

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:

BUSINESS MEETING - LESSONS LEARNED

THURSDAY, MARCH 10, 2022

9:33 a.m.

Reported by:

Troy A. Ray



APPEARANCESCOMMISSIONERS

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

STAFF

Anthony Pane, Chief Counsel
Alvaro Hernandez, Executive Director
Marcy Kaplan, Director of Outreach

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

Also PresentPublic Comment

Renee Westa-Lusk
Janine Erikat, PANA
Rahmo Abdi, Partnership for Advancement of New Americans

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P R O C E E D I N G S

9:33 a.m.

1
2
3 VICE-CHAIR FORNACIARI: Good morning, California,
4 and welcome to day 2 of our lessons learned exercise for
5 the California Citizens Redistricting Commission. I will
6 call this meeting to order, and ask Director Hernandez to
7 call roll, please.

8 MR. HERNANDEZ: One second, Chair. All right. And
9 we'll begin the roll call.

10 Commissioner Kennedy?

11 COMMISSIONER KENNEDY: Here.

12 MR. HERNANDEZ: Commissioner Le Mons?

13 COMMISSIONER LE MONS: Here.

14 MR. HERNANDEZ: Commissioner Sadhwani?

15 Commissioner Sinay?

16 COMMISSIONER SINAY: Here.

17 MR. HERNANDEZ: Commissioner Taylor?

18 Commissioner Toledo?

19 COMMISSIONER TOLEDO: Here.

20 MR. HERNANDEZ: Commissioner Turner?

21 COMMISSIONER TURNER: Here.

22 MR. HERNANDEZ: Commissioner Vazquez?

23 Commissioner Yee?

24 COMMISSIONER YEE: Here.

25 MR. HERNANDEZ: Commissioner Ahmad?



1 Commissioner Akutagawa?

2 COMMISSIONER AKUTAGAWA: Here.

3 MR. HERNANDEZ: Commissioner Andersen?

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Presente.

6 MR. HERNANDEZ: And Commissioner Fornaciari?

7 VICE-CHAIR FORNACIARI: I am here, thank you.

8 MR. HERNANDEZ: Thank you.

9 VICE-CHAIR FORNACIARI: Just a few notes before we
10 get started. Let's see, we have a slight schedule change
11 for today. I caved in to peer pressure, and we will take
12 an hour lunch, so the afternoon -- after lunch session
13 will start from 1:45 to 3:15.

14 The -- today, we're going to kick off our meeting
15 with a business meeting. We're going to start with the
16 executive director updates, and after the director
17 updates, we'll go into a brief closed session, a half
18 hour or so, and then we'll return with the committee
19 updates. And once we're done with the business meeting,
20 we will go into -- back into our lessons learned
21 exercise.

22 So with that, I'll throw it up into my colleagues,
23 if anyone has any announcements to share before we start?

24 Okay, I'll turn it over to Director Hernandez.

25 MR. HERNANDEZ: Thank you, Chair Fornaciari.

1 So I wanted to begin by circling back to the
2 performance evaluations. I want to apologize. I made a
3 mistake. There were a couple of staff that had been
4 offboarded that did not get their evaluations completed
5 before they left, but we are working to get those
6 completed for them, so they'll have them in their
7 folder -- their personnel folder. But the majority of
8 them have been completed; there's just a couple that did
9 fall through the cracks.

10 As you all know, we went through migration last
11 week. It was a successful migration. Everyone should be
12 able to access their emails through Outlook. If you are
13 having any issues, please reach out to Karina, and she'll
14 make sure that she gets your folders or emails uploaded
15 correctly into the Microsoft Outlook.

16 As you know, it's a little different. I was very
17 comfortable working with the previous version of Outlook;
18 I'm having to relearn how to use this new version of
19 Outlook. It's a little bit different, so there'll be
20 some growing pains as we get comfortable with this new
21 version of Outlook. It's the Outlook 365.

22 Database updates, our data management team is still
23 working on coding records in the database. They're also
24 looking at better ways to organize those codes. We had
25 thirteen, fourteen different staff members entering



1 information, and so the codes were slightly different,
2 and kind of throws it off. So they're trying to make
3 sure that there's some continuity with that.

4 We also have the GIS interactive maps are on our
5 website, are online, and can exist for an entire year
6 without much maintenance at this point.

7 In the near future, we're going to replace the
8 shapefiles that the public downloads with files that will
9 include the accompanying metadata. So the files that we
10 previously had don't have the metadata, which is
11 population, the breakdown, and so forth. We're going to
12 include that in the new -- next version of that.
13 Nothing's going to change on the shapefiles except for
14 adding that additional information.

15 Are there any questions so far? Okay.

16 Moving on, in regard to the budget, as was mentioned
17 yesterday, we're very close to finalizing the pre-map
18 expenditures and the projections through June 2022 and
19 beyond. The subcommittee will be providing additional
20 information. The budget worksheet summary that we had
21 previously presented, we'll be updating that information
22 with more details as we've been finding that information,
23 or getting that information.

24 I will say that the majority of the invoices have
25 been received. There may be a couple that are still

1 being processed, in particular, the line drawer one, we
2 recently received it. It was an additional 120,000, so
3 that puts us at total expenditures for that particular
4 item at 1,722,000, which is a little over -- \$90,000 over
5 our contracted amount. So we're working on updating the
6 contract to make sure that they're being paid.

7 Legal services, the total contract or invoice -- all
8 the invoices have been received, as we know of. And that
9 contract ended up expending 1,082,000. The total
10 contract was 1.2 million, so we were under that contract
11 by a little bit, so that was a good thing.

12 And so like I said, we will provide additional
13 information. The subcommittee will have this information
14 to review and make sure that they're comfortable with it
15 before we provide it to you all, and we'll move forward
16 with that.

17 I wanted to go ahead and move on to referencing the
18 BCP, budget change proposal, that was submitted. We did
19 send it through Department of Finance, and are working
20 with them to answer any additional questions. We did
21 make some adjustments to increase the ask, specifically
22 for the fiscal year '22/'23, to include salaries and
23 benefits for staff, as they will likely be working on
24 closing operations beyond June, probably into October, so
25 we made some additional changes to that projection.

1 We've also added funding for contracting, either through
2 a vendor, or a personal service contract, for someone to
3 update our website to make it available to transition
4 over to CDT, Department of Technology.

5 So our budget officer will continue to work closely
6 with DOF as they have questions, and will provide
7 additional information as needed, and will keep the
8 subcommittee informed of what's going on and any
9 additional requests that are being asked of them, or of
10 us, I should say.

11 It is likely that we may have to ask for additional
12 funds. Once we have this budget summary completed, we're
13 going to look to see what our total expenditures will be
14 through the end of the fiscal year, 2022 and thereafter,
15 and seeing where and what amount we would be requesting,
16 if we needed it. So that we'll be working on, that'll be
17 coming forth -- forthcoming to you all. But again, I'll
18 defer to the subcommittee to provide additional
19 information when they're ready.

20 Are there any questions regarding the budget?

21 VICE-CHAIR FORNACIARI: I do see a question from
22 Commissioner Kennedy, and then Commissioner Fernandez.

23 COMMISSIONER KENNEDY: Thank you. This is the, I
24 think, I mean, I've been aware that if we wanted to
25 convert the website to something that could be handled by

1 CDT that there would be some significant work to be done.
2 This is the first time that I'm hearing that it is
3 planned or there is a plan to go in that direction, and I
4 would like to ask that the website subcommittee be
5 provided with some more information on what all is
6 involved and what the plan is, since we have oversight of
7 that area. Thank you.

8 MR. HERNANDEZ: If I may respond, Chair? So you are
9 correct. The decision hasn't been made, but we wanted to
10 make sure we had the funding. This is our opportunity to
11 ask for funding, so we wanted to include it in there.

12 We are looking at, and Marcy will be updating this
13 information. We're looking at the templates provided by
14 CDT and seeing what can be done with those, and then
15 we'll have to present the subcommittee with the options
16 moving forward, whether we go with an outside vendor, or
17 we go with the CDT templates.

18 The plan is to have whatever we decide on available
19 to CDT, for them to maintain through the next eight
20 years. Otherwise, it's unlikely that we'll have anybody
21 maintaining it during that time frame. So that's going
22 to be the challenge, and where the decisions will have to
23 be made. Thank you.

24 VICE-CHAIR FORNACIARI: Mr. Fernandez?

25 COMMISSIONER KENNEDY: If I can follow-up?

1 VICE-CHAIR FORNACIARI: Oh, yeah. Commissioner
2 Kennedy?

3 COMMISSIONER KENNEDY: Yeah, I mean, as far as
4 maintaining over the next eight years, and that we do
5 also -- it doesn't have to be a staff position. We do
6 also have the option of an outside contract to maintain
7 it on its current platform. So that's -- I think that's
8 something that, you know, if you can provide the website
9 subcommittee with all the -- with everything that you're
10 looking at, we can look at those two options, as it were,
11 and come back to the full Commission with a
12 recommendation. Thank you.

13 VICE-CHAIR FORNACIARI: Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Thank you. Just -- Mr.
15 Hernandez, if we can continue to provide updates on the
16 transcripts of our meetings, in terms of when we expect
17 all of them to be available and online, that would be
18 helpful, not only for this meeting, but for future
19 meetings. Thank you.

20 VICE-CHAIR FORNACIARI: Yeah, Director Hernandez?

21 MR. HERNANDEZ: So we've come to the point where
22 we've asked our previous vendor to provide us transcripts
23 that they have. They are not able to do so. So we're
24 moving forward to have the new transcriber take those on
25 and complete those transcriptions. So we will provide

1 additional updates as those get completed.

2 We've been more than flexible and understanding with
3 the previous vendor to try to get them up to speed and
4 have them provide us those transcripts. We've asked, and
5 asked, and asked, and have not received them. So we've
6 come to that point where we've got to move on, so we'll
7 be working with our new vendor to try to have those
8 updated as soon as possible, but more information will
9 come on that.

10 VICE-CHAIR FORNACIARI: Okay, I have Commissioner
11 Akutagawa and then Commissioner Kennedy.

12 COMMISSIONER AKUTAGAWA: Yeah, just to ask, then,
13 clarification questions, because I'm sure there may be
14 members of the public who might also be wondering this
15 question.

16 So what happens to all of those transcripts that we
17 were expecting from all the previous meetings? Did we
18 pay this vendor that has not executed on what they were
19 paid to do?

20 MR. HERNANDEZ: No, they weren't paid. They're paid
21 when the transcripts are delivered, so they're not --
22 they have not been paid for something that they haven't
23 done yet.

24 COMMISSIONER AKUTAGAWA: What about the transcripts
25 that then weren't done; how is that going to be resolved?

1 MR. HERNANDEZ: So we're going to have the new
2 vendor look to see how they can help us in that effort.
3 So I don't have that answer, but they're going to look to
4 see if they can transcribe based on the video, or you
5 know, watching the video, or taking what is available to
6 them, and then actually certifying them as the
7 transcription. That's the piece that's missing.

8 So there was -- the information was captured, but it
9 wasn't certified as transcription. They have to go
10 through a process to certify it as an official
11 transcript. That's the piece that we didn't get to, and
12 so that's the piece that the new vendor will likely be
13 able to help us with.

14 VICE-CHAIR FORNACIARI: Did you have a follow-up?

15 COMMISSIONER AKUTAGAWA: Yeah, I do, thank you.
16 Just -- the Zoom I know, and I don't know if we have that
17 capability on Zoom, but I know that they do provide
18 transcripts of recorded meetings; is that -- I hear what
19 you're saying about the official. Is that something that
20 could be used as the basis to create the official
21 transcripts, since -- and I don't even know if we have
22 that available on Zoom, either.

23 MR. HERNANDEZ: The court reporters capture the
24 information, and that information is then given to the
25 transcriber. They have to review it, edit it, and they

1 have to put their official stamp on it for it to be
2 considered an official transcript. So we do have -- some
3 of the work has already been done, but it hasn't been
4 reviewed for the final approval.

5 VICE-CHAIR FORNACIARI: Commissioner Kennedy?

6 COMMISSIONER KENNEDY: Thank you, Chair. You know,
7 in the category of water under the bridge, I think this
8 was allowed to go on for far too long. It seems that we
9 were aware a long time ago that we were not getting
10 performance, and I think we've let the public down, as
11 far as the availability of these transcripts. I'm deeply
12 disappointed. Thank you.

13 VICE-CHAIR FORNACIARI: Is there anymore, Ray?
14 Okay. Is there any more, Director Hernandez?

15 MR. HERNANDEZ: No, that concludes my report. Thank
16 you.

17 VICE-CHAIR FORNACIARI: Normally we go to the
18 communications director report. Is that going to be
19 Director Kaplan handling that at this point? Okay.
20 Director Kaplan, thank you.

21 MS. KAPLAN: Hi, I'm just going to a combo,
22 communications and outreach report.

23 So Martin has been supporting with the archiving
24 process for State Archives, so that is close to being
25 done. The big bulk -- the biggest lift was the -- all

1 the documents in the past meetings. So again, just for
2 your reference, this is for State Archive purposes, but
3 also, should we need to be rebuilding out a website,
4 we'll have all the content. So everything is being
5 archived by date and document title, also by category of
6 the website.

7 And so the last remaining items are the outreach
8 materials and language folders. So this should be
9 completed by Friday, as well as files that are on our
10 YouTube from Commission presentations or other videos
11 that were created by the Commission.

12 And then another item that he's working on is
13 through the switch to Outlook, and moving away from
14 Google docs. There's some relinking throughout the
15 website that needs to happen, where there were larger
16 files that were stored in Google Drive. And so that
17 process will hopefully be completed next week.

18 And also social media archiving, that's close to
19 being completed as well for State Archives.

20 And we also met with -- I forgot the name of the
21 subcommittee, but Commissioner Yee and Commissioner
22 Sinay, what's the subcommittee name?

23 COMMISSIONER YEE: Redistricting Engagement.

24 MS. KAPLAN: Redistricting Engagement, as mentioned
25 yesterday, and we're working on talking points and

1 support for PowerPoint, as well. And that's my report.

2 VICE-CHAIR FORNACIARI: Thank you, Director Kaplan.
3 I understand there are no updates from the Chief Counsel
4 at this point?

5 MR. PANE: That's correct, Chair, but I'm happy to
6 take any questions, if anyone has them.

7 VICE-CHAIR FORNACIARI: Okay. So at this point, we
8 finished with the director reports, so let's call for
9 public comment on that agenda item, please?

10 MR. MANOFF: Sure thing, Chair. Katy's here to help
11 us.

12 PUBLIC COMMENT MODERATOR: Good morning, Chair.
13 Good morning, Chair.

14 VICE-CHAIR FORNACIARI: Good morning.

15 PUBLIC COMMENT MODERATOR: In order to maximize
16 transparency and public participation in our process, the
17 Commissioners will be taking public comment by phone.

18 To call in, dial the telephone number provided on
19 the live stream feed. It is 877-853-5247. When
20 prompted, enter the meeting ID number provided on the
21 live stream feed. It is 85298300771 for this meeting.

22 When prompted to enter a participant ID, simply
23 press the pound key. Once you have dialed in, you will
24 be placed in a queue. To indicate you wish to comment,
25 please press star 9. This will raise your hand for the

1 moderator.

2 When it is your turn to speak, you will hear a
3 message that says the host would like you to talk, and to
4 press star 6 to speak. If you would like to give your
5 name, please state and spell it for the record. You are
6 not required to provide your name to give public comment.

7 Please make sure to mute your computer or live
8 stream audio to prevent any feedback or distortion during
9 your call. Once you are waiting in the queue, be alert
10 for when it is your turn to speak, and again, please turn
11 down the live steam volume.

12 And at this time, we do not have anyone in the
13 queue.

14 VICE-CHAIR FORNACIARI: Thank you, Katy. We will
15 wait until the feed is caught up, and then give another
16 minute or so. So thank you.

17 PUBLIC COMMENT MODERATOR: You're welcome. Sounds
18 good.

19 The instructions are complete, Chair, and we do not
20 have anyone in the queue.

21 VICE-CHAIR FORNACIARI: Thanks, Katy. I'll wait a
22 little bit longer, and then we'll move forward.

23 Okay, it doesn't look like we have anybody calling
24 in for public comment on that agenda item, so at this
25 point, we are going to go into a brief closed session

1 under the pending litigation in security exceptions, so I
2 expect about a half an hour or so, and we'll be -- so
3 that would put us back approximately 10:30, yeah. Okay,
4 so we'll be back around 10:30. Thank you.

5 (Whereupon, a recess was held from 9:54 a.m.
6 until 10:40 a.m.)

7 VICE-CHAIR FORNACIARI: Welcome back, California.
8 We -- I just want to report out from our closed session.
9 We did discuss some litigation and security issues, but
10 no decisions were made, so I have nothing to report out.

11 With that, we are going to go into our subcommittee
12 reports. I think it would be -- I don't want to go
13 through the whole list; I don't know that there are going
14 to be too many subcommittee reports, so subcommittees
15 that have reports, I would just ask you all to raise your
16 hands, and we'll get to you in the order that you raised
17 your hands.

18 So I have Commissioner Sinay.

19 COMMISSIONER SINAY: You're ready for us now?

20 VICE-CHAIR FORNACIARI: Yes.

21 COMMISSIONER SINAY: Oh, okay. I didn't know if you
22 were making a list. Sorry about that.

23 So Commissioner Yee and I -- so weird to go back to
24 using our last names. Commissioner Yee and I on the,
25 what's it called again?

1 COMMISSIONER YEE: Redistricting engagement.

2 COMMISSIONER SINAY: Engagement. On the
3 redistricting engagement subcommittee -- have been busy
4 just kind of getting organized and trying to figure out
5 what are the parameters of what we can and can't do, and
6 whatnot. So just some of the thoughts that we have had,
7 based on conversations with legal counsel and also, you
8 know, input from the community and meeting, is that a lot
9 of what we hope to do about promoting independent
10 redistricting councils, both in the State of California
11 and nationally. It's a really good and important cause,
12 and it's obvious that we would be ideal leaders in that.

13 From the beginning, we've always said that the CRC,
14 the institution of the Citizens Redistricting Commission,
15 wouldn't lead in this effort, but that we would support
16 efforts that are happening that others are doing, and so
17 we do recommend continuing as supporting efforts versus
18 leading efforts.

19 We want to just make clear that the time that we
20 spend on doing these things, be it writing an op-ed, or
21 doing a speech, or going to a conference, or writing a
22 publication; all of that is our time pro bono. And it
23 is -- we don't charge our time to the Citizen
24 Redistricting Commission. And also that we can't request
25 per diems because this is -- again, outside of kind of

1 what the legislature had set up this Commission to do,
2 but it is important that we do it.

3 And then, also staff can't support this work, so
4 they can't help in organizing our travel or sending out
5 your head shots, or things like that. Most of it is
6 already on the website, but this will have to be, you
7 know, done independently.

