration. And so I think this
22 will be of further conversation also, amongst us.
23 Especially as we move forward.

24 All right. So let's go to number ten. I know that,
25 Commissioner Kennedy, you did bring this one up about

1 clarifying taking public comment during regular non-
2 mapping business meetings does not constitute receiving
3 input on redistricting matters. And it is subject to the
4 14-day meeting notice requirement.

5 Now we did connect it to the number 8, which is the
6 public input portion about clarifying and providing a
7 definition of what it means. Comments? Okay. And just
8 for clarity, I think what -- what I did hear is that we
9 do need to define it, according to earlier comments so
10 that also will be part in parcel of the conversation
11 around number eight and having that clarification made.
12 And that's what I've heard from, so far, the comments
13 that have been made.

14 All right. We'll move on. Number 11. And we did
15 have a conversation about this. We did say, even though
16 this was lifted up as a legislative change, revising
17 Bagley-Keene to allow for permanent remote and hybrid
18 meetings. We did say that it was not applicable at this
19 time, mostly because of the discussion that we knew was
20 ongoing, around assembly build 17-33, and the work that
21 Commissioner Kennedy and Commissioner Vasquez are doing
22 around this issue. And so we felt that work is already
23 being done, so that did not require work on our part from
24 a legislative perspective. Commissioner Fernandez?

25 CHAIR YEE: I'm sorry to interrupt. We do have a

1 required break at 3. So --

2 COMMISSIONER AKUTAGAWA: Oh.

3 CHAIR YEE: -- Commissioner --

4 COMMISSIONER FERNANDEZ: That was --

5 CHAIR YEE: Yeah.

6 COMMISSIONER FERNANDEZ: That was going to be my
7 comment. I actually -- both Commissioner Akutagawa and I
8 both need to leave at 3. We didn't think it was going --
9 we didn't think our discussion was going to be at 3
10 o'clock.

11 CHAIR YEE: Yeah.

12 COMMISSIONER FERNANDEZ: And so I think we are just
13 going to have to go with what we have so far. And if
14 there's any other comments on any of the other areas, if
15 you could just forward them to Anthony. He's our
16 clearing house, right? And then we can move forward with
17 that. Thanks.

18 CHAIR YEE: Okay. Let's see. Then when -- if we
19 come back from break, then we'll be down to six
20 commissioners. Do we want to continue the meeting, in
21 that case, is a little --

22 COMMISSIONER SINAY: Sorry. I need to go too at 3.

23 CHAIR YEE: Oh. Okay. Five. So --

24 COMMISSIONER SINAY: Sorry. I've got -- I got a
25 notary downstairs waiting.

1 CHAIR YEE: Okay. Commissioner Kennedy, you have a
2 thought on that?

3 COMMISSIONER KENNEDY: Thank you, Chair. Yeah. I
4 would suggest that we ask Kristian if we can go ahead and
5 take general public comment for the day and adjourn.

6 CHAIR YEE: Okay. Kristian, can we push the break
7 at just a couple minutes to take public comment?

8 MR. MANOFF: You got it, Chair.

9 CHAIR YEE: Thank you. This is general public
10 comment -- or -- let's see. We did not finish --

11 COMMISSIONER FERNANDEZ: You still have to do it for
12 3.

13 CHAIR YEE: We did not finish --

14 COMMISSIONER FERNANDEZ: You still have to --

15 CHAIR YEE: Yeah.

16 COMMISSIONER FERNANDEZ: Yeah. For both.

17 CHAIR YEE: But the fact that we did not finish the
18 agenda, is that? Do we clear out the meeting?

19 MR. PANE: Chair, I -- Chair. I believe we can take
20 general public comment as well as public comment for
21 agenda item number three.

22 CHAIR YEE: But not having completed the agenda, do
23 we nevertheless close the agenda meeting afterwards?

24 MR. PANE: If there's no further -- it's -- or upon
25 conclusion of business.

1 CHAIR YEE: Yeah.

2 MR. PANE: So if -- if it's -- if we've ended the
3 business, then that is -- that's acceptable.

4 CHAIR YEE: Okay. Okay, Kristian, so let's go ahead
5 and take a public comment on agenda item three, set the
6 committee updates as well general public comments.