8 Having said that, we are creating talking points,
9 and we are creating PowerPoints, and we will have a
10 folder with all sorts of different op-eds, and people --
11 so we're trying to create the tools so that you -- it'll
12 take the least amount of time. You can adapt it, you can
13 change it and all of that, but again, the staff won't be
14 able to, if you decide to create a new slide or whatever.
15 So we're kind of working around those parameters.

16 And then finally, because of this, and this is kind
17 of all new, we have created -- oh, so before I say final,
18 we did create a grid, and we've put, like, everybody's --
19 all the opportunities that have come to us, and those
20 that have come directly to individuals, just so that we
21 all have it in one place. We're still updating it, based
22 on a lot of different things.

23 So I know we had talked about different state op-eds
24 and we did -- Russel, sorry, Commissioner Yee submitted
25 one on -- got one placed. We have one placed in Ohio.

1 Things change really quickly, so some of the ones we
2 thought we might do, we aren't doing, and there might be
3 some new ones. Same with presentations, they come, and
4 they go, and they change. And so we're working out all
5 those details, and we will have a place where people can
6 go and look to see, okay, where are we on this; do we
7 have a deadline; do we have any updates.

8 Also, we are trying to share the opportunities with
9 everybody who is interest. And we know with these new
10 parameters, some people may not have the bandwidth to do
11 it. So please let us know. We're going to assume that
12 you do still want to be engaged in redistricting
13 promotion efforts in the State of California and
14 nationally, unless we hear from you. So -- but anytime
15 we send you something and it's too -- you can't do it,
16 just say no, you know. I always say that the most honest
17 answer you can ever give someone is no. So feel free to
18 do all that.

19 And that's why the requests and things will be
20 coming to -- again, Russell and I, because staff can't be
21 involved, so we're still trying to manage all those
22 pieces and there's some questions around it.

23 I see a lot of hands up, and hopefully Anthony is on
24 the call so he can answer them. No, go ahead.

25 VICE-CHAIR FORNACIARI: Yes, so I think Commissioner

1 Akutagawa and Commissioner Fernandez have reports that
2 they put their hands up for. I didn't know about
3 Commissioner Yee. Did you have a follow-up on this --

4 COMMISSIONER YEE: Yes.

5 VICE-CHAIR FORNACIARI: -- or it is something
6 different? Okay.

7 COMMISSIONER YEE: Yeah, a follow-up. So just to
8 amplify.

9 So we're in something of a transitional period, you
10 know. I mean, right after the maps were done, you know,
11 Fredy was going full board to get our story out, right,
12 wherever we could get that story told, and so a lot of
13 staff time.

14 But now we're kind of transitioning out of that
15 period. So it seems appropriate to still have staff put
16 in some time to develop kind of a final wrap-up slide
17 show that we can all use going forward. Still have a
18 minimal amount of staff time just to track our
19 engagements, but not going forward using staff time to
20 promote and do, you know, actively, proactively work on
21 engage -- developing engagements, you know.

22 So this is a change from what we have been
23 discussing earlier. You might remember, earlier we had a
24 discussion and there were mixed feelings about whether or
25 not this was properly the work of the Commission as such,

1 and so with legal advice, and then you saw the League of
2 Women Voters letter and so forth, our decision is to in
3 fact pull back. And as Commissioner Sinay said, to only
4 use very minimal official staff time going forward, and
5 to make this really a pro bono effort.

6 And so reducing engagement, then, as such, is really
7 reducing its work plan. And we'll still be doing some of
8 this, just on our own because we just happen to be in the
9 position to do it. But you know, all of you are getting
10 invitations and so forth as well, so some coordination
11 around that, but not an official Commission full-bore
12 staff-supported effort behind it. Hope that makes sense.

13 COMMISSIONER SINAY: I don't see it as we're
14 reducing our -- I mean, I feel like we're increasing our
15 work, but maybe decreasing our --

16 COMMISSIONER YEE: Official subcommittee work.

17 COMMISSIONER SINAY: Yeah, I guess that's a critical
18 question for Director Pane, is do we -- is even the idea
19 of having a subcommittee, I mean, Commissioner Yee and I
20 can volunteer to help out on this on the side and do it
21 all as volunteer, or can we officially still be a
22 subcommittee, even though we're not charging -- yeah, we
23 won't be charging our time or any of those things, but
24 you know, we can report out and still coordinate. Does
25 that make any sense?

1 MR. PANE: Yeah, I think there's nothing wrong with
2 having a subcommittee. That's totally fine. I think we
3 just have to be mindful of the activities that we're --
4 that the Commission were to engage in, to make sure it's
5 not advocacy in other states, or you know, on -- in
6 different jurisdictions while using taxpayer funds.
7 That's just the careful thing to be, make sure we're
8 watching out for.

9 COMMISSIONER YEE: Right. So once we get this slide
10 show, this wrap-up slide show together, and talking
11 points together and out to all of you, I think the
12 official work of the committee as such will be reduced to
13 very little, yeah.

14 VICE-CHAIR FORNACIARI: Okay, I think Commissioner
15 Fernandez had a follow-up, and then Commissioner
16 Andersen.

17 COMMISSIONER FERNANDEZ: Yeah, just quickly, thank
18 you.

19 Commissioner Sinay, you -- I was trying to remember
20 if we were open or closed session, so I have to be
21 official now.

22 Commissioner Sinay, you mentioned the grid; so is
23 it -- will it be something that's accessible so then I
24 can just post it directly? Okay, perfect. Thank you.

25 VICE-CHAIR FORNACIARI: Commissioner Andersen?

1 COMMISSIONER ANDERSEN: Same question that --

2 COMMISSIONER SINAY: Sorry, I mis-answered. It will
3 be accessible so that you all can see it, but you won't
4 be able to make changes and such, because then it becomes
5 serial meetings. I know there's another word for it. So
6 you all can just send us your changes or updates, and
7 then we'll put it in there.

8 So that -- we can only have two Commissioners who
9 have access to changing the document. We will be sharing
10 it at -- we just haven't had time before today's meeting,
11 just because there's -- as you can see, there's been a
12 lot of moving parts, and the main one was we want to get
13 to the talking points and the PowerPoint. But -- so
14 we'll be sharing it, and it will be public, but you can't
15 make the changes.

16 VICE-CHAIR FORNACIARI: Commissioner Andersen, did
17 that answer your question? Okay, thanks.

18 Okay, then we will go to -- if there are no other
19 questions, we'll go to Commissioner Akutagawa.

20 COMMISSIONER AKUTAGAWA: Yes, thank you.

21 I am going to be starting off the reporting for the
22 long-term planning subcommittee, and then Commissioner
23 Fernandez is going to take over.

24 So we just wanted to update the Commission and
25 anyone else who is watching that we did have a meeting

1 with the legislature, and I don't want to mess up all the
2 names. We met with Diane Griffiths, Ethan Jones, and
3 Michael Wagaman, and Chief Counsel Pane was also with us
4 as well, too.

5 What -- the purpose of that meeting was to share and
6 just be able to explain some of the conversations and
7 thinking that we had behind each of the legislative items
8 that we are considering. We did let everybody know that
9 this is still not a complete list. It is a list that is
10 still in process and pending further discussion.

11 We also did let everybody know that was there that
12 it would also be informed by this week and next week's
13 lessons learned meeting, but in the interest of being
14 able to start ensuring that there's at least an
15 understanding of where we're going, because some of it
16 will require potential legislative changes or
17 constitutional changes. We wanted to make sure that we
18 did not miss an opportunity to start a conversation where
19 the legislature is also understanding the areas in which
20 we're particularly interested in seeing potential changes
21 that will hopefully make the work of the independent
22 Citizens Redistricting Commission more efficient.

23 With that, I'm going to turn it over to my co-sub,
24 my partner in crime, my co-subcommittee member,
25 Commissioner Fernandez.

1 COMMISSIONER FERNANDEZ: Thank you.

2 One of the important things that came out of it is
3 that in order to for a bill to move forward, it needs to
4 be introduced and read, and so that needs to be done by
5 the end of April. So our deadline to forward any
6 potential changes would be mid-April.

7 They were also gracious -- we will, based on what
8 the Commission votes to move forward, we will draft as
9 much as possible, but they were also gracious; they do
10 have a slew of chief counsel -- or counsels that can
11 wordsmith it to whatever legalese, you know, what it
12 needs to look like. So it will look different than what
13 we submit, of course, they know what the writing should
14 look like.

15 It was a very beneficial meeting for all of them,
16 because they gave us perspectives. They were all
17 involved somewhat in the 2010, so it was good to have
18 some of that historical information as well, as we move
19 forward. And of course, you know, we were sure to
20 differentiate between governmental changes versus
21 constitutional changes, and what those two different
22 avenues look like.

23 VICE-CHAIR FORNACIARI: So I'll jump in with a
24 question, and then we'll go with Jane.

25 I mean, what's the time frame, then? Do we -- I

1 mean, what's the time frame for us to make a decision
2 that we want to propose changes X, Y, and Z?

3 COMMISSIONER FERNANDEZ: Right. So what we're
4 hoping, we have the lessons learned this week and next
5 week, and then I think we have another meeting at the end
6 of March, and what we're hoping is by the end of March,
7 that the -- we'll have a list of those items that we are
8 looking to move forward. Again, there are other years
9 that we can, but we have an -- Assembly Member Bryan is
10 willing to author and carry this bill, so we don't have
11 to search for someone, which we're very grateful to him.

12 And so we'd really like to take this opportunity to
13 move forward those that -- those items which the
14 Commission feels we can move forward with. Again, we can
15 move forward with other items in future years, other than
16 those years that end in a 9, 0, and 1, something like
17 that; I forget what the code section says, by the end of
18 March.

19 VICE-CHAIR FORNACIARI: Okay. Quick follow-up. Did
20 they -- I mean, did they provide any feedback on we're
21 supportive of this idea and not this one, or anything
22 like that?

23 COMMISSIONER FERNANDEZ: I don't -- they really --
24 you know, they're not in a position to provide support,
25 right, because it's the Commission's request. And it was

1 more of, they were listening to us and then maybe
2 providing comments in terms of, like, for example, one of
3 them was to move the date from August 15th to September
4 15th, and Michael Wagaman informed us that the 2008
5 proposition actually had the September 15th date, and the
6 2010 proposition changed it to August 15th.

7 So they provided more of like a historical context,
8 and also sometimes I -- Linda was more like, the 2010
9 also thought of that, but then they didn't move forward
10 with it, so it wasn't more -- it wasn't we agree or
11 disagree, it was just more of wanting to understand the
12 different areas and why, if that makes sense, like the
13 background to it.

14 VICE-CHAIR FORNACIARI: Okay, thanks.

15 Commissioner Andersen?

16 COMMISSIONER ANDERSEN: Just to follow-up on that,
17 so did they happen to say why it went to August 15? Was
18 it -- because you said for, like, was that the
19 congressional level, different time frame, or?

20 COMMISSIONER FERNANDEZ: No, it's whoever -- whoever
21 authored the language.

22 COMMISSIONER ANDERSEN: The language, okay, all
23 right.

24 COMMISSIONER FERNANDEZ: Right.

25 COMMISSIONER ANDERSEN: My actual question was, and

1 I'm sorry, I was just trying to get the people you were
2 talking to. It was Diane Griffiths, Ethan Jones, Michael
3 Wagaman?

4 COMMISSIONER FERNANDEZ: Yes. And Anthony.

5 COMMISSIONER ANDERSEN: Oh, then Anthony, okay.

6 COMMISSIONER FERNANDEZ: Chief Counsel Pane, yes.

7 COMMISSIONER ANDERSEN: Great. Perfect. Okay,
8 thank you.

9 VICE-CHAIR FORNACIARI: Oh. Great job.

10 COMMISSIONER ANDERSEN: (Indiscernible).

11 COMMISSIONER AKUTAGAWA: Thank you. And if I could
12 just add, I just do want to emphasize again, too, they
13 were seeking to just understand the thought processes
14 that we had in raising it. We were also careful and
15 wanted to emphasize to them that this is still -- nothing
16 is final; we are all still discussing it, but we wanted
17 to, as Commissioner Fernandez says, you know, we wanted
18 to start the dialogue because we are under a timeline and
19 we didn't want to just wait until everything is done, and
20 it was helpful also in terms of hearing their historical
21 perspectives. They were also very careful; they did not
22 state, you know, for or against anything. They just
23 wanted to give some of the history.

24 So again, as we had a conversation, it was really to
25 just further understanding of context.

1 VICE-CHAIR FORNACIARI: Commissioner Yee?

2 COMMISSIONER YEE: Thank you. Thank you for this
3 good work. I just wanted to comment about an item I had
4 sent to Anthony for consideration as a legislative
5 change, and that had to do with the old post-maps
6 consulting help to counties that I'd been pursuing. And
7 since I sent that, I had met with reps from the
8 California Association of Clerks and Election Officials
9 and heard more about the situation and what happened this
10 year, and so forth.

11 And we decided -- actually, it wasn't -- the need is
12 not to a level where we need a statutory change, so I'm
13 going to withdraw that and introduce some lessons learned
14 recommendations, and then I'll inform you about some
15 changes they're making on their end for best practices
16 for election officials, but not to add this to the
17 statutory language for the Commission.

18 And I haven't -- yeah, I was going to send an email
19 for that, but didn't get to that, but thought I'd mention
20 it now.

21 VICE-CHAIR FORNACIARI: Okay.

22 COMMISSIONER FERNANDEZ: Thank you for that. Oh,
23 I'm sorry. Can I just follow-up on that?

24 So we just shared the list that we had shared with
25 the full Commission and that had been public, so we had

1 not added that, Commissioner Yee, but thank you.

2 COMMISSIONER YEE: Okay.

3 COMMISSIONER FERNANDEZ: I'll make sure not to add
4 it.

5 COMMISSIONER YEE: All good.

6 VICE-CHAIR FORNACIARI: Okay, let's see. We're up
7 against our break right now, so what we'll do is we'll
8 take a break until 11:15. We'll come back, see if there
9 are any other updates, subcommittee updates, we'll take
10 public comment on the subcommittee updates, and then
11 we'll go back into our Lessons Learned exercise. So see
12 you all in fifteen minutes.

13 (Whereupon, a recess was held from 11:00 a.m.
14 until 11:15 a.m.)

15 VICE-CHAIR FORNACIARI: Welcome back. We were in
16 the midst of our subcommittee reports, so let me check
17 in. Are there any other subcommittee reports or
18 questions or comments on the reports that have been given
19 thus far?

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Thank you. I was just
22 going to go over finance and administration just briefly.

23 We are continuing to work with our executive
24 director and our fiscal staff on the budget, and we're
25 scrubbing the numbers, as he mentioned.

1 At this point, we may need to move forward with an
2 additional request to release additional funding, based
3 on our projections for the end of -- expenditures for the
4 end of this year, as well as next year. And we will just
5 continue to follow the budget change proposal, the status
6 of that and respond accordingly, if we have to. And I
7 think that's it.

8 Commissioner Fornaciari, did you have anything else?

9 VICE-CHAIR FORNACIARI: Okay, well, if there's not
10 anything else, then Katy, we'd like to take public
11 comment on the subcommittee reports, please.

12 PUBLIC COMMENT MODERATOR: Absolutely, Chair.

13 The Commission will now take public comment on the
14 subcommittee reports. To give comment, please call
15 877-853-5247, and enter the meeting ID number,
16 85298300771 for this meeting. Once you have dialed in,
17 please press star 9 to enter the comment queue.

18 The full call-in instructions were read at the
19 beginning of this meeting, and they are provided in full
20 on the live stream landing page.

21 And at this time, Chair, we do not have anyone in
22 the queue, and we'll let you know when the stream catches
23 up.

24 And we do have someone in the queue. Caller 2829 --
25 what just happened? Caller 2829, if you'll please follow

1 the prompts to unmute. The floor is yours.

2 MS. WESTA-LUSK: Good morning, Commissioners. This
3 is Renee Westa-Lusk. I have two questions.

4 Regarding your budget that you're submitting to the
5 committee for future years, is there any provision for
6 the Commissioners possibly to go and educate voter --
7 voter constituencies about redistricting two years prior
8 to 2030?

9 Because I have to be honest with you, a lot of
10 people don't even know about the process, and especially
11 the rural areas are left out, are totally oblivious, and
12 I think it would be a good idea if there was some money
13 down the road, like the last two years of your terms,
14 where you could go and travel to educate other parts of
15 California about the process coming up in 2030, so people
16 are even aware of it.

17 And then I have a second question regarding
18 archiving or preserving the records from this Commission,
19 and also the 2010 Commission. Is there any provision to
20 preserve the 2020 Commission? Because I think down the
21 road, California's going to gain more congressional
22 districts in future censuses, and we're going to go back
23 to having more than fifty-two congressional districts.

24 Those are my questions. Thank you.

25 VICE-CHAIR FORNACIARI: Thank you, Ms. Westa-Lusk.

1 Let's see, we have Commissioner Kennedy, I think he's
2 going to jump in on question 2, would be my guess, parts
3 of question 2.

4 So go ahead, Commissioner Kennedy.

5 COMMISSIONER KENNEDY: Thank you, Chair.

6 And yes, Ms. Westa-Lusk, I have met with staff from
7 the state archives specifically to discuss with them how
8 our materials are going to be archived, as well as
9 getting an idea from them of what they have from the 2010
10 Commission.

11 What I've asked them for is eventually to produce a
12 full listing of the materials that they have from both
13 Commissions, including instructions for the public on how
14 to access those materials, so that we can then turn
15 around and place those instructions and the list of
16 holdings on our website for widest public access.

17 So we are indeed working to ensure that our
18 materials and the 2010 Commission materials are as
19 accessible to the public as possible. And just really
20 want to appreciate your interest and support throughout
21 this process. Thank you.

22 VICE-CHAIR FORNACIARI: Yeah, and I would also add
23 there's an effort going on right now to get the -- all of
24 our documents organized in a way that they'll be -- the
25 current documents for the current Commission -- organized

1 in a way that -- and accessible on the website. It was
2 definitely one of the areas that -- well, we'll recommend
3 that the 2030 Commission is -- does a more effective job
4 in allowing their access to the documentation.

5 And then as far as your first question, that's
6 certainly a big part of what we're going to be talking
7 about in our lessons learned in the outreach and
8 strategizing.

9 You know, what the outreach strategy would be in,
10 you know, at the end of this decade to reach out because
11 I think we all think there needs to be more effective
12 approach. I think Commissioner Fernandez as a comment on
13 that also.

14 COMMISSIONER FERNANDEZ: Yes, thank you, Chair.

15 Yes, in our budget change proposal and prior
16 meetings that we've had, we did include funding for
17 continuing -- continued redistricting education
18 throughout our entire term, but then really focus the
19 last couple years and coordinate with the census to
20 continue to educate in conjunction with the census
21 outreach efforts.

22 So thank you for that reminder, and hopefully it
23 gets approved and we can move forward with that.

24 VICE-CHAIR FORNACIARI: Does that answer your
25 questions?

1 MS. WESTA-LUSK: Yeah, and I didn't mean to
2 interject anything. I just want to say thank you for
3 that valuable information.

4 VICE-CHAIR FORNACIARI: Well, and thank you for your
5 ongoing participation, interest in our process. You take
6 care.

7 MS. WESTA-LUSK: You, too. Thank you.

8 VICE-CHAIR FORNACIARI: Okay. With that, we have no
9 other callers, so we'll transition from our business
10 meeting to lessons learned. I'm not sure who I'm going
11 to pass it to.

12 Commissioner Kennedy.

13 COMMISSIONER KENNEDY: Thank you, Chair. So just as
14 a reminder, yesterday we were able to make it through
15 discussion on the formation and composition of the
16 Commission including comments on the recruitment process,
17 selection process, et cetera. We talked about support
18 and staffing from the earliest days through the out
19 years. We talked about training and team building,
20 particularly what subjects were covered, when they're
21 covered, how they're covered.

22 And we were able to jump into the topics initially
23 scheduled for today which were finances, looking of
24 externally, how we get funding from the state for what we
25 do, how much, when, the process of getting that funding,

1 as well as our own internal processes, reporting,
2 policies, procedures, et cetera.

3 We had not finished our discussion on finance and
4 admin. The prompts for that include financial,
5 organizational, and personnel policies and reporting,
6 financial controls, contracting, recruitment,
7 procurement, the org chart, public comment policy,
8 computer, cell phones and cyber security, and office
9 space. And so we left the discussion open to continue
10 today. We did request that a copy of the latest org
11 chart be available or today's discussion. And so I will
12 kick things off there.

13 I see Commissioner Fernandez has her hand up.

14 COMMISSIONER FERNANDEZ: Thank you Commissioner
15 Kennedy. I just wanted to -- I remembered one thing, of
16 course, as I was driving home, that I forgot to include
17 in yesterday's, so should I just send it to you via email
18 or just say it now. I mean, it's really quick.

19 COMMISSIONER KENNEDY: Say it now.

20 COMMISSIONER FERNANDEZ: Okay. The one thing with
21 the staffing that I feel is needed and is lacking and I
22 don't think we really thought about it until now at the
23 end is, there are fourteen of us and we have revolving
24 chairs. And we have one executive director that reports
25 to us. So I -- my Lessons Learned for that would be for

1 the future Commissions to think about maybe having, like,
2 a subcommittee that could have that direct link to the
3 executive director in terms of providing direct --
4 consistent -- for consistency, like, direction and
5 feedback and mentoring.

6 Because there's fourteen of us and just like
7 anything -- it's hard to have fourteen bosses and to
8 provide that supervision and higher management level. I
9 think we could have done better in that area. And that's
10 pretty much all I had to say on that part.

11 And in terms of the org chart, I did ask for that
12 information and it was forwarded to me this morning. I
13 haven't really reviewed it yet to make sure that it has
14 everything. So I'll take a look at that really quick.

15 COMMISSIONER KENNEDY: Okay. I'll go ahead and toss
16 in -- well, no, I'll wait then. I've got it down under
17 meetings but just discussing whether there is a useful
18 distinction to be made between the function of the chair
19 and the function of meeting facilitator. Are they
20 necessarily the same as their scope or splitting those
21 two. But we'll take that up under meetings.

22 Are there -- are there other thoughts on finances,
23 externally facing -- we're admin and finance internally
24 at this point? Commissioner Andersen.

25 COMMISSIONER ANDERSEN: I'm just sort of verifying.

1 One of the recommendations that we are making I believe
2 is for us to leave, essentially, draft RFPs and Scope of
3 Work for all of the different positions; is that correct?
4 You know, basically, essentially examples that the 2030
5 Commission could either use or throw out. Similar to
6 what we had heard it from the auditor -- state auditor
7 on, many of our positions. Was that -- if that wasn't a
8 recommendation, I recommend that we do that for all
9 positions. Again, so they have a framework to go like
10 this or throw I out.

11 COMMISSIONER KENNEDY: Yeah, I would certainly say
12 that the more materials like that that we can provide to
13 the 2030 Commission, the better we -- the discussion
14 yesterday was focusing a bit more on the current
15 positions, whether we want to look at the possibility of
16 upgrading any of those positions because it did prove
17 difficult to attract staff on some of the -- for some of
18 the positions given the salaries which are based on the
19 position descriptions and our experience that in many, if
20 not all cases, staff duties ended up going well beyond
21 what was in the actual position description.

22 So it -- at the very least, an updating of position
23 descriptions to more closely reflect reality, I think, is
24 something that there was significant interest in
25 yesterday. And I personally was -- was advocating for

1 seeking approval of additional positions that could be,
2 obviously at this point left open. And then the 2030
3 Commission could make their own decisions as to which of
4 those positions they wanted to -- to fill.

5 But you know, my thinking on this is, and based on
6 Commissioner Fernandez's input yesterday, that it's much
7 easier to modify a position than it is to establish a
8 position. You know, I think that the 2030 Commission
9 should have full scope to modify any and all positions
10 that are there be we would very much like to save them
11 the time and trouble of establishing positions that they
12 might need, to the best of our abilities in the meantime.

13 COMMISSIONER ANDERSEN: Yup. My intention was that
14 we would make drafts of all of those, including those
15 updates, as well as the RFPs, like the RFPs for all, you
16 know, the consultants as well. A draft for all of those.
17 That's my recommendation.

18 COMMISSIONER KENNEDY: All right. Thank you for
19 that.

20 Commissioner Fernandez, did you want to provide any
21 further input on this topic?

22 COMMISSIONER FERNANDEZ: I do have the org chart, if
23 you wanted me to bring that up. Did you want me to --

24 COMMISSIONER KENNEDY: Sure. Perfect.

25 COMMISSIONER FERNANDEZ: Alvaro, did you want to

1 bring up the org chart?

2 MR. HERNANDEZ: Yes, I'll get that up. Just one
3 second, please.

4 COMMISSIONER FERNANDEZ: Okay. I've got it open.
5 Oh, is this -- oh, wait a minute. Is this -- is this the
6 one? Oh, never mind. I'm sharing. Okay, now I've -- is
7 this one it, Alvaro? Yes? Yes, okay. How to make it --
8 oops. Can everybody read that okay? Okay.

9 So this is where, I believe we ended up, correct,
10 Mr. Hernandez -- and these are full-time positions?

11 MR. HERNANDEZ: Not all of them are full time --

12 COMMISSIONER FERNANDEZ: Okay.

13 MR. HERNANDEZ: -- you have the support staff -- the
14 last row of field staff are -- were part time.

15 COMMISSIONER FERNANDEZ: But, okay, I guess my
16 question is, are they established positions?

17 MR. HERNANDEZ: Yes.

18 COMMISSIONER FERNANDEZ: Okay. So maybe moving
19 forward we can differentiate between established
20 positions versus RAs or temporary positions. So I think
21 what was important for the Commission was to know which
22 positions are -- would move forward to the 2030
23 Commission. So those would be fully established
24 positions under the Commissions hiring authority. So I
25 believe it -- it should be all the positions, except for

1 the student assistant. And then, obviously, where it
2 says, "contractor," those are contracted positions.

3 But I just, hopefully, confirm some of these other
4 positions would be beneficial. Thanks.

5 And just -- I just got this a few minutes ago, so I
6 haven't had a chance to really go through it. But this
7 give you an ideas of the positions that we -- we had
8 authority for or that we did hire for. And then whether
9 or not the field lead staff was an associate level
10 analyst and the field staff was staff-services analyst
11 which is lower than an associate. Again, these
12 positions, these field lead and field staff could be
13 different classifications. We just have to write
14 different duty statements for that.

15 COMMISSIONER KENNEDY: Okay. Thank you for getting
16 this up for us all to take a look at.

17 Director Hernandez.

18 MR. HERNANDEZ: Yes. I just wanted to point out
19 which ones are retired annuitants. So under chief
20 counsel, you have three different legal counsels. Those
21 are all retired annuitants. You have the student
22 assistant, which is not a position, per se. The
23 contractors are not positions. And then you have the
24 administrative assistant, which I believe is an RA, that
25 is not a position that we have. All the others are

1 positions that are established that would transfer over
2 to the next Commission.

3 Ravi's position is permanent -- oh, I'm sorry, I
4 meant the office tech -- I'm sorry, my eyesight is a
5 little off. The office sec is the RA. The admin
6 assistant is the -- is Ravi. And that's a permanent
7 position.

8 COMMISSIONER KENNEDY: Okay. And the office tech is
9 the IT person as I understand it?

10 MR. HERNANDEZ: No. That was Wanda, is the office
11 tech?

12 COMMISSIONER KENNEDY: Wanda is the office tech,
13 okay.

14 MR. HERNANDEZ: Wanda is the office tech. The IT
15 person would be an RA and that would be the IT manager.
16 That's right below that. That's another -- that's
17 Corrina the IT manager.

18 COMMISSIONER KENNEDY: Okay. So in the case of
19 positions that are currently filled by retired
20 annuitants, those are nonetheless established positions
21 and they could be hired against given budget
22 availability. They could be hired against and filled
23 with full-time staff; is that correct?

24 MR. HERNANDEZ: I'll have to look into that but my
25 understanding would be, yes. You hire RAs because

1 they're available. You have specific needs that they
2 provide that you wouldn't otherwise be able to get. But
3 IT manager, I would think, can be an established
4 position. So I'll look into that one.

5 COMMISSIONER KENNEDY: Okay. Thank you.
6 Commissioner Andersen.

7 COMMISSIONER ANDERSEN: Yeah. Thank you very much
8 for this. Could we actually have this with who --
9 what -- two things. What the positions actually are,
10 like, you know, they're all real positions and, like,
11 Commissioner Fernandez was saying that's an assistant
12 tech level, you know the different levels of them. And
13 also, and even if on the second one, who everybody was.
14 Because, you know, I don't think we ever actually knew
15 who all the people were doing everything. And so, I
16 think -- so, you know, it'd be two different ones. But,
17 you know, I think it would be extremely helpful to have
18 this document with what are the levels, so we can
19 actually understand which ones were trying to change and
20 where -- how that all fits together, please.

21 COMMISSIONER KENNEDY: Thank you, Commissioner
22 Andersen. Commissioner Turner.

23 COMMISSIONER TURNER: Yes, thank you. Director
24 Hernandez, is Raul on this chart?

25 MR. HERNANDEZ: Yes, Raul is on the chart. He's the

1 deputy administrator. He's in between the administrative
2 assistant and the office tech.

3 COMMISSIONER TURNER: I see it. Thank you.

4 COMMISSIONER KENNEDY: Yeah I would think that for
5 Lessons Learned purposes, you know, it might be useful
6 for us to see all of the -- to have both this document as
7 well as all of the underlying descriptions, just to take
8 a look at. But Director Hernandez, I'm interested in
9 your thoughts on the adequacy of this staff for this
10 organization chart for a Commission that is likely going
11 to be under significant more time pressure and whether
12 there are any changes that we might want to propose in
13 order to smooth the way for the 2030 Commission.

14 The one other observation that I would have on the
15 chart is that chief counsel should have a dotted line to
16 the Commission. Yes, administratively, chief counsel is
17 always going to follow under the executive director but
18 is able to report to the Commission rather than reporting
19 through the executive director. And I think that's an
20 important modification required for the chart.

21 So if you have thoughts now on the adequacy of this
22 for 2030 Commission, I'd be interested in hearing that,
23 otherwise I'll pass the floor to Commissioner Turner.

24 MR. HERNANDEZ: I do have a couple of thoughts about
25 this. You know, a lot of this evolved from us having to

1 pivot a number of times due to the census delay and
2 COVID. And so I think the next Commission will not have
3 the -- hopefully, they won't have a pandemic to deal with
4 and having a moving target, essentially. So a lot of the
5 positions could be brought on at the same time, early on,
6 to get a lot of the work done, I would say from the
7 administrative perspective. And I think it was mentioned
8 yesterday, getting the budget staff person or persons, I
9 would recommend more than one because again, there are
10 fourteen Commissioners and very limited staff to do a lot
11 of the work for those fourteen Commissioners.

12 So additional staffing on the budgeting and
13 accounting I think we would be ideal early on. As early
14 as possible, even before the Commission is actually set
15 would be ideal. And I think that's part of the
16 recommendations that will be discussed later on as part
17 of the long-term planning. And how to do that is where
18 we have to figure that piece out.

19 Additionally, I think yesterday I had to leave the
20 office but I was listening in on the phone, the idea of
21 having a deputy executive director -- I like the idea. I
22 think this time when I came onboard as the executive
23 director the question was asked of me, do I need a deputy
24 executive director. And realistically, I considered it
25 but I felt it was more important to have that position be

1 focused on outreach. And that's where we just changed
2 the title to the outreach director. So we didn't not
3 fill the deputy director position. We just renamed it as
4 director of outreach. I wanted to clarify that piece of
5 it.

6 It is important that we have communication director
7 onboard beforehand. So I would agree with a lot of the
8 recommendation, discussion that went on about that
9 yesterday as well. You know, I think you just need
10 more -- more staff doing the administrative activities.
11 Most departments will have an entire department -- or
12 entire division dedicated to accounting or budgeting. A
13 whole division dedicated to contracting. We had to do it
14 on a very, very tight budget on a very, very tight leash.
15 Raul was the one person that was the constant in doing a
16 lot of these activities and working with a lot of the
17 outside entities.

18 And I know that it has been discussed to have
19 liaisons but you still need someone to do the work
20 internally. So I think having additional folks in that
21 area may be spreading it out a little bit better for the
22 future would be helpful to the 2030 Commission.

23 Now, I don't know if you're going to find one person
24 who has the experience or exposure to everything that is
25 done by this Commission and how it's done, or how it's

1 been done. But that's one of the advantages that we had
2 with having Raul onboard is that he had that and he had
3 exposure to doing the different things that needed to be
4 done and was able to help us move things along a lot
5 quicker.

6 For the 2030 Commission, that is going to be a huge
7 challenge. And I don't think you can find one person who
8 will be able to do that moving forward. So you may have
9 to split it up into additional folks. To break it up and
10 to ensure that they can focus just on contracting or just
11 on just on H.R. or just on the budgeting side of it.

12 Those are my initial recommendations in that regard.
13 So, you know, additional staffing would definitely be
14 something I would support.

15 COMMISSIONER KENNEDY: Perfect. Thank you for that
16 input. Commissioner Turner.

17 COMMISSIONER TURNER: Yes. Thank you. So along I
18 think those same lines, in approving budget for what we
19 thought we needed for a lot of these positions, I feel
20 that there should be some sort of report or synopsis of
21 what was being done in all of these positions. I don't
22 find that there's a great way -- and we gave a lot of
23 oversight, and of course, to our executive director,
24 that's great. Even in that, we had responsibility over
25 executive director.

1 And so I feel like a lot of the positions, I know
2 there was a lot of excellent work done by some of these
3 employees, by our outreach team, but I feel like we did
4 not get the good, full picture of what was being done in
5 saying even Raul helping us move things along. Raul was
6 a great help for me. I appreciate that. But I know we
7 didn't pay him the money that we did just to work for me.
8 So those things that he helped us through, I don't feel
9 like we knew what they were.

10 And so at least, me I'll say, even if in retrospect
11 at this point, not knowing what all the working or the
12 billings on we're behind the scenes. And so from that
13 standpoint, not to take up all of the time and all of the
14 meeting, but to have some sense of report of -- for
15 our -- just to name one, for our office tech. These are
16 the types of things. These were a full-time position.
17 And if I had to right now state what most of them did
18 full time, I don't know what they were doing.

19 And I think, though they weren't a direct report of
20 mines, I think we should as Commissioners, have a sense
21 of what the positions entailed and what a day looked like
22 or a week or a month or a year for the positions that
23 were there.

24 And so we had job descriptions. We hired people on.
25 I think it would just be nice, maybe not required but it

1 would have been nice for me to know, even to be able to
2 celebrate some of the things -- some of the things we
3 found out after the fact, you know, like, oh my God,
4 they're doing all of that work. And I don't know that it
5 was my thought process that even that there was a
6 renaming of Marcy's job to -- what was it, wrote it
7 down -- oh, director of outreach versus the deputy
8 director. I would have liked Marcy to be fully focused
9 on outreach and not having to pick up what would have
10 been considered deputy director support as well, if that
11 was the case. I'm not sure what that comment was because
12 that's not what I thought was happening. I thought that
13 there was just a determination that there was not a need
14 or desire for the deputy. And you know -- we all know
15 why we initially was going to go with the deputy
16 director. And then after we bought Alvaro on, we didn't
17 continue with the deputy director. But the outreach
18 should have been free to fully be outreach coordinator
19 and outreach manager and all of those different terms.

20 So just kind of going backwards on staffing. I
21 think all of that -- not even a critique, because I
22 didn't know to ask for it. But as we're thinking about
23 it now and as I'm looking at the org chart, outside of a
24 description, I would have to guess at and assume all of
25 these positions did whatever they were hired for. And

1 we're talking now in terms of lessons learned to see if
2 we want to continue keeping them. I don't know if I want
3 to continue or not because I don't know what they all
4 necessarily did. Thank you.

5 COMMISSIONER KENNEDY: Thank you, Commissioner
6 Turner. I have Commissioner Fernandez next who is
7 sharing her screen and unable to raise her hand but it's
8 her turn now.

9 COMMISSIONER FERNANDEZ: Thank you. I've got a
10 couple things and I -- I'm going to echo what
11 Commissioner Turner just said because yes, outreach
12 director turned out to be more than an outreach director.
13 So in a sense, I feel that it wasn't fair to that
14 position or that person that was in that position to
15 downgrade the position when in actuality had more duties
16 than what an outreach director would do.

17 And I agree, completely agree with Commissioner
18 Turner. It's important that we look at all of the duties
19 that each one of the positions did because then that
20 would help the next Commission determine the appropriate
21 level -- classification of level for that position.

22 And also, as Mr. Hernandez just stated, in 2030, if
23 we have a list of everything that the positions did, it
24 will at least give the 2030 a roadmap as to what some of
25 those duties and responsibilities will be. I think, you

1 know, I didn't want to say a procedural manual or a desk
2 manual, because I don't want it to be to that detail.
3 But a high-level of the duties that each position
4 performed.

5 And then in terms of the org chart, Mr. Hernandez,
6 if we could just go through it and do, like an analysis
7 of what positions are authorized by the Commission.
8 Maybe in one color. And then another color would be
9 those positions that are temporary, they're not full
10 time. So they're not established positions. I want to
11 make sure that we make a difference between established
12 positions because that would be the authority that the
13 2030 Commission would have.

14 Commissioner Andersen brought up, right now what
15 we're seeing are working titles. So I think it's
16 important that we have the working title as well as the
17 state actual classification. And the person's name if
18 that's what we choose to have.