7 MR. MANOFF: You got it, Chair. The commission will
8 now take public comment on agenda item number three and
9 general public comment for items not on the agenda. To
10 give comment, please call 877-823-5247, and enter meeting
11 ID number 85675153409. Once you've dialed in, please
12 press star nine to enter the comment queue. The full
13 call-in instructions are read at the beginning of the
14 meeting, and are provided on the livestream landing page.
15 And there's no one in the queue to give comment at this
16 time.

17 CHAIR YEE: Okay. So we are -- we do have a meeting
18 scheduled on the 23rd. And how is everyone feeling about
19 whether or not we had business sufficient for -- for that
20 meeting? If not, then we would not meet again until the
21 lessons learned exercise starts later.

22 MR. MANOFF: And those instructions are complete on
23 the stream, Chair.

24 CHAIR YEE: Thank you, Kristian. We would not meet
25 again until March 9th. So any thoughts on that?

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: I don't think we need to
3 meet. I think Commissioner Akutagawa and I can finish he
4 spread sheet and we'll have anthony send some -- a
5 reminder out to the commissioners if they have any
6 comments on the final two or three that we did not
7 discuss. We could handle that, so that we can move
8 forward with the legislative changes that we have so far.

9 CHAIR YEE: Okay. And then any other subcommittees
10 that have business to bring up, want you to let me know
11 within a day or so, and then we'll try to make a call on
12 whether we'll meet next week or not. Director Hernandez?

13 MR. HERNANDEZ: Yeah. Just wanted to share that
14 from the Director's perspective, the Director's Report,
15 there won't be a whole lot of information to share.
16 Because it -- just not enough time has lapsed between
17 today's --

18 CHAIR YEE: Right.

19 MR. HERNANDEZ: -- meeting and Wednesday's meeting.

20 CHAIR YEE: Right. That's right. Okay. Any public
21 comment, Kristian?

22 MR. MANOFF: There is no one in the queue at this
23 time. Oh wait. Actually. We do have a caller. We do
24 have a caller. Stand by.

25 All right. We have caller 2829. If you could

1 follow the prompts to unmute by pressing star six. The
2 floor is yours.

3 MS. WESTA-LUSK: Hello, commissioners. I just have
4 two questions. One has to do with contacting the
5 commission, if we want to send letters or email, is that
6 all going to change? Because now that all the public
7 comment input's over for the final maps and all that.
8 How do we communicate with the commission, is my first
9 question. And then the second one is, is anything for
10 the 2010-CRC preservation of their website going to be
11 done? Because I missed the archiving part of the
12 meeting. Those are my questions. Thank you.

13 CHAIR YEE: Thank you, Ms. Westa-Lusk. Good to hear
14 from you. And I apologize that we did not catch your
15 call earlier, and that you had to wait to call back.
16 Yes. The 2010 website is being rehabilitated to the best
17 of our ability. That is still an ongoing process. We
18 are working with the State Archives. So as we've been
19 informed, not 100 percent of it is recoverable. But our
20 intention is certainly to make as much of it archived,
21 permanently, and accessible as much as possible. And
22 we'll continue to report on that. As for contacting the
23 commission, Director Hernandez, you know, I believe
24 nothing has changed. But maybe you can speak to that?

25 MR. HERNANDEZ: That is correct. We also have the

1 same email address that we have. The voter first act
2 email, in which you can send your comments to.

3 CHAIR YEE: Okay. Kristian, any other callers?

4 MR. MANOFF: There are no other callers at this
5 time, Chair.

6 CHAIR YEE: Okay. Well thank you, everyone. Or
7 those who are left. It's looking likely that next week
8 will not happen, but stay tune for that final call.
9 You'll also be receiving some discussion questions in
10 preparation for the lessons learned exercise Commissioner
11 Kennedy and I are preparing those. We'll also plan at
12 this point on having at least two half days of business
13 during the lessons learned days. The six days. And
14 we'll let you know when those are scheduled. Okay.
15 Anything else? Okay. Thank you. Thank you, crew. This
16 meeting is adjourned.

17 (Whereupon, the Business Meeting adjourned at
18 3:07 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of March, 2022.



PETER PETTY, CER-493
Court Reporter

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

Samantha Stewart
SAMANTHA STEWART, CDLT-253

March 1, 2022