19 And then also, I believe under legal, we also at one
20 point had a legal aide or legal analyst or something that
21 I don't see on here. And at some point we also had a
22 language access coordinator. So there may be other
23 positions that might be missing, or maybe we never
24 established them. But regardless, I think we need to
25 provide a picture of all of the positions that we had at

1 some point in time, be it fully established or temporary
2 so that we can move forward.

3 So if they could -- there could just be some sort of
4 analysis done, that would be great. I think that was all
5 that I had at this point. Thank you.

6 COMMISSIONER KENNEDY: Thank you, Commissioner
7 Fernandez. Director Hernandez.

8 MR. HERNANDEZ: Yes. Just wanted to clarify that
9 this is what we ended with, I would say, through the
10 completion of the maps and before the offboarding. This
11 is where we ended. There were some positions that
12 changed, moved, or were altogether eliminated. That one
13 in particular that you're referring to from legal was a
14 paralegal, I believe it was. And so that -- we didn't
15 backfill that position. So I just did not include it on
16 here. But I can certainly put together a list of these
17 different positions that we've had over the course of the
18 time, as well as whether they're -- what's the word that
19 was used --

20 COMMISSIONER KENNEDY: Established.

21 MR. HERNANDEZ: -- established. Thank you.

22 COMMISSIONER FERNANDEZ: Can I just do a quick
23 follow up to that, Commissioner Kennedy? So when --

24 COMMISSIONER KENNEDY: Yes, please.

25 COMMISSIONER FERNANDEZ: -- so when you said that

1 the paralegal, at one time it was full-time, filled
2 position. And you didn't include it on the org chart.
3 But if it's an established position, it should still be
4 on the org chart because we still have authority for that
5 position.

6 MR. HERNANDEZ: Yes. And that's what I will be
7 working to provide you. This was the org chart as it
8 stood at the end of January with the positions that we
9 had. Not the established positions but the actual
10 positions that we had filled.

11 COMMISSIONER KENNEDY: Commissioner Andersen.

12 COMMISSIONER ANDERSEN: Yeah. So on that note, I
13 think what we need is we need a -- this org chart as full
14 as it ever was. You know, like, you know if there were
15 more there, you know, like, even where -- at the full --
16 these are all the positions that we ever had, period.
17 Then go through, these are established positions, these
18 are not. These are RAs, these are not. And then
19 ultimately, like he did in parentheses, who the names
20 were. But that could be a separate one, you know, same
21 thing, but all the names. Because that would be
22 personal.

23 So when we understand it, oh, okay, right, that's
24 what that person was doing, because it would help us
25 understand, even if you give us descriptions we could,

1 you know, identify that. Thank you.

2 I think -- is that, you know, I think that's what
3 we're all saying. Because we want to know how many
4 positions we ever had out there. So to give that to the
5 2030.

6 COMMISSIONER KENNEDY: That, I mean, I would say
7 that that's my understanding. And I would also say in
8 particular, in relation to the issue of the deputy
9 executive director position versus the outreach director
10 position, if we think there's any likelihood that the
11 2030 Commission might need both, and we currently only
12 have one of those as an established position, we should
13 go forward and make the case to establish the other to
14 give the 2030 Commission the opportunity to have both of
15 those -- or to fill both of those without having to spend
16 the time and go through the effort when they're going to
17 have much less time than we did for these sorts of
18 things.

19 Commissioner Andersen.

20 COMMISSIONER ANDERSEN: Yeah, I think, isn't the
21 confusion because, you know, while we hired director
22 Hernandez originally as executive -- executive deputy
23 director, that position wasn't established yet. So he
24 actually was the outreach director. And Marcy was our
25 outreach manager. And then when we did the switches, you

1 know, everyone sort of moved up. And we just didn't
2 fill -- but I don't know -- I don't even know if when the
3 executive deputy actually ever became an official
4 position. I believe it is an official position now but,
5 you know, for a while there was a title only but you were
6 actually doing the other work is my understanding.

7 COMMISSIONER KENNEDY: Commissioner Fernandez, would
8 you like to --

9 COMMISSIONER FERNANDEZ: Yeah.

10 COMMISSIONER KENNEDY: -- clarify?

11 COMMISSIONER FERNANDEZ: Yes. I'll just clarify.

12 Mr. Hernandez, he did not come on board until the deputy
13 executive director position was established, which was in
14 December. And Marcy Kaplan, who is currently our
15 outreach director, she was already hired as outreach
16 manager. And that was executive -- prior Executive
17 Director Claypool made that hire. And then once Mr.
18 Hernandez was put into the executive director position,
19 he then opted to change the title of a deputy executive
20 director position to the outreach director. And then
21 that's when -- right, there was an open search for that
22 because now it became an executive level position. And
23 Outreach Director Kaplan was then promoted from manager
24 to director. I hope that makes sense.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Fernandez.

2 Commissioner Andersen.

3 COMMISSIONER ANDERSEN: Okay. Now, I have a
4 clarifying question. So at this time, we actually have,
5 is it four executive -- executive level positions
6 established, communications, outreach, executive
7 director, and chief counsel? I don't know if deputy
8 administrator is an executive. So do we have five or do
9 we have four? Anyone know?

10 COMMISSIONER FERNANDEZ: In terms of what we
11 considered executive level, it was the executive
12 director, communications director, outreach director, and
13 chief counsel.

14 COMMISSIONER ANDERSEN: Okay. But --

15 COMMISSIONER FERNANDEZ: The deputy administrator
16 position was already established.

17 COMMISSIONER ANDERSEN: As executive level?

18 COMMISSIONER FERNANDEZ: No.

19 COMMISSIONER ANDERSEN: Okay. Yeah, so we have four
20 established executive level positions? Or is it five?
21 Just numbers. Doesn't matter what they're called.

22 COMMISSIONER FERNANDEZ: There's four, plus deputy
23 administrator is not considered executive --

24 COMMISSIONER ANDERSEN: Okay.

25 COMMISSIONER FERNANDEZ: -- that leaves -- or

1 Commissioned and not considered as executive.

2 COMMISSIONER ANDERSEN: Okay. So the outreach
3 director was the executive director -- deputy executive
4 director position, just renamed? We didn't establish,
5 essentially, like, in this this chart, you couldn't have
6 both, unless you established another position? Is that
7 correct? Yeah. I'm seeing a few head nods.

8 COMMISSIONER FERNANDEZ: Yeah, okay. I'm sorry. I
9 missed the first part. But so we have the deputy
10 executive director position established and that was
11 reclassified to outreach director. Yeah, so we did not
12 have a separate outreach director and an deputy executive
13 director. It was one position.

14 COMMISSIONER ANDERSEN: Okay. So we've only ever
15 had four.

16 COMMISSIONER FERNANDEZ: Yes.

17 COMMISSIONER ANDERSEN: Got it. Thank you.

18 COMMISSIONER KENNEDY: Thank you, Commissioner
19 Andersen.

20 Director Hernandez, I saw your hand briefly?

21 MR. HERNANDEZ: Yes. A recommendation would be to
22 have, you know, five. You know, having the deputy
23 executive director would, I think, be helpful for the
24 next Commission. When I was hired, my understanding was
25 I was going to be focusing predominately on the outreach

1 activities and therefore, when I became the executive
2 director, I turned that attention specifically to do the
3 outreach activities for the outreach director. That was
4 my thought process at that time.

5 Thinking back and looking back as a Lessons Learned,
6 there is so much to be done and not enough folks to do
7 it, I think looking back it would have been helpful to
8 have both. So I would make the recommendation that
9 they -- they -- the future Commissions have another --
10 five executive level folks. But again, it depends on what
11 they'll be doing as well. So they'll have to make those
12 decisions at that point. But I think it would have been
13 helpful this go around. Thank you.

14 COMMISSIONER KENNEDY: Right. Yeah, I -- again, you
15 know, they can make the decisions that they want to make
16 as far as reclassifying, filling or not filling. You
17 know, I've gone through this enough in the U.N. system
18 and it's, I would say as burdensome as the California
19 State system as far as establishing a position.

20 So my take on this is, and is likely to continue to
21 be, let's leave as many established positions as we think
22 the 2030 Commission might need at any point in their
23 process. And then they can do as they see fit and as
24 they have budget. They can upgrade, they can downgrade,
25 they can fill, they cannot fill. But it's so much harder

1 to do those things if the positions are not already
2 established in advance.

3 So Director Hernandez, I also wanted to give you an
4 opportunity to comment, share your thoughts on
5 Commissioner Fernandez's recommendation to establish a
6 subcommittee to liaise with the executive director. I
7 mean, I agree with Commissioner Fernandez that having a
8 rotating chair probably makes the executive director's
9 life difficult in any number of ways. And it's important
10 to look at how best to establish that relationship
11 between the executive director and the Commission,
12 acknowledging that, you know, it's much easier to have
13 one point of contact than fourteen points of contact. So
14 I just wanted to give you an opportunity to share your
15 thoughts on that.

16 MR. HERNANDEZ: Thank you. I appreciate that. You
17 know, I've really benefited from a personal development
18 perspective, from working with the different chairs.
19 Each chair brought something a little different. And
20 each chair encountered different challenges that we had
21 to work out and work together through. So I appreciate
22 that part of it.

23 Was it challenging at times because now I'm shifting
24 on what their interests are and their approach and so
25 there's that lack of continuity? Having a subcommittee

1 might help that process. I think there needs to be
2 clear, I wouldn't say boundaries but guidelines on how
3 that subcommittee interacts with the executive director
4 and takes information from the Commission.

5 You know, if it's going to be a go-between, I think
6 it's going to be challenging. A lot of the decisions
7 need to be made by the Commission during open session.
8 And so that's where a lot of the directives are given.
9 So having the subcommittee is maybe a follow up, you
10 know, to help support in that effort to clarify any
11 questions I think would be helpful. But I think there
12 needs to be specific guidelines on what their role is and
13 how they're going to support both the Commission and the
14 executive director.

15 And I would say it wouldn't just be for the
16 executive director. It would be for all the directors,
17 communication, you know, if you're going to have a
18 subcommittee, it should be focused to help all the
19 executive level staff. Thank you.

20 COMMISSIONER KENNEDY: Thank you for that.
21 Commissioner Andersen -- actually, before I call I you,
22 Commissioner Andersen, Commissioner Sinay had had her
23 hand up.

24 Commissioner Sinay, did you want to --

25 COMMISSIONER SINAY: I had my hand up --

1 COMMISSIONER KENNEDY: -- jump into the discussion?

2 COMMISSIONER SINAY: -- yeah. I had my hand up and
3 then I thought of it -- it was going to be later. But
4 now that you've called on me, I think we would have to be
5 really careful about creating a subcommittee. I mean, I
6 think we need to have a good conversation about that
7 managing of -- of managing us. It's really managing the
8 Commissioner versus managing staff. But I don't believe
9 a subcommittee is the way to go. I mean, yesterday we
10 kind of talked about how -- in my -- this is my
11 perspective, the finance and administration committee got
12 so big that a lot of times it felt, you know, that it was
13 like an executive committee to us. And I'm not a big fan
14 of executive committees because the work should be done
15 by the full board or the full Commission.

16 And so I -- so I just -- I want us to think through
17 that -- how to define it and, you know, we had been
18 hesitant to have that conversation as we hired staff. To
19 actually have a facilitated conversation of what would be
20 the role of staff and what would be the role of the
21 subcommittees and what would be the role of the
22 committees. I'm glad we're doing it now on the backend.
23 But we had tried to do it on the frontend. Just so there
24 was that -- that clarity. So -- and I'll leave my other
25 comments for when we get to that part.

1 COMMISSIONER KENNEDY: Okay, great. Thank you.
2 Commissioner Andersen.

3 COMMISSIONER ANDERSEN: Yeah. I think we could also
4 talk about what, you know, basically, my understanding
5 from the 2010 Commission, and then also talking to the
6 2010 Arizona Commission Chair, the reason why the
7 rotation was important is to basically have everyone
8 participate and make sure it isn't like, well, they
9 essentially run the Commission.

10 And I feel if you do a -- it would be a very fine
11 line -- it would be a very dangerous line if there's
12 executive subcommittee. Because then, essentially,
13 they're the chair and vice chair. And basically, yeah,
14 like, well, yeah, you're -- you're the token chair, but
15 you really aren't. And that could end up causing rifts
16 and splits in the Commission. I could see that
17 happening. And I was told that that is why they --
18 because actually, it was really emphasized to me, don't
19 let them just say, well, we'll be the chair and you'll be
20 vice chair but everyone will share and participate,
21 because there's going to be trouble.

22 And I think that -- doing a subcommittee, unless it
23 was really, really well defined or -- yeah, I -- I see
24 problems with that. I kind of like what we ended up
25 doing with the document of everyone kind of putting their

1 ideas out and then became much, much simpler. There was
2 a continuity of what was going to happen next meetings.
3 And so it wasn't, like, and -- you know, the idea it --
4 well, in all the boards I've been on, there's a past
5 chair, a chair, and a vice chair, for continuity's sake.

6 Now, because of Bagley-Keene, we can only do two.
7 But -- and that is why though, you know, there's the
8 chair, vice chair, so when they take over, there's
9 supposed to be the continuity through that. Which I felt
10 we got into as the time went on. But anyway, those are
11 my thoughts on it. But I agree with Commissioner Sinay.
12 If we're talking about that sort of section in the
13 meeting section, I think we should maybe talk for a
14 little at that point.

15 COMMISSIONER KENNEDY: Very good. Thank you,
16 Commissioner Andersen. Commissioner Fernandez.

17 COMMISSIONER FERNANDEZ: Thank you. And maybe I did
18 not explain myself, right, in terms of the subcommittee.
19 It would be more of, normally an executive director,
20 maybe the first time that that position -- it's more to
21 provide the mentoring and the feedback and even the
22 evaluation. So it's, you know, it's like having -- if
23 you have fourteen supervisors, who's keeping track of
24 everything? And I understand what you're saying,
25 Commissioner Andersen, in terms of continuity between the

1 vice -- the chair and the vice chair and it carries
2 forward, but you also lose that continuity in terms of
3 someone knowing all of it. Does that make sense, like,
4 whatever feedback or mentoring or issues potentially that
5 have come up.

6 Either way, at the 2030 Commission, they can deal
7 with it. If there is no subcommittee, it's up to them.
8 I'm just wanted to -- it wasn't to replace a chair and
9 vice chair, it was just to provide more of an oversight
10 and mentoring.

11 COMMISSIONER KENNEDY: Great. Thank you
12 Commissioner Fernandez. While we're -- since we're on
13 this topic at this point, I wanted to put out for
14 thoughts, comments, you know, is this something that
15 needs to be reflected in the legal framework? You know,
16 government coding 253(A4) (ph.) says, "The Commission
17 shall select by voting process the prescribed," blah,
18 blah, blah, "one of their members to serve as the chair
19 and one to serve as vice chair." You know, does that
20 need either further elaboration in the government code or
21 is this one of those instances where a subordinate
22 regulation giving further detail and saying explicitly
23 that the Commission has the option of deciding that the
24 chair will rotate, you know that -- that's something that
25 I just wanted to get thoughts on.

1 Commissioner Turner and then Commissioner Andersen
2 and Chief Counsel Pane.

3 COMMISSIONER TURNER: Thank you, chair. I don't
4 want to derail your last comment. I just -- I went back
5 on forth on raising my hand because I wanted -- I saw
6 Commissioner Fernandez suggestion about the subcommittee
7 that gives oversight for the hiring, totally separate
8 from rotation of chair and sub -- any of that. To me it
9 was reminiscent of difficulty we had in trying to give
10 due evaluations because there was no one person or not
11 too many people that took that upon themselves to follow
12 through with -- for the entire year and did feedback.
13 And it almost felt like it wasn't fair for those that we
14 were trying to then in retrospect give an evaluation for.
15 So I -- I'm in support of it from that perspective.
16 Just wanted to say that. Thank you.

17 COMMISSIONER KENNEDY: Thank you. I think that is
18 an important point. And you're right. We did -- we did
19 get to that point where we needed to do the evaluation
20 and we were kind of looking around saying, okay, now, how
21 do we do this.

22 But, yeah, Commissioner Andersen.

23 COMMISSIONER ANDERSEN: Commissioner Turner -- turn
24 on that one -- I agree, actually could have -- maybe
25 should have made a hiring subcommittee would be -- been

1 evaluated as well as opposed to, like, executive
2 management. Because it's -- that would be -- I think
3 that's probably what Commissioner Fernandez was calling
4 for.

5 So now, I'm sorry, we were talking about the
6 regulation. You know, I am a person to say, look, less
7 is better as far as regulations. Let people have more
8 flexibility. But I do see where people could say, no,
9 you have to have a chair and vice chair, that's it. In
10 which case, I do think, explain it a little bit more
11 about the possible flexibility. And say the 2010 and
12 2020 Commission did that.

13 And that would be my understanding, subregulation.
14 So I think that's probably a good idea because there are
15 people who are very strict at reading interpretation that
16 fact and I don't believe that was what the intent was.

17 COMMISSIONER KENNEDY: Thank you very much for that.
18 Chief Counsel Pane.

19 MR. PANE: Thank you, Commissioner. So I'm happy
20 to -- certainly, this is a policy discussion. I would
21 say you could further either, probably by policy, you
22 could certainly effectuate a statutory change. What has
23 occurred in other state bodies is they further delineate
24 in their statute when elections are to be held for chair
25 and -- or the chair and vice chair and any other offices.

1 So it's very explicit when it occurs. That further I
2 think clarifies the frequency, which I think is really
3 the question here.

4 You have always had a chair and a vice chair. The
5 difference is how often they rotate out. So the statute
6 is, I think, you've certainly been upholding the statute.
7 The question is, are we thinking it's one chair for the
8 entire, you know, ten years of a Commission? Or are we,
9 like, how often? What is the frequency we're thinking?
10 Most state bodies have a chair and vice chair for one
11 year. And it's usually in the statute. And it says
12 that. And there's a formal vote. And things along those
13 lines.

14 You could certainly chose to mirror that. And in
15 that case, if that's how the Commission decides to go,
16 I'd recommend a statutory change. I think,
17 alternatively, you could probably just, you know, the
18 2030 Commission could even do a policy and say, there's
19 one chair and it's to be held by election and so forth.
20 Certainly could do it that way as well.

21 So I did want to chime in on the language. You have
22 always had a chair and vice chair. I think the question
23 is frequency. And I don't know what the comfort level is
24 of this Commission versus the next Commission on the
25 frequency of that. Thank you.

1 COMMISSIONER KENNEDY: Yeah, I think my -- my idea
2 is a definition or some further statement at the level of
3 regulation, saying, you know, nothing shall impede the
4 Commission from deciding to rotate the chair throughout
5 its terms of office. There it is. It's clear. It's
6 permissive rather than prescriptive. But it doesn't
7 leave any doubts in people's minds. You know, I've said
8 a number of times, one of my favorite sayings that I came
9 across when I was in high school was, you know, the
10 purpose of language is to make it -- isn't to make it
11 possible to be understood, but to make it impossible to
12 be misunderstood.

13 And I think this is a case where it would be nice to
14 make it impossible to misunderstand the statutory
15 language. Anything further on finances or admin and
16 finance?

17 Okay. Okay. We will be -- okay, Commissioner
18 Andersen.

19 COMMISSIONER ANDERSEN: One thing we had down in
20 here under this, I realize, is public comment policy.

21 COMMISSIONER KENNEDY: Um-hum.

22 COMMISSIONER ANDERSEN: Did we want to discuss that
23 further? I thought we had ended up nicely with, you
24 know, we sort of varied a little bit, but we always had
25 public comment that was very consistent we just -- in

1 terms of time. I thought we ended up with a very good
2 policy on that, though. I don't know if we wanted to
3 discuss that further or if everyone thought what we have
4 is great. I think what we have is good but -- I was the
5 only one for comments so move on.

6 COMMISSIONER KENNEDY: I don't think -- Commissioner
7 Sinay.

8 COMMISSIONER SINAY: You know, I think if -- what
9 could be good to leave around, but we don't know where
10 technology is going from here to take you out eight years
11 from now. And how we can accept public comments and all
12 that. We kind of had to make it up as we went along.
13 And I think Director Kaplan and her team, for being as
14 creative as we did -- we pushed for -- but so it is
15 helpful to in our Lessons Learned, again, share that, you
16 know, for us, it was very important to have public
17 comment and to be accessible. And for us, accessibility
18 meant using all vehicles, all technology, and others, and
19 being to take comments, written, in video, you know, and
20 as you move forward there will be more opportunities to
21 use technology and other means to be as accessible as
22 possible. I mean, I think that piece is really
23 important.

24 I don't think prescribing how to do it or, you know
25 having two hours or three hours or the end of each

1 meeting or whatnot is not as critical as some of the
2 pieces. And I would say one of the pieces that has been
3 commented on the most was having just the forum during
4 the line drawing. That people didn't have to wait in
5 line. That they could submit something as they thought
6 of it. And so how do, you know, how does that create
7 a -- throughout the process so people -- and we did it in
8 different ways.

9 But I personally feel that if the Commissioner were
10 to meet in two years from now, there would be new -- even
11 more technology to help us. We were just at that point
12 where the pandemic happened and people were trying to
13 figure out how to do public meetings virtually. But
14 things are just going to get more and more accessible and
15 exciting.

16 COMMISSIONER KENNEDY: Very good. Thank you for
17 that, Commissioner Sinay. Any other input on admin or
18 finance issues before we move on to legal?

19 Okay. Well, I would also offer to Commissioner
20 Fornaciari -- where did he go? Instead of going from --
21 there he is. Instead of having lunch from 12:45 to 1:45,
22 we also have the option of going 12:30 to 1:30.

23 VICE-CHAIR FORNACIARI: We could do that.

24 COMMISSIONER KENNEDY: Okay. With that, I'll turn
25 it over to Commissioner Yee.

1 COMMISSIONER YEE: Okay. Well, we've got nine
2 minutes to begin -- to start on the top of Lessons
3 Learned regarding legal aspects of our work. So on the
4 prompt we have Counsel Present in Participation in
5 Meetings, Counsel Work Outside of Meetings, Closed
6 Sessions, Handling PRA Requests, Selection and Use of
7 Outside Counsel, VRA and Litigation Counsel, The Existing
8 Statutory Provisions and Regulations, The Experience we
9 have Filing a Petition for a Deadline Extension -- that
10 we did not get, And also the Experience of Getting
11 Sued -- that Moreno suit, which got dismissed.

12 So all of that and anything else on topic of
13 legal -- the legal side of our work, fair game for this
14 part of our discussion.

15 Commissioner Fornaciari.

16 VICE-CHAIR FORNACIARI: Yeah, Commissioner Andersen
17 mentioned earlier leaving behind job descriptions,
18 detailed job descriptions. I think, you know, especially
19 for the executive hirers, really critical to leave really
20 detailed job descriptions. But in addition, I think
21 Lessons Learned about, you know, what we would look for
22 in legal counsel, specifically. And I think that is
23 important because we learned a lot of lessons around
24 that. And I don't think we'd want to lose that.

25 So -- and I'll just say, you know, also just from my

1 personal perspective, the, you know, I think Anthony did
2 a great job and, you know, the way we were able to
3 interact and work with Anthony, you know, as individuals
4 as, as chair, as subcommittee, and I think it was
5 critically important to have that open access to our
6 legal counsel and so, you know, certainly recommend the
7 next Commission ensure that they have free and open
8 access to counsel.

9 COMMISSIONER YEE: Thank you Commissioner
10 Fornaciari. So you're thinking we need beyond just the
11 job description, adding additional description or
12 narrative of the -- what we needed and what was important
13 to us in our chief counsel?

14 VICE-CHAIR FORNACIARI: I'd like to see us do that.
15 That would be a recommendation.

16 COMMISSIONER YEE: Okay. Thank you. Commissioner
17 Turner.

18 COMMISSIONER TURNER: Thank you. I just wanted to
19 say how critically important it was for me to have
20 counsel in Anthony, specifically, that was accessible,
21 that was engaged on a regular basis, that was open to
22 receiving Paul's (ph.) questions, responding, repeating
23 all of those things.

24 So I think the note that I would like, and the
25 recommendation is in addition to his expertise, in

1 addition to all of the legal aspect of what's needed, it
2 is crucially important that there is legal counsel hired
3 that you can have that interaction with, that it does not
4 feel like they're, you know, unavailable or unwilling to
5 support.

6 So we are not all experts in law. So I think
7 sometimes you can hire people in, and they're being so
8 caught up in their brilliance that they don't have an
9 opportunity to interact with people.

10 So I just want to make that -- that, to me is
11 important because sometimes if people don't seem
12 approachable, you won't ask the questions you need, and
13 consequently can end up, you know, having problems later
14 on for just something that you did not know.

15 So yep, I just want to comment on that piece. I
16 think it's probably the only thing I want to say about
17 legal. Thank you.

18 COMMISSIONER YEE: Thank you, Commissioner Turner.

19 Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Thank you. Yes, echo what
21 Commissioner Turner and Fornaciari have said. Definitely
22 you need someone that's, like you said, open to feedback
23 and actually will talk back to you at a regular nonlegal
24 level, which is, you know, easy to understand for us. I
25 like to say, in Alicia's language. So thank you for

1 that.

2 I do want to hear from Chief Counsel Pane because I
3 do feel -- I mean, he's absolutely wonderful, but he
4 probably could've used more help earlier on, and maybe
5 not. But it just seemed to be juggling so many things at
6 one time, like the policies, the lawsuits, everything
7 else that we were throwing at him. And he did great and
8 wonderfully, and I honestly didn't expect to send an
9 email at 11:30 at night and have him reply right away.

10 But thank you for that. I appreciate it. But I
11 also, you know -- we need to get sleep.

12 So I would like to hear from Chief Counsel Pane.

13 MR. PANE: Thank you, Commissioners. That was very
14 kind.

15 So yeah, there was quite a bit when I started in May
16 to juggle. I think that's partially, I think, a product
17 of any new job, just kind of getting your hands around
18 all that is new, all that you're going to be dealing
19 with.

20 I just want to, you know -- I think the entire
21 Commission, including the executive director were very
22 open and available to helping transition my, sort of,
23 knowledge download and getting my hands around things as
24 quickly as possible, given sort of, the circumstances.

25 I also appreciate the flexibility of having the

1 positions ready, and I was able to pivot. And so I
2 appreciate the earlier discussion as well when we're
3 discussing the learn chart, that I wasn't pigeonholed
4 into having a paralegal, for example, because that's what
5 we had.

6 I had a flexibility to hire -- and certainly with
7 the Commission's acceptance -- but the flexibility to
8 sort of diagnose and assess and figure out what probably
9 made the most sense. And didn't force me, as chief
10 counsel, to have to utilize, you know, one legal counsel
11 as a retired annuitant, and one paralegal. I could
12 switch it out if I needed to, and if I certainly needed
13 to substantiate and justify it. But if there was a
14 justification for it, we could move from on that and were
15 able to. So I really appreciate that.

16 I think from looking forward, I do think there's
17 likely to be an increase in legal services. There
18 probably was more in 2020 than there was in 2010. And I
19 think 2030 will probably have more. I think it was
20 helpful to have the flexibility of additional legal
21 counsel, specifically retired annuitants. Of course,
22 they're capped by hours. But having two was helpful.

23 Had there been significant increase in litigation,
24 notwithstanding the fact that we have outside counsel,
25 but there would be more liaising and more managing of

1 just communication and related legal issues, as well as
2 any, you know, increase in PRA requests. Just all of the
3 administrative details that go with just having a
4 department in state government.

5 I could easily foresee at least one of those retired
6 annuitant positions being a full-time legal counsel
7 position. That wasn't necessary for 2020, but I think if
8 there's an increase in legal work, I do think that could
9 be a possibility.

10 But again, I appreciate the flexibility, and I do
11 think it's important to make sure that you have someone
12 who has Bagley-Keane experience, who is familiar with
13 state government for all the reasons that you all have
14 already said. But those are my initial, and thank you
15 all again.

16 COMMISSIONER YEE: Thank you. Okay. We are at
17 12:30. I'm wondering, Chair, if we should go ahead with
18 lunch, or we actually have a couple hands up. Should we
19 just cut at 12:45?

20 VICE-CHAIR FORNACIARI: Why don't we just carry on
21 while we have the thoughts in our mind.

22 COMMISSIONER YEE: Okay. Chief Counsel Pane, while
23 you're speaking, I'm wondering if you could add a little
24 bit more about what happens from here on out, and remind
25 us kind of what your position will be, you know, the rest

1 of this year, yes, but after that, you know, until 2030,
2 how does legal counsel to the Commission work, and what
3 can we expect for that?

4 MR. PANE: So legal counsel always -- whoever is
5 retained and serves as counsel to the Commission will
6 always carry with it that attorney client privilege and
7 will be able to assist the Commission in whatever
8 meetings and whatever private communication, email
9 communications are needed.

10 As far as positions go, certainly subject to --
11 besides the decision of the Commission, but also budget
12 authority. You know, I believe in 2010, eventually it
13 went down to a half. There was a half of a PY, and I
14 think maybe we kept a retired annuitant on for a certain
15 number of years.

16 I think you will certainly want to have legal
17 counsel during your meetings. I think you will have a
18 need for outside needing legal help. So I would
19 recommend, at a minimum, having maybe the retired
20 annuitants to stay on so that the Commission still has
21 legal counsel.

22 I would not think that you should assume that the
23 attorney general's office could fill that role, primarily
24 because of their position, has been somewhat adverse to
25 the Commission in previous litigation filings.

1 That could mean that maybe they could put -- a
2 different wing of the AG's office might be available.
3 But that is not, I would say, as likely. And you already
4 have existing authority.

5 So what I would recommend, and I think Commissioner
6 Fernandez did this, is request additional funding for
7 legal services. And so certainly, whoever fills that
8 role would be able to assist the Commission with any of
9 the legal questions that you have. And again, would
10 always recommend that you do have that for as long as
11 you're having meetings and have legal issues.

12 COMMISSIONER YEE: Okay. Thank you.

13 Commissioner Turner?

14 COMMISSIONER TURNER: I'm going to put my hand down.
15 Sorry.

16 COMMISSIONER YEE: Okay. Commissioner Andersen?

17 COMMISSIONER ANDERSEN: Yeah. I just want to say
18 because Commissioner Toledo and I were in charge of the
19 hiring of counsel, and we put, you know, the RFQ, I guess
20 it was, together, which actually spelled out very, very
21 specifically the required abilities, and then the desired
22 abilities.

23 You know, Bagley-Keane was absolutely in there, that
24 was required, contracting was in there. I believe we
25 ended up saying the state experience was -- I can't

1 remember if that was required or needed, but it was very,
2 very specific having realized what we really did need.

3 And the reason I want to say that, in terms of it
4 actually is pretty good. I'd like to actually have Chief
5 Counsel kind of review that for us in terms of do we
6 think that really covers everything that we would propose
7 for the 2030.

8 And the one thing that Chief Counsel is saying, you
9 know, in terms of there was a specific reason to have
10 that, yes, they can add extra people when they need them
11 because as he sort of mentioned, there are very different
12 topics, which not all of, you know -- we were lucky to
13 have Chief Counsel Pane apply, who pretty much did cover
14 everything. But a lot of them don't.

15 And you need that flexibility to have your -- you
16 know, hire another RA who can actually cover or is more
17 specialized in contracting something. Something like
18 that.

19 Also, we have done a whole bunch of -- we've gone
20 through the contracting, startup of the managing before
21 Chief Counsel came on. So while yes, a full time was
22 really all we needed, I could see that we should really
23 have that ability to possibly have two, or at least
24 have -- which we've pretty much always did. We always
25 put our initial part -- we had just one, an RA, but then

1 we quickly had -- because she brought someone else in as
2 well.

3 So I can see, given the 2030 shorter time period,
4 that we really need that extra flexibility in case we do
5 need full time -- two full time. So I really appreciate
6 all that input about that.

7 Oh, the other item that I really want to say about
8 contracting for legal, recruitment, you cannot just have
9 that go to the state employees. And also, our level of
10 pay eliminated a lot of potential candidates. A lot.
11 Because legal, of course, they tend to get paid more.
12 And we did bump it up. But it was, you know -- that's
13 another item you really have to look at for the legal
14 pay, and also the recruitment has to be wide.

15 We actually went to legal regs (phonetic), once
16 realizing originally we weren't getting anyone, and it
17 was because, oh, it was only posted to state government.
18 So once we went out to legal regs, then we got more
19 people in.

20 So I just wanted to make sure that those are the
21 Lessons Learned. Thank you.

22 COMMISSIONER YEE: Thank you, Commissioner Andersen.

23 Believe it or not, this is the first time in my life
24 that -- with the Commission, the first time in my life
25 I'd ever worked directly with lawyers on anything.

1 And so Chief Counsel Pane, working with you has been
2 such a pleasure and set a very high bar for any
3 interactions I may have in the future with any lawyers.

4 Let's see. Chief Counsel, I wonder if you would
5 like to comment at all on your work with outside counsel
6 and any recommendations you have for how that went, who
7 we brought in, the selection process or how we managed
8 that relationship.

9 MR. PANE: Sure. My recollection was, I think the
10 Commission had largely gone through the selection process
11 and actually did actually finalize it by the time I
12 started. Certainly had a good working relationship with
13 the firm that the Commission has and is with.

14 And I do think maybe this is maybe a slight
15 appendage to what I was just mentioning. I think it is
16 also important to make sure that the chief counsel has
17 probably a demonstrated work experience working with
18 outside counsel.

19 And an outside counsel for a state attorney could
20 mean the attorney general's office. But oftentimes,
21 departments are able to hire private law firms for
22 particular reasons. And so I think that is certainly
23 something that any future Commission chief counsel would
24 probably need to be able to work well in that space
25 because the RA counsel is going to be needed in 2030.

1 And while the statutes don't require that it be outside
2 counsel, I think it would have to be, just given the
3 nature of the law, and the nuance, and how specialized
4 that is.

5 So I don't think you're gonna find someone that is
6 going to have a lot of that background. So I think being
7 able to work with outside counsel will be needed, and
8 hopefully that chief counsel will have been able to have
9 demonstrated for the Commission that they would be
10 successful in that.

11 But I would say it's been very positive. A lot
12 of -- a lot of communication, a lot of collaboration, a
13 lot of addressing issues to making sure things run
14 smoothly behind the scenes, to making sure that -- and
15 while still obviously letting them work with all of you
16 as well. I mean there's a -- there's a relationship
17 between you and the firm. And so just making sure that
18 the trains are largely running on time, or there's that
19 communication and that availability, and allowing them to
20 do their work that you all hired them to do.

21 I think that's certainly an important piece as well.

22 COMMISSIONER YEE: Looking back, that fact that you
23 were not in the selection process for outside counsel, I
24 mean, did that -- how did you feel about that? Or if you
25 had been, would that have changed very much? I don't

1 know.

2 MR. PANE: You know, I think that as far as could
3 that be a possibility or be helpful, I think it would be
4 helpful. I think that's certainly something to consider.
5 That said, I personally don't consider it necessary.
6 Frankly, I think any chief counsel should be able to work
7 with whomever the Commission hires.

8 So I don't think that's necessarily required, but I
9 think it could be helpful from a legal perspective for
10 the hiring panel.

11 COMMISSIONER YEE: Thank you. And any thoughts on
12 legal?

13 Commissioner Toledo?

14 COMMISSIONER TOLEDO: Yeah. I'm just curious for
15 Chief Counsel Pane if he would've done anything
16 differently or you know, coming in -- because he did come
17 in towards -- when the work started getting -- a lot of
18 the redistricting work started happening.

19 I'm just curious, anything he would've done
20 differently or you wish the Commission had done
21 differently.

22 MR. PANE: No. But I think if I were in a perfect
23 world and I had come on earlier, I think I would've
24 been -- I would've been able to sort of grow in the VRA
25 world a little bit more, rather than kind of -- just the

1 time frame of when I started, it was kind of almost right
2 into the deep end on it, or close to it. And so I
3 could've had a little bit more of a ramp up. And so I
4 think that's certainly a benefit for any content that the
5 Commission is being exposed to, to the extent possible
6 that your chief counsel is also exposed to it as well so
7 he can help navigate issues along with you. But you
8 know, that just -- that's just not how it worked out.

9 So I don't have anything to say we could change
10 otherwise. But magically, if we could go back in time
11 and I were brought in in January instead of May, you
12 know, there could've been some VRA components that, you
13 know -- that I might've been able to help you all with as
14 well.

15 COMMISSIONER YEE: We did get some public comment,
16 you know pushback against the amount of closed sessions
17 that we used and continue to use. Wondering if you have
18 any thoughts on, you know, could that really have been
19 that much different? Should it have been -- you know, we
20 haven't changed very much, our practice. So I think we
21 still feel good about it, but I'm wondering if you can
22 give any more perspective on our use of closed sessions.

23 MR. PANE: Sure. And I think when I started -- when
24 I started, I provided an open session, sort of a
25 background on Bagley-Keane and some of the exemptions

1 that are available to state bodies. And we certainly
2 were using those.

3 I think any time you get two lawyers in a room,
4 they're going to have slightly different opinions on how
5 the law should be. And so not exactly surprised that
6 there might be a difference of opinion on those.

7 That said, we always want to make sure that we're
8 following the law and that we have good authority for
9 what we're doing, and we did. So you know, I wouldn't
10 make any changes. You know, could certainly -- and I
11 think this was emblematic of some of the questions that
12 occurred with two-person subcommittees. It seemed like a
13 lot of the criticism was that these two-person
14 subcommittees were improperly meeting.

15 And the law certainly -- the law draws the line at
16 three is -- it requires noticed agenda public recorded
17 meetings. That's just where the law is.

18 So you know, the Commission can certainly make
19 different policy choices if they want. But the
20 Commission was certainly adhering to the law and where it
21 was. And so I think once we -- you know, once the
22 public, I think maybe was made more aware, although that
23 was also in the Bagley-Keane trading that I did an open
24 session. You know, I think when they became more aware
25 that the line is at three and not at two, I think, you

1 know -- I think some of the criticism might've, I think,
2 kind of dissipated a little bit.

3 But it's tough to sort of always guess where a lot
4 of the -- where the disagreement comes from. But I think
5 that's why I think it was helpful for me to do that, at
6 least to put it on record, sort of how the Commission
7 would meet and under what conditions.

8 But again, this is more than just the Commission.
9 Bagley-Keane applies to all state bodies.

10 COMMISSIONER YEE: Okay. Chair --

11 VICE-CHAIR FORNACIARI: Oh, yeah.

12 COMMISSIONER YEE: -- it's time for our one-hour
13 lunch. So I see a few hands, but maybe we can hold those
14 until after lunch.

15 VICE-CHAIR FORNACIARI: Yes. Thank you. So we'll
16 be back at -- yeah -- in an hour, 1:45.

17 COMMISSIONER YEE: Okay. Bon Appetit.

18 VICE-CHAIR FORNACIARI: Thanks.

19 (Whereupon, a recess was held from 12:45 p.m.
20 until 1:45 p.m.)

21 VICE-CHAIR FORNACIARI: Welcome back from lunch.
22 Hope everyone had a nice lunch, and had enough time, and
23 all that good stuff.

24 We will turn it back over to Commissioner Yee, who
25 was on legal.

1 COMMISSIONER YEE: Thank you, Chair. We are back to
2 our Lessons Learned discussion, focusing on the area of
3 our legal staff, and dealings, and that part of our work.

4 Before lunch, I believe we had Commissioner
5 Fernandez and also Commissioner Toledo had a hand up. I
6 don't see him.

7 Commissioner Fernandez? No? Let's think. Who was
8 it?

9 Commissioner Sinay. Okay.

10 COMMISSIONER SINAY: I don't remember who was the
11 second hand, but I was one of them.

12 COMMISSIONER YEE: Okay.

13 COMMISSIONER SINAY: So it was probably Commissioner
14 Toledo.

15 So I wanted to just -- you know, I piggyback on
16 everyone's appreciation of how easy and open Director
17 Pane was, how patient because I think all of us have
18 asked him the same question six different ways to see if
19 we could get him to bed or break or whatever.

20 So thank you for that.

21 And I think what I would recommend for 2030, the
22 guidepost I'd leave with, besides what other people have
23 said about, you know, you just don't want -- you want a
24 legal person who will smile and laugh. But because we've
25 all had different types of legal, and you want to be able

1 to feel comfortable that you can approach them and ask
2 questions and not worry if it's too stupid or just by
3 asking the questions, are you breaking the law or
4 breaking a rule or whatnot.

5 But I did appreciate that we had multiple trainings
6 on Bagley-Keane and in different ways at different times.
7 And also, this is kind of separate, but it's still legal,
8 on VRA. And it goes back to our training conversation we
9 had yesterday. I think that the beginning, you kind of
10 need it broad, and then you go more and more detailed,
11 not right away because I think what happens when you
12 start the legal conversations going straight into the
13 details, you just have everyone paranoid.

14 And I just remember when staff got their first
15 Bagley-Keane training, trying to explain to them, hey,
16 don't worry. You know, we've been told we're going to be
17 sued, that we're going to make mistakes. But let's talk
18 this through. Like everything was no, no, no. You know,
19 it's very easy to say no when you're afraid.

20 So just I would -- so that's my recommendation is to
21 really look at having multiple trainings and going deeper
22 each time, using exercises with actual trainings, versus
23 just, here's the law. This is what it looks like, and
24 walk away. You know, being able to say, okay, what if we
25 do this. Allow as many what-ifs as possible so people

1 can feel comfortable really understanding it because in
2 our case, we had fourteen people who had fourteen
3 different ways of thinking. And I don't think you're
4 ever going to not have that.

5 So that was just the one thing that hit me.

6 COMMISSIONER YEE: Thank you.

7 Okay. Commissioner Fornaciari?

8 VICE-CHAIR FORNACIARI: Yeah. Just one more thing I
9 want to add. Critically important characteristic of the
10 attorney is a problem-solving partner, not a interpreter
11 of the law. You know, how do we do what we want to do
12 within the law, not you know, the law says you can't do
13 it.

14 COMMISSIONER YEE: Absolutely. Okay. Any other
15 thoughts on legal?

16 All right. Mr. Kennedy.

17 COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

18 Just drawing colleagues' attention to the fact that
19 we do have, under the prompt, existing statutory
20 provisions and regulations, and I understand that that's
21 an awful lot to review and comment on, and we don't have
22 to do it now. We can take this up later under cross-
23 cutting issues or when we get to recommendations, but I
24 really would encourage colleagues to take a look or think
25 back, you know, are there any specifics in the existing

1 legal framework that you would think should be changed to
2 make life easier for the 2030 Commission? Thank you.

3 COMMISSIONER YEE: Thank you, Commissioner Kennedy.

4 Yeah, that would certainly apply to the lesson --
5 the legislative updates work we're doing as well.

6 Commissioner Fornaciari.

7 VICE-CHAIR FORNACIARI: Yes, that's my question. I
8 mean, so we worked with -- yeah, Commissioner Fernandez
9 and Akutagawa's subcommittee -- I don't know what it's
10 called -- and you know, we have a list of potential
11 suggested changes. And so how do we -- how do we
12 understand what the process is for us kind of reviewing
13 that, deciding that -- reviewing everything that we
14 talked about and deciding what we're going to go forward
15 with? I mean, do we have a plan for that, or do we need
16 to figure that out?

17 COMMISSIONER YEE: Let's see. I know Chief Counsel
18 Pane did provide us with an outline of different ways
19 different levels of law, constitutional regulations, you
20 know, get changed. And of course, that doesn't spell out
21 exactly how we plan to do that, but I don't know.

22 Maybe Counsel, did you want to give us a quick
23 review of that and your suggestion for how we go forward,
24 or next steps?

25 MR. PANE: Yeah. So I guess my question is how do

1 we as a -- I mean, what's the plan for us as a Commission
2 to decide what we're going to go forward with and not?

3 COMMISSIONER YEE: Or maybe we can hear from a long-
4 term planning subcommittee member.

5 Commissioner Fernandez.

6 COMMISSIONER FERNANDEZ: Yeah, I think I did
7 understand what you were asking, Commissioner Fornaciari,
8 in terms of -- Commissioner Akutagawa and I have come
9 forward with a -- an initial listing of information that
10 we gathered, I guess, throughout our tenure as being
11 Commissioners, and that's what we move -- what we brought
12 forward to the legislature with. And I guess what I was
13 envisioning was we were going to take another look at
14 what's on that list, plus potentially add whatever is
15 coming out of this Lessons Learned, and I was thinking
16 this would be discussed at -- like, at the end of the
17 Lessons Learned, like day 6, in terms of where there's
18 agreement as to which issues or items or language changes
19 we want to move forward with. That's how I saw it. And
20 some of it would be governmental statutory changes
21 versus constitutional changes. So that's my
22 understanding on how it would happen.

23 COMMISSIONER YEE: Chief Counsel, any other
24 observations on process or how we will take this forward?

25 MR. PANE: No, I mean, that's certainly how the

1 Commission wants -- chooses to move forward is a policy
2 matter up to the Commission. Certainly, the vehicle that
3 Commissioner Fernandez was just referring to is certainly
4 a way to go about it. It's certainly the Commission's
5 call.

6 COMMISSIONER YEE: Yeah. Okay. Very good.

7 Okay. Anything else on legal?

8 Commissioner Sinay.

9 COMMISSIONER SINAY: So have we been adding things
10 to that list through this Lessons Learned? I mean, you
11 know, I think it's -- it is good to just call it out and
12 say, this one will go on there, you know, just so that we
13 can all be on the same page as how we're moving forward
14 and what's being added and when things aren't added.
15 Because I think one of our things is we like to talk and
16 bring up ideas and stuff, but sometimes we don't know if
17 they're going anywhere; so that was just a thought.

18 COMMISSIONER YEE: Commissioner Kennedy.

19 COMMISSIONER KENNEDY: And you know, basically,
20 reiterating an earlier comment that when we get to the
21 recommendations portion of this exercise late next week,
22 that's going to be a time for making sure that we have a
23 list that we're all in agreement of what's on the list
24 and we can talk some as well about how to move the list
25 forward.

1 Although, from the earlier discussion today, it also
2 seemed that using some time during the March 30th meeting
3 for that particular part of the discussion -- how we're
4 going to move the list forward -- you know, that can take
5 some time at the March 30th meeting. But certainly, by
6 the time we end this exercise, I would like us -- like to
7 see us having a list that we're all agreed on that we can
8 move forward with. Thank you.

9 COMMISSIONER YEE: Thank you, Commissioner Kennedy.
10 Commissioner Fernandez.

11 Yeah, you know, and I'll just -- I guess I could use
12 some clarity, too, being on the Lessons Learned
13 Subcommittee. I mean, I've been writing everything down,
14 but not trying to categorize it into levels of changes.

15 So maybe Commissioner Fernandez, your comment,
16 including are you making -- have you been keeping that
17 list going, or?

18 COMMISSIONER FERNANDEZ: I have been. I just showed
19 Commissioner Akutagawa I've listed four different -- just
20 based on the conversations and those that relate
21 specifically to code language, I have been making a list
22 myself -- again, hoping I'm capturing everything. I
23 don't think I've missed conversations, but I could have
24 been distracted at the time, so I -- I'm only human, but
25 I have been trying to keep up with that.

1 COMMISSIONER YEE: Excellent. Yeah. And I have
2 great confidence in collective ability to be a member and
3 generate a full and complete list. Yeah.

4 Commissioner Andersen?

5 COMMISSIONER ANDERSEN: Yeah. Thank you, everybody
6 for this conversation because I think we might have all
7 had a little bit of a -- slightly different idea of how
8 things were happening. Is there any way we could, you
9 know, see, like, the total list of review things? I've
10 had a standing appointment on the -- Friday afternoon on
11 the 18th -- I made several, at least four months ago, so
12 we'll miss the last afternoon, which, it sounds like
13 that's when we're planning on actually putting all this
14 stuff together. So is there any way we could get, like,
15 a list of, you know, the items so at least I can give my
16 input ahead of time, or you know, like, yes, yes, yes,
17 don't forget this, or something rather, just for everyone
18 to have a look at before we do that final exercise?

19 COMMISSIONER LEE: You know, for Lessons Learned, I
20 think it would be great to maybe put together a handout
21 for that meeting of -- you know, a draft of potential
22 action items. I'm not exactly sure how to do that right
23 now with the two of us on Lessons Learned, and then the
24 two on long-term planning, since we can't meet outside
25 this setting.

1 COMMISSIONER ANDERSEN: Well, you could just -- you
2 know, each of you just essentially, you know, hey, this
3 is the lessons I have and send that to (indiscernible,
4 simultaneous speech).

5 COMMISSIONER YEE: Yeah, possibly. Yeah, just have
6 two --

7 COMMISSIONER ANDERSEN: And we can all --

8 COMMISSIONER LEE: -- overlapping hands.

9 COMMISSIONER ANDERSEN: That way it would -- yeah,
10 and that way we wouldn't lose anything.

11 COMMISSIONER YEE: Yeah, yeah, yeah.

12 COMMISSIONER ANDERSEN: Yeah, so. Great. Thank
13 you. I'd appreciate that.

14 COMMISSIONER YEE: Okay. Anything else on legal?
15 If not, I think we --

16 Commissioner Fornaciari.

17 VICE-CHAIR FORNACIARI: Yeah, I just -- we've said
18 it a number of times, but this is where it goes, so. I
19 think hiring and your VRA and your external counsel will
20 begin the hiring process as soon as you can.

21 COMMISSIONER KENNEDY: Yeah.

22 VICE-CHAIR FORNACIARI: And then your VRA analysis,
23 again, that as soon as you can. Although, there -- you
24 know, I mean, the information needs updating as you go
25 along, but at least you can get started earlier.

1 COMMISSIONER YEE: Yeah. And the whole question of
2 keeping the RPV analysis confidential, having the VRA
3 outside counsel actually do the hiring of the RPV
4 analyst, and we ended up going with Plan A on that.
5 Don't think there was any second guessing or regrets
6 about that, but would love to hear otherwise.

7 Commissioner Kennedy.

8 COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

9 I will say that I'm at least somewhat persuaded by
10 the argument that these are public funds and that a
11 single RPV analysis could be useful not only to this
12 Commission, but to every other redistricting process in
13 the state. You know, the local entities, some of them
14 have struggled to get the information or compile the
15 information they need as far as VRA -- or sorry -- RPV
16 analysis. And I really feel like there is a good case --
17 maybe not overwhelming case, but there's a good case to
18 share that RPV analysis with other redistricting bodies
19 in the state since it is paid for with ultimately state
20 funds.

21 COMMISSIONER YEE: Um-hum.

22 COMMISSIONER KENNEDY: Thank you.

23 COMMISSIONER YEE: Thank you.

24 Anything else on legal matter? Okay. We can move
25 ahead then to Agenda Settings/Internal Communications.

1 COMMISSIONER KENNEDY: Commissioner, we have --

2 COMMISSIONER YEE: Oh, I'm sorry.

3 COMMISSIONER KENNEDY: -- Commissioner Sinay, sorry.

4 COMMISSIONER YEE: Commissioner Sinay. I'm sorry.
5 Commissioner Sinay.

6 COMMISSIONER SINAY: All right. So this is one of
7 those examples where someone brings something up and I
8 feel like we need to discuss it so that it doesn't just
9 fall into the never-never land. If people think, no,
10 that's not a good idea, then it can go into never-never
11 land. But if not, it just hangs out there and it's like,
12 how do we keep -- how do we move forward? And so if it's
13 possible for the facilitator to really keep us -- you
14 know, make us talk on those tough topics that -- you
15 know, we need to make decisions; there's no more pushing
16 it off. This is where we push it off was to have these
17 tough conversations now.

18 COMMISSIONER YEE: Right. Well, I appreciate that.
19 You know, my thought was -- so you know, I wrote down the
20 comment, and in my mind, would plan to include it, you
21 know, kind as a minority opinion on this point in the
22 section of the Lessons Learned document.

23 COMMISSIONER FERNANDEZ: I have a -- I have a hard
24 time adding it as a minority opinion without -- I didn't
25 know that that's what was happening. So that's my whole

1 point --

2 COMMISSIONER YEE: Yeah.

3 COMMISSIONER SINAY: -- is then a report comes out,
4 and I'm like, wait, I didn't -- you know, so I guess I
5 just want to make sure -- I guess we should've started by
6 what's this report going to look like, what's the idea?
7 But what I'm just saying is let's not try to add
8 everything and the kitchen sink into this report.

9 I think from the very beginning, you were the best
10 one to say that, Commissioner Yee, that nobody wants to
11 read a really long report. So I would -- I'm just
12 encouraging us to have these conversations now.

13 And it's okay to have a minority opinion, but -- and
14 I'm -- I've gone back and forth on this one, Commissioner
15 Kennedy, should we or should we not? I definitely wish
16 we would have had better, you know -- so it's a tough
17 one, and I don't want us to walk away without having the
18 conversation. It's a good question.

19 COMMISSIONER YEE: Sure. Okay.

20 Commissioner Fernandez, and then Commissioner
21 Kennedy.

22 COMMISSIONER FERNANDEZ: Yeah, thank you.

23 I was not of the opinion that right now -- I think
24 right now we're just throwing everything out there, and
25 then we'll discuss, because there have been ideas out

1 there that I don't agree with, but I think it's important
2 to get them listed out, and then we can discuss later.

3 COMMISSIONER YEE: Okay. Commissioner Kennedy.

4 COMMISSIONER KENNEDY: So as Commissioner Sinay was
5 saying -- or at least my understanding of it was, you
6 know, if not now, when? This has been kind of the
7 target, the pot into which everything got dumped for
8 later discussion and now -- later is now. And you know,
9 I think that, you know, it is important to get all of
10 these out. You know, we've tried to schedule adequate
11 time to have discussions, not just straightforward
12 listing of things, and you know, not specific to this
13 issue, I would encourage those who want to discuss to
14 pursue those discussions now. You know, if we start
15 running behind on the schedule, we can reassess, but I
16 think, you know, we did try to ensure that there was time
17 for these discussions, and I would encourage colleagues
18 to take advantage of that. Thank you.

19 COMMISSIONER YEE: Yeah, absolutely. And as it
20 stands right now, we're about half a day ahead, so.
21 Yeah.

22 Commissioner Fernandez.

23 COMMISSIONER KENNEDY: With as much as respect as I
24 can give right now, that would have been good information
25 to know when we started this in terms of if you disagreed

1 with something or had a differing opinion to discuss it
2 then. But with that, in terms of -- so I'm just going to
3 move forward, I guess, with this, and I'll go back over
4 my notes tonight and see if there's something else I want
5 to bring up for tomorrow. But I actually would like to
6 hear our chief counsel's opinion on this issue.

7 MR. PANE: Ms. Fernandez, exactly with what piece?

8 COMMISSIONER FERNANDEZ: With the piece that
9 Commissioner Kennedy brought up regarding public funds
10 with the single RPV analysis, that it should be used for
11 all other redistricting efforts throughout the state.

12 MR. PANE: I mean, that's a -- that's -- so the
13 report itself and the analysis is attorney-client work
14 product and is privileged, and so it's something whether
15 the commi -- first of all, I think we have two threads
16 here. One, is it something that we have as part of the
17 attorney-client privilege that the Commission could
18 choose to waive that privilege? And if so, then it's
19 something where the Commission could make something
20 public that they would not otherwise have to.

21 I think a second and related issue is whether the
22 analysis itself is proprietary to Strumwasser and whether
23 that's something that is even something that is
24 discoverable or something that the Commission could
25 waive. I would defer to Strumwasser on that. I'd have

1 to kind of have some discussions with them about whether
2 that is even a possibility, but let's just assume that it
3 is for purposes of this Lessons Learned discussion. I
4 mean, that's -- the choice to waive privilege -- waive a
5 document that's otherwise protected -- is certainly
6 always with the client, and the Commission is the client,
7 so there really isn't a legal lens on that waiving of
8 that choice, waiving of that privilege.

9 That said, I think the reason why some of the
10 privileges exist is to protect the client. In any
11 attorney-client relationship the reason why the -- any
12 privilege exists is to protect the client and arguably
13 protect this -- keeping this privilege protects the
14 client from litigation, or at least minimizes the risk of
15 litigation. I think the release of it probably increases
16 the likelihood of litigation. It's the likelihood of
17 litigation, it's not the actuality of litigation. But
18 that's why privilege exists between the attorney and the
19 client. So that's from the legal lens.

20 The policy end of it is certainly the Commission's
21 as to whether or not they would ever choose to waive a
22 privilege. Certainly, in this debate for 2030, it's --
23 if you don't -- if it isn't something that is -- to use
24 Commissioner Yee's point or perspective or phrase: Plan
25 A -- it's something that is always potentially able to be

1 waived. So it is something that a future Commission
2 could maybe, however they worded it, would word it in
3 their contract, it could be something that maybe could be
4 produced to the public for the reasons or the rationale
5 that Commissioner Kennedy has mentioned. The fact that
6 it's set up as an attorney-client privilege communication
7 work product doesn't mean it can't be, it just means it's
8 up to the Commission as to whether or not it discloses
9 what otherwise is a privileged document.

10 COMMISSIONER YEE: Right. And so I think there's
11 two things going on here, one is a discussion of what
12 goes into Lessons Learned final report, you know, which
13 we're coming up with the draft content for right now.
14 You know, at this point, thinking we would mention the
15 RPV analysis and how we handled it and the advice we got
16 to keep it confidential, would mention other arguments
17 that maybe we -- are the reasons why you might not do so,
18 including the ones Commissioner Kennedy mentioned, and
19 then it's up to 2030 to do what they want to do. But
20 that's separate from the question of, okay, of course, we
21 always have potential to waive that privilege for the
22 report, you know, as long as we're still seated until
23 2030. Are there reasons to consider that? Now, you
24 know, if someone -- you're always welcome to make a
25 motion. Anyone can make a motion to that effect if you

1 think there's a reason to do that now, but that's a
2 separate question from the Lessons Learned report, right,
3 and what we put in it.

4 Okay. Commissioner Fornaciari, and then Akutagawa.

5 VICE-CHAIR FORNACIARI: Okay. So based on what you
6 just said, Commissioner Yee, I guess the proposal --

7 And I'll just ask Commissioner Kennedy, the proposal
8 is to offer that as an option for 2030 to -- for them to
9 think about is sharing the -- oh, okay, I -- because we
10 had lots of discussions about whether or not we were
11 going to share, and I thought we had made that decision
12 as a group. Okay, then I'm okay with that. I just -- I
13 guess my question would be about the applicability of the
14 analysis at the level of statewide offices to local
15 redistricting efforts, so.

16 COMMISSIONER YEE: Okay. Commissioner Akutagawa.

17 COMMISSIONER AKUTAGAWA: Thank you.

18 I guess -- yeah, I -- okay. Let me just start with
19 the process. I think to follow-up on the process that
20 we're following now, I think given where we are, I'd like
21 to suggest that we collect some of these open items and
22 then we come back to the ones that we need to discuss
23 since we've been on this track of, you know, just kind of
24 more putting things out there, but not really necessarily
25 trying to resolve some of these open questions in real

1 time. Otherwise, then I think we would have had a
2 different conversation even yesterday. And there may be
3 some value in allowing people to just kind of think about
4 what's been brought up and to be able to come back and be
5 more thoughtful about our responses, that may also help
6 facilitate a more efficient conversation. So that would
7 be one.

8 I think on the RPV analysis -- and I think this got
9 ques -- this got resolved. I just feel like I think we
10 may all process in different ways. But I think what I'm
11 hearing is that there -- there's the suggestion to make
12 the RPV analysis public, and I think Commissioner
13 Fornaciari said this for 2030, that would just be a
14 suggestion that would be in the Lessons Learned, versus
15 the other question, which is, do we make this last RPV
16 analysis that we used public? And in the context of this
17 Lessons Learned document, I think the first -- second
18 question was resolved, I think, in terms of Lessons
19 Learned. You know, we -- I mean, we can make any
20 recommendation, but ultimately, it's going to be up to
21 2030 what they're going to do. Thank you.

22 COMMISSIONER YEE: Thank you.

23 Commissioner Kennedy.

24 COMMISSIONER KENNEDY: Yeah, I apologize for any
25 confusion. I was not intending, in any way, to try to

1 revisit our decision, I -- and I certainly would not
2 favor changing our decision or our course of action in
3 relation to the RPV analysis exposed. I mean, the -- and
4 I think I've said this before that, you know, if it -- if
5 there were any thought given to releasing it, that should
6 be a decision that's made well in advance of, you know,
7 even of Commissioning it. I think that is the time to
8 make that sort of decision, not as an ex-post decision.
9 So I apologize for any confusion that I may have
10 introduced into this, and I'm in no way favoring
11 releasing the RPV analysis that was done for us, just
12 putting it out there as something that 2030 may want to
13 consider. And if they were to consider advocating, that
14 they consider it, you know, before Commissioning the
15 analysis, not after. Thank you.

16 COMMISSIONER YEE: Thank you.

17 Commissioner Andersen.

18 COMMISSIONER ANDERSEN: Yeah. My -- I understand
19 that suggestion and -- but my point is it's -- it all
20 depends. Because if the RPV analysis in the report -- it
21 all depends on how the report actually reads. Because if
22 the RPV analysis that they did on the current districts
23 is not hard copy, but it's kind of a rough draft, and
24 then the report is actually only on the RPV of actual --
25 how they've have been modified for the redistricted

1 districts, then that's at state level, and that
2 information isn't that helpful to local because they
3 wouldn't have the background to then divide it up of
4 themselves. It's like, you know, how you -- like, all
5 the back -- all your research work, and then there's the
6 final product. Unless we're saying any research work
7 that also happened to have -- happened to go around -- in
8 which case, you know, as a researcher, you'd really have
9 to have that -- it would require an entirely different
10 format. And so I don't know how appropriate that would
11 be, or helpful at all, for local districts, anything
12 other than our state level. So that's one thing I would
13 clarify in a recommendation, which is why one of the
14 reasons why we did this, because it's not that helpful
15 until it's kind of all done, so.

16 You know, and that's -- again, that's more of the
17 intricacies of doing an RPV analysis. It's like, you
18 know, I'm thinking about if someone says, look, we want
19 to have all your calculations for all of your buildings,
20 but going, okay, you want just the final counts, right?
21 And that doesn't -- isn't necessarily going to give you
22 all variations. And if you want to do, well, I really
23 want to have all the analysis of a particular joint -- or
24 you know, a particular section of the building, which is
25 kind of what we're doing. I'm like, it doesn't

1 necessarily follow through to be useful at all and be --
2 could be extremely confusing. So I just want to bring
3 that up. You know, we can make that recommendation, but
4 we need to have a clarification.

5 COMMISSIONER YEE: Thank you, Commissioner Andersen.

6 You know, I think there's a few separate things
7 there. There's the princ -- just in principle, as
8 Commissioner Kennedy mentioned, and just in principle,
9 should taxpayer-funded research be -- you know, be made
10 public?

11 You know, in terms of who wants it or who could use
12 it -- you know, local jurisdictions, as I recalled it,
13 the greater interest was from CBOs (ph.) who were doing
14 their own statewide, and you know, maps, and wanted the
15 data that we were using then, so.

16 Commissioner Sinay, and then Fernandez.

17 COMMISSIONER SINAY: Yeah, I mean, I recently
18 learned that we -- that someone, probably our legal team,
19 had asked (indiscernible) for their VRA analysis on how
20 they did their maps, and they said, no, you know? And so
21 it is -- you know, people do keep it close.

22 What I do want to say about VRA analysis, though, is
23 it has to happen way, way ahead of time. I think there
24 was too many excuses and too many things. You don't need
25 to wait till the census data comes out to do a VRA

1 analysis. And so I don't know if it made sense that
2 we -- you know, I don't know if we should have -- you
3 know, maybe looking at how we hired the legal team, where
4 it was like, here's a legal team, they hire the VRA
5 lawyer, and then there's the VRA analysis -- maybe we
6 need to pull that out and change that a little bit.

7 Again, I thought part -- sometimes we didn't move
8 forward on things because we were afraid of costs or this
9 or that; that one, I know was a lot of different pieces.
10 But I do recommend that we look at all those time lines
11 and remember that people are going to have even a more
12 compressed time line than we did, and we're saying that
13 we didn't do it early enough. So at some point, I don't
14 know if it needs to be a closed session, but we do need
15 to talk about what happened there with the VRA.

16 COMMISSIONER YEE: Right. And as a member of the
17 Legal Affairs Committee, my recollection is that it was
18 delayed about a month, and that was basically contracting
19 delays, you know, that we did not anticipate. We just
20 were new with it and didn't realize, you know, all it
21 would take to get the contracts finished and signed, and
22 it ended up taking about a month longer than we planned.

23 COMMISSIONER SINAY: And I guess I'm talking about
24 the bigger picture, the big VRA picture. That --

25 COMMISSIONER YEE: Yeah.

1 COMMISSIONER SINAY: -- might be a closed session
2 conversation, but. And I don't know how we then give
3 that -- those Lessons Learned to the next group, but
4 we -- the -- we -- yeah.

5 COMMISSIONER YEE: Yeah. Okay.

6 Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: Thank you.

8 In terms of disclosing or allowing the local
9 governments to use the same RPV or VRA analysis, I would
10 not agree with that. I do feel it's proprietary. I see
11 Lessons Learned is something that we could have done
12 better or differently. And in terms of the decision we
13 made, I completely agree with keeping that information as
14 attorney-client privilege and proprietary to us. I do
15 agree that it needs to be done earlier -- much earlier.
16 And part of that -- for me, Lessons Learned would be
17 to -- for the 2030 to consider contracting separately for
18 that so that you have more control over when the analysis
19 is due and you have deadlines instead of having a middle
20 person that you're relying on. So that would be a huge
21 Lessons Learned on my part for the 2030. Again, they can
22 choose not to do that and to go with whoever they hire
23 for the VRA attorney, but I think they should really
24 consider having the RPV analysis done separately under
25 their control.

1 COMMISSIONER YEE: Thank you, Commissioner
2 Fernandez.

3 Chief Counsel Pane, I remember there was an issue
4 about that, about if we contracted for RPV analysis
5 directly, there was a question -- a different status of
6 confidentiality and if an outside counsel contracted for
7 it. Can you refresh us on that?

8 MR. PANE: Briefly, off the top of my head, I think
9 you maybe don't have the proprietary piece to it as much
10 anymore; I think that was an additional layer, an
11 additional argument. It still would be attorney-client
12 privilege and work product that would still be available,
13 but I think, you know, if it's something where it's -- it
14 was contracted but it was something of a hiring entity,
15 then I think you have an argument at least. I don't know
16 how persuasive it is. But you have an argument that it's
17 not even -- you know, it's proprietary to the firm and
18 not and to the Commission. So I think it's an additional
19 argument. You still have attorney-client privilege and
20 still work product in the example that you just recently
21 laid out.

22 COMMISSIONER YEE: Yeah.

23 MR. PANE: So I wouldn't say you all the sudden
24 don't have a privileged document anymore if the
25 Commission has a separate contract for it.

1 COMMISSIONER YEE: Okay. Commissioner Andersen.

2 COMMISSIONER ANDERSEN: Sorry on that one. No. I
3 mean, unless the person doing the RPV analysis is an
4 attorney, it's not attorney-client privilege. I mean,
5 you know, it's like saying, you know, Q2 do the work for
6 us, and then it's an attorney-client privilege. No. If
7 they're -- you know, they're just -- they do racially
8 polarized voting analysis; they're not attorneys. That's
9 why the attorney hired them; and that was our VRA
10 attorney who hired them. But we -- your -- you know, if
11 we hired the person, then it's not a contractor.

12 MR. PANE: Right, Commissioners, but --

13 COMMISSIONER ANDERSEN: -- unless they are
14 attorneys.

15 MR. PANE: I think that was the assumption. I don't
16 think you can --

17 COMMISSIONER ANDERSEN: Yeah, and --

18 MR. PANE: I agree, you can't have an attorney-
19 client privilege without an attorney and client.

20 COMMISSIONER ANDERSEN: Right.

21 MR. PANE: I agree.

22 COMMISSIONER ANDERSEN: And they're usually -- the
23 analysis people are analysis experts; they're not usually
24 attorneys. In that case, ours wasn't; she was an
25 analysis person -- ex -- that's what she did -- very,

1 very good, but she wasn't an attorney.

2 MR. PANE: Yeah.

3 COMMISSIONER YEE: Okay. Any other thoughts? And
4 any other thoughts on any of -- anything legal?

5 Commissioner Sinay.

6 COMMISSIONER SINAY: I would like to hear from legal
7 counsel, in the ideal world, how would the requests for
8 information -- you know, the PRAs, PRIs, FRIs,
9 whatever -- how would they be processed? You know, I
10 guess one recommendation is just letting future
11 Commissions know -- and in some ways, we were told -- but
12 hey, anything you write down, any email may be
13 subpoenaed; and it -- and you know, and it was. But just
14 making that very clear. But how in the real world, how
15 would you -- what would your recommendations be to 2030
16 about how to be prepared? Because these will come up and
17 they're so fun.

18 MR. PANE: So what I might do is I might go back in
19 time and instead of being hired in May, I might be hired
20 in January or December of the previous year. And I might
21 have an open session or some one-on-one attorney-client
22 recommendations and legal advice to individual
23 Commissioners to discuss options or something like that.
24 Because I do think an independent Commission, they're
25 going to be -- you know, unlike Commissioner Fernandez,

1 they are not going to be well-steeped in state service
2 and know a lot of the intricacies about administrative
3 procedures and just public disclosure requirements.

4 I mean, you don't have to be in state if you're in
5 the school board or you have other public local -- you
6 have very similar disclosure requirements and public
7 transparency. I mean, that's just in government. But I
8 think it would be helpful to a new Commission to have a
9 real, you know, deep dive with strategies and options for
10 what transparency is and all those forms that it could
11 take. And frankly, every department in the state of
12 California has Public Record Act requests. That's
13 something that is everywhere; it is not unique. And you
14 do get Public Record Act requests, so how a given
15 department responds to them is certainly something that
16 everybody in the department should be aware of, and
17 certainly having those going in, knowing that, I think,
18 Commissioner Sinay, would be helpful.

19 COMMISSIONER YEE: Thank you.

20 Commissioner Andersen.

21 COMMISSIONER ANDERSEN: Yeah, I had one last thing
22 on this end of the legal. The different subcommittees, I
23 thought that worked well in terms we had a hiring
24 subcommittee for the hiring of the legal counsel, and
25 then we had a separate one that worked hiring the outside

1 litigation counsel and VRA counsel, and then we had a
2 extra separate one who would actually then work with the
3 VRA attorneys. You know, I don't know -- and I'd like to
4 know -- I thought that was a good idea.

5 You know, Commissioner Lee, Commissioner Toledo, and
6 then I'd say, Commissioner Sadhwani, did you guys think
7 that was a good idea? Did other people think that was a
8 good idea? You know, I certainly like the idea because
9 you're hiring the, you know, the chief counsel, and then
10 you're hiring outside attorneys. Now, they could be the
11 same, might not be, but those are sort of distinct tasks,
12 and just, I thought I'd throw that out there for in terms
13 of Lessons Learned, you know, was there something we
14 like -- did not go as well as we were hoping? So from my
15 perspective, I thought it went pretty well, but I was
16 not -- I was only on one of those (indiscernible).

17 COMMISSIONER YEE: I think there were only two:
18 there was Legal Affairs Committee, which was three
19 people, and met publicly, then there was a VRA
20 subcommittee, which was two people.

21 So Commissioner Toledo, (indiscernible, simultaneous
22 speech) --

23 COMMISSIONER ANDERSEN: And the hiring, yeah.

24 MR. TOLEDO: And the hiring committee.

25 COMMISSIONER YEE: Oh, yeah.

1 MR. TOLEDO: I thought it worked well. I thought it
2 was -- I think communication was good. The Legal Affairs
3 Committee, I think maybe where we could have done a
4 little bit better is just clarified, like, the roles of
5 each a little bit more. But I think because there was a
6 little bit of overlap, I think it was -- I think it
7 was -- we were able to -- in terms of membership, we were
8 able to keep those separate while also ensure that that
9 communication was moved to the Commission. Because we
10 were meeting so regularly, we could report back to the
11 Commission, we were all on the same page. So if we
12 hadn't been meeting so regularly, perhaps there would
13 have been some gaps in communication.

14 COMMISSIONER YEE: Thank you.

15 Yeah, might also come in on the hiring process. I
16 remember the -- we did have a paralegal at that point who
17 was invaluable -- I mean, was essential in helping do the
18 background check work on an applicant, legal firms. And
19 there I was with my zero legal background, you know,
20 learning very quickly how to interpret all that.

21 Chief Counsel Pane.

22 MR. PANE: Just -- thank you. Just a quick comment
23 about committees since Commissioner Andersen raised that.
24 I think Commission -- 2030 Commission is going to need to
25 figure out how frequently they want their chief counsel

1 staff with individual committees and subcommittees.
2 Chief counsel was part of the Legal Affairs Committee and
3 was, I think, on -- was on Line Drawing Subcommittee and
4 a -- you know, a few other ones, but not in every one --
5 not in every subcommittee. And I don't know that that's
6 even necessary; that's up to the Commission to decide.
7 But certainly, a thought needs to be, I think, where you
8 want your chief counsel if the next Commission decides to
9 go to a similar role of having various subcommittees and
10 committees, which ones make the most sense for counsel to
11 be there for and which ones are not needed.

12 COMMISSIONER YEE: Thank you.

13 Yes, Commissioner Andersen.

14 COMMISSIONER ANDERSEN: Yeah, I was just going to
15 say, yes, paralegal is helpful, but normally that would
16 have been the chief counsel, but we were sort of in
17 between at that point. So that's why I think the -- you
18 were using the paralegal to help those contracts and that
19 whole portion. So just a -- basically because I like the
20 sort of setup when you have a chief counsel, and then
21 they'd have the flexibility to have other attorneys and
22 do all -- like, we don't just sort of set -- you have an
23 attorney and a paralegal. I think that flexibility
24 was -- actually worked out very well for us.

25 COMMISSIONER YEE: Sure. Right. But even it was

1 like work, like digging up campaign finance records, you
2 know? I mean, maybe a chief counsel would do that, but
3 you know, a paralegal is perfect for that kind of work.
4 Yeah.

5 Commissioner Sinay, and then Toledo.

6 COMMISSIONER SINAY: Yeah, building on -- kind of on
7 what Director Pane said -- and this goes mainly for all
8 committees -- just like we're talking about job
9 descriptions, it would be helpful to create, you know,
10 descriptions on each of the subcommittees so it can be
11 chosen, you know, so they have a better understanding.
12 For instance, our new one that none of us can remember
13 the name -- you know, that -- you know, it's not self-
14 evident -- or PDI, you know? You know, there's just
15 different ones that might not be evident and we might
16 want to just explaining them -- explain them a little bit
17 more.

18 The other piece on committees is they have to have a
19 staff member assigned to them and that staff member has
20 to play that liaison role along with legal and
21 communications, or whoever it might be. But there wasn't
22 always a staff member assigned and it was -- it could be
23 frustrating, and it ended up -- especially at the
24 beginning, you know, we didn't have enough staff, but it
25 did end up being sometimes work on the individual -- you

1 know, the Commissioners versus -- so I would strongly --
2 I would put in there a strong recommendation to make sure
3 as subcommittees are created and the chairs define who's
4 on them, that a staff member is assigned at the same
5 time.

6 COMMISSIONER YEE: Thank you.

7 Commissioner Toledo.

8 MR. TOLEDO: Yeah, I'm just thinking about
9 Commission-specific requirements and regulations. I
10 think back to -- and the help interpreting those -- I
11 think back to the significant amount of work that was
12 spent on grants -- of our grant program that we were
13 developing and just having the legal support to really
14 understand that and to get guidance on that, but also go
15 through the contracting, the procurement aspect, because
16 it was something that we spent so much time on, and
17 then -- for many reasons; it wasn't just this -- but I
18 think a significant portion of it was just interpretation
19 and guidance, and then going through the appropriate
20 processes.

21 And it was very disappointing to many of us on the
22 Commission that we weren't able -- that we spent so much
23 time on some -- on this and weren't able to do that. And
24 fortunately, we're able to redirect the funding, but --
25 to other worthwhile projects, but it was something that

1 I'm not sure how we would solve, but certainly having,
2 you know, good procurement -- legal procurement -- and
3 specifically, expert legal advice on our specific --
4 Commission-specific regulations.

5 COMMISSIONER YEE: Thank you.

6 Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: I was trying to read
8 between the lines to what Chief Counsel Pane said and --
9 as well as the other comments, and I do agree that there
10 should be a staff person assigned to each sum --
11 subcommittee. But then as a Commission, and then also as
12 the executive director, that needs to be managed because
13 we can't have our chief counsel on all of them or the
14 majority of them because they also have other duties. So
15 part of it is managing that piece of it that should be by
16 the Commission as well as the executive director. And
17 then for the 2030 is to just -- to be aware that if I
18 have a staff person assigned to me, that's not the only
19 thing they're doing. So also understanding that my role
20 as Commissioner is not necessarily assume that one
21 hundred percent they're mine or to provide direction and
22 responsibilities of what they should be doing, because I
23 think you can have mixed messages and it makes it
24 difficult for the staff person that might be caught in
25 the middle. So it just needs to be managed better.

1 I don't think we managed that piece at all in terms
2 of the Commission in terms of which staff we're on, which
3 subcommittees, and I honestly think -- I don't know if
4 our executive director knew everyone -- you know, which
5 staff persons we're working on which subcommittees. So
6 we really need to be -- 2030 really needs to be sensitive
7 to that, one, to not overwork staff, and then, two,
8 maybe that means that you require additional staffing for
9 that. Thanks.

10 COMMISSIONER YEE: Thanks. Well said.

11 Okay. Anything else? Still on legal, but still
12 ahead of schedule. Okay. Nothing else.

13 We'll turn it back over to Commissioner Kennedy as
14 we turn our attention to Agenda Setting/Internal
15 Communication, and Subcommittees.

16 COMMISSIONER FERNANDEZ: My bad.

17 COMMISSIONER KENNEDY: No, that's fine. This is
18 a --

19 COMMISSIONER YEE: Well, good.

20 COMMISSIONER KENNEDY: -- perfect segue --

21 COMMISSIONER YEE: Good segue.

22 COMMISSIONER KENNEDY: -- into this. Yeah.

23 COMMISSIONER FERNANDEZ: Can I just move it to this
24 one then, whatever I said?

25 COMMISSIONER KENNEDY: And you can say more.

1 Please.

2 So what we have for prompts here is the array and
3 use of subcommittees. And I think, you know,
4 Commissioner Sinay's suggestion of ensuring that we pass
5 on a written description of each subcommittee is
6 certainly a good one. Subcommittee oversight and
7 reporting, and I think, you know, we just, you know,
8 touched the surface of that one, as well as role of
9 staff, role of chair and vice chair -- this is chair and
10 vice chair -- the rotating chair and vice chair of the
11 Commission, Bagley-Keene compliance, overall
12 communications flow, the use of Google Office. So it's
13 really a pretty wide-ranging topic.

14 We're at 2:36. We have a break at 3 o'clock, but we
15 will continue this after the break. So let me open it up
16 there. And again, happy to not just have notes, but have
17 an active discussion on these topics.

18 Commissioner Fornaciari.

19 VICE-CHAIR FORNACIARI: Just because your chair
20 allowed everyone to have a leisurely lunch, the break is
21 not till 3:15.

22 COMMISSIONER KENNEDY: Thank you.

23 Director Hernandez.

24 MR. HERNANDEZ: Yes, thank you. I just wanted to
25 offer some thoughts in working with many of the

1 subcommittees. I think I'll go back to something that
2 Commissioner Sinay mentioned to me early on. We do need
3 to be clear on the role of both the Commissioners, the
4 subcommittee, and the staff. There was a lot of overlap,
5 and I would say at times there was direction being given
6 by the subcommittee that wasn't necessarily approved or
7 agreed on by the Commission; so there was a little bit of
8 that going on.

9 And I think to be clear for the 2030 Commission to
10 identify specifically the parameters for the
11 subcommittee -- likewise for the staff and the
12 Commissioners in how to -- those will intertwine
13 throughout the process. Because as we got deeper into
14 the process, things just needed to get done, and so a lot
15 of things just had to -- someone had to take it on,
16 whether it was staff, whether it was Commissioners, and I
17 saw that. And I do want to acknowledge that and really
18 thank the Commissioners for taking on a lot more active
19 role in a lot of the activities that were being performed
20 early on. And even as we got into the line drawing and
21 the mapping, that probably -- they wouldn't have
22 otherwise gotten involved in had it been a different set
23 of circumstances, so I want to thank all the
24 Commissioners for doing that.

25 But at the same time, moving forward, the 2030, you

1 want to make sure that the Commissioners can focus solely
2 on their task of line drawing, understanding the RPV
3 analysis, and things of that nature. So the other
4 activities are performed by the staff and there's that --
5 there's no gray area of overlap, and there's clear
6 direction from the subcommittees, as well as from the
7 Commission.

8 A number of times we did ask the Commission to
9 provide a decision, make a motion as to the direction
10 that staff should go just to make sure that we were all
11 on the same page. So I would encourage that being the
12 case moving forward, that there be that decision point
13 where this is what we're agreeing to do, and then we move
14 it forward so that there is no ambiguity or it's not
15 clear what staff should be doing and the direction they
16 should be taking. So those are the couple of things I
17 wanted to mention about the subcommittees.

18 I -- as far as assigning a staff person to the
19 subcommittee -- to each subcommittee, I think that's a
20 good idea, but it will depend on the staff and how
21 much -- how many staff people you have at that time when
22 the subcommittees are created and what activities are
23 being performed by that subcommittee as well. As we
24 moved from one activity to the next, we shifted staff,
25 and I think that should be kind of the model moving

1 forward is, as some things come to an end, they pick up
2 in another area to ensure that they are fully utilized
3 staff in transitioning into the next activity, whatever
4 that may be.

5 So those are my thoughts. I will have to step away,
6 but I will be listening in and provide additional
7 comments via email if anything does get triggered in my
8 mind. So thank you.

9 COMMISSIONER KENNEDY: Thank you, Director
10 Hernandez. And just in response to the last -- you know,
11 I definitely want to get as much of this live as
12 possible; not rely on email. And in response to both
13 Commissioner Fernandez as well as my own thinking back on
14 some of the topics that we've already covered, I've
15 already started a list of things that I forgot to mention
16 at, you know, a given point in the process. So I'm
17 thinking maybe tomorrow we might actually start off with
18 the "oops, I forgot to mention" session, and as I say, I
19 have a few for that myself, so. We can move from there.
20 But thank you, Director Hernandez.

21 Commissioner Andersen.

22 COMMISSIONER ANDERSEN: I might jump into agenda
23 settings. How we first started, essentially, the
24 executive director was -- like, we'd email ideas of what
25 we wanted for the agenda, we'd send it to him, and that

1 he would essentially work with the chair and vice chair
2 to set the agenda; however, that didn't work. And we
3 switched to -- at several of our insistence, and then
4 really pushing and kept it -- moved it that way to a
5 document where everyone could put their ideas, whether it
6 was something we needed to do, on a general document that
7 everyone could refer to, go, ah, okay, I can't put mine
8 in there, or oh, you know, I don't have the space. And
9 that way, nothing got lost; because the previous way, a
10 lot of things got lost. And I thought that worked out
11 very well. It's -- we actually kind of tried to
12 standardize it.

13 It didn't quite get exactly standardized because
14 people didn't necessarily follow it all the way through,
15 but having a listing of when you had to post it by, when
16 the handouts were due -- you know, so it was all there in
17 one document, so to keep us, like, on track and it really
18 helped in terms of line drawing -- I know for myself --
19 laying things out. You know, I have to have this
20 information done by that day, and so I would kind of try
21 to put down when, you know, the Line Drawing Subcommittee
22 had to have items on the agenda. I would really
23 recommend that, because again, all ideas get in one
24 location and they don't get lost. And it was a document
25 that everyone could refer to, as opposed to, oh, we all

1 send it to executive director, and then it might come
2 back, it might not. So I would recommend that. So
3 that's my bit on agenda setting.

4 COMMISSIONER KENNEDY: Okay.

5 COMMISSIONER ANDERSEN: And sorry, and also on that
6 document, we --

7 COMMISSIONER KENNEDY: Yeah.

8 COMMISSIONER ANDERSEN: -- got to put the -- we got
9 to also put the rotating chairs, so that was all
10 connected so you knew -- like, sometimes you go, oh,
11 wait, they're going to be the chair. Okay. No, I need
12 this, say, when so-and-so is the chair because they're --
13 they understand a lot more about it, or you could
14 actually shift it to appropriate times or not appropriate
15 times, and I thought that was actually all very
16 convenient.

17 COMMISSIONER KENNEDY: Thank you, Commissioner
18 Andersen. I -- my one question on that, and this may be
19 a question for Chief Counsel Pane -- if that kind of
20 shared document is used in the future, you know, is that
21 something that needs to be a publicly accessible
22 document?

23 MR. PANE: Sorry about the background noise, I'm
24 printing something. If -- are you talking about for
25 purposes of Commission meeting?

1 COMMISSIONER KENNEDY: Yes.

2 MR. PANE: Yeah. I mean, if it's something that --
3 so the general rule is if we're going to have a document
4 that's being discussed by the Commission, it's something
5 that we should post as a Commission document, as a
6 handout for some -- something else. And so you know,
7 I --

8 Commissioner Kennedy, you had a follow-up?

9 COMMISSIONER KENNEDY: Well, I mean, it's not so
10 much a document that would itself be discussed by the
11 Commission; it's the agenda-building document, the shared
12 document that everybody tossed agenda items into that the
13 chairs then used to build the agenda, and the run of
14 show.

15 MR. PANE: So there's a -- I'm going to take a
16 little bit of a step back. And there are many ways you
17 can fashion an agenda for a public meeting. One of the
18 ways to do it is -- and you may notice that on our
19 agendas we have general public comment or public comment
20 for items not otherwise on the agenda -- various state
21 bodies have used that agenda item -- a member -- a board
22 member to say, I'd like at the next Commission meeting to
23 discuss this topic, and the chair is going to decide
24 whether that is something that is discussed. That is a
25 way to do it; it's not the only way to do it, but that is

1 how various boards have done it. That is usually
2 within -- what makes it on the agenda is usually the
3 purview of the chair. I'm not saying that's the only way
4 to do it, I'm just saying that's the way quite a few
5 public bodies do it.

6 If instead, and in a different way, you wanted to
7 have a standing document that says everybody can sort of
8 feed into it, you know, that's something -- and the
9 Commission were to say, look, this is something that is
10 how we're going to put together a document. I think we
11 can still keep that as something where -- and I think you
12 need to use a clearinghouse in the same way that we use
13 clearinghouses and other ways to make sure that we don't
14 have serial meetings. But I think that's a prefatory
15 document; I don't think that is something that has to be
16 sort of created in public or edited in public or
17 otherwise provided in public. The ultimate document is
18 public and so not really sure there's much any -- or
19 really any deprivation to transparency, if, you know, the
20 previous iterations are something that aren't otherwise
21 publicly disclosed. So but again, there's more than one
22 way to do that. And the -- you know, a third way is to
23 do it all in public -- you certainly could choose that,
24 but I don't think that's a requirement. So if there's --
25 there are a few ways in how you can create an agenda, but

1 those are at least a couple of ways I think you could do
2 it.

3 COMMISSIONER KENNEDY: Thank you.

4 Director Kaplan.

5 MS. KAPLAN: Just a recommendation for the
6 subcommittee work. I think there was -- there's
7 definitely a lot of growing pains in terms of, you know,
8 when a subcommittee would have recommendations to bring
9 back to the full Commission to then direct staff to do
10 something, and I think eventually we got to a process
11 where we developed more of a template around how to
12 create a document. But I think ultimate -- and like, you
13 know, the process, whether we were voting on decisions
14 one by one or a full scope, I think, you know, with any
15 Commission when you're creating something new, you're
16 going to go through that, but it may be helpful to kind
17 of give some guidance on where the Commission landed a
18 bit on that or provide any template or perhaps just
19 provide a recommendation to kind of create a template to
20 have some consistency there. Because I think not only
21 for the Commission, but also for the public in order to
22 follow consistently. And then, you know, what was the
23 ultimate motion, and how did that relay back to the
24 original proposal as well. So that's it.

25 COMMISSIONER KENNEDY: Yeah. I mean, I'm fully

1 supportive of that. I had shared with staff early on,
2 and then, I think, again, later on, templates that we had
3 used on the election Commission in Afghanistan in 2004.
4 Any document that came before the Commission basically
5 had a coversheet, was assigned a serial number. If it
6 was something that was just for information, it was, you
7 know, just called a document. If it was something that
8 was, you know, intended to result in a decision, then it
9 was called a submission. Those had separate numbering
10 series. And then every decision was, you know, on paper,
11 add wet signatures, and that was -- you know, those were
12 numbered. So it made it much easier to keep track of all
13 of that. This was a system that was adapted from
14 something that a former Australian electoral official had
15 put in place back in East Timor 47 years ago.

16 So yeah, I'm all for a little more formality in that
17 and making it easier to keep track of documents coming
18 before the Commission and decisions coming out of the
19 Commission.

20 Director Kaplan?

21 MS. KAPLAN: Those were never shared with me, so
22 that would have been helpful if there was that. So
23 anyways -- I mean, I think there is just so much that
24 everyone is balancing, so I don't think that, you know,
25 this is something, in retrospect, when there would have

1 even been time to create that, so I think that's a things
2 to think about for 2030 to help them with that going
3 forward.

4 COMMISSIONER KENNEDY: Great. Thank you.

5 Commissioner Akutagawa?

6 COMMISSIONER AKUTAGAWA: Yes, just, when I was just
7 explaining to Commissioner Fernandez, I just want to --
8 just so that everybody knows, we're sitting next to each
9 other.

10 COMMISSIONER FERNANDEZ: Yeah.

11 COMMISSIONER AKUTAGAWA: But I -- and I figure, I
12 should just say it out loud only because I think it's
13 form making sure that I'm understood -- I'm understanding
14 what was just discussed and asked, so that I didn't
15 mislead Commissioner Fernandez.

16 So my understanding was that the question at hand
17 was about the process by which subcommittee decisions are
18 then transmitted to the full Commission for a potential
19 action or decision. Was that -- and looking for a
20 process, right. So that there was multiple processes,
21 and then we finally got to a place where there was a
22 little bit more of a streamlined process to -- yes, no?

23 COMMISSIONER KENNEDY: Director Kaplan?

24 MS. KAPLAN: I mean, I think that and just the way
25 it was formatted, the documentation, I think there wasn't

1 necessarily a --

2 COMMISSIONER AKUTAGAWA: Okay.

3 MS. KAPLAN: -- like, you know, a consistency around
4 that. And I think we got to a point where there was
5 more, but there was times where it was, you know, whether
6 it was certain input meetings, or however they were going
7 to be run, and the parameters around which the Commission
8 then directed staff within these parameters to move
9 forward. But there wasn't always -- it just wasn't
10 always done consistently, per the formatting of what's
11 done consistently. I think we eventually got to that,
12 but --

13 COMMISSIONER AKUTAGAWA: Okay. Thank you. That
14 wasn't my original point. I just wanted to make sure
15 that I was transmitting the right information.

16 I think, just on this item of, I guess, internal
17 communications to subcommittees, I also see the role of
18 the chair and the vice chair. And I don't know if more
19 also in the next one to Commissioner Kennedy, but I'll
20 just mention that along the lines of having some
21 consistency, I think this came up in an earlier
22 conversation around maybe a training or maybe a briefing
23 on how to run meetings.

24 Maybe having something so that there is in place --
25 not just necessarily expectations, although it could be

1 that -- but maybe a process by which, you know, the chair
2 and vice chair will operate so that there's also
3 consistency in the way the meetings are run and
4 communications may also take place.

5 I think there was a degree of, let's just figure it
6 out and we'll just kind of, you know, do what the last
7 person did, and then we'll just kind of add our own style
8 to how we run meetings. But I think maybe having some
9 consistency, both terms of how we communicate internally
10 but also how communicate and run the meetings might be
11 helpful so that then there's some guidelines, maybe some
12 guidelines for, you know, someone who, you know, might
13 not be sure. But also it also creates some consistency,
14 and maybe that might also address some of what Director
15 Kaplan was also talking about as well too.

16 COMMISSIONER KENNEDY: Thank you. Great. Do you
17 want to provide some more detail on any of those?

18 COMMISSIONER AKUTAGAWA: I mean, it's not so much
19 detail so much that -- I mean, again, I was just -- I
20 think what I'm saying is more just in response to some of
21 what I'm hearing and what I've been reflecting on in
22 terms of, you know, just how meetings are run, how
23 sometimes decisions and other things might be made. It
24 wasn't anything specific, but it's just more a broad set
25 of maybe general guidelines that may be helpful to

1 somebody, you know, because we're all pretty new to this,
2 and then we're just kind of like in the early months. To
3 be honest, I think there was a little bit of, we're just
4 kind of figuring it out as we go. But if we have some --
5 maybe perhaps some guidelines in place, we can create
6 earlier on some consistency in the ways in which meetings
7 are run, the ways in which conversations also take place,
8 the ways in which the staff is also directed to do
9 certain things so that then we're not just kind of trying
10 to guess at it.

11 And again, this is just a suggestion. And I guess
12 maybe a little bit of a Lesson Learned in terms of,
13 again, creating some consistency in the way we operate
14 or -- we were operating, and that hopefully some of that
15 Lesson Learned could then be transmitted to the next
16 Commission so that, again, for both efficiency and also
17 clarity of what is being done, both for our -- for the
18 Commission, whoever the next Commission will be, but also
19 for the public as well too, so that it'll make it easier
20 to follow along so that if there's kind of a certain
21 consistency to process then everybody will know, okay,
22 now, we're on to this, or this is what's going to happen,
23 so that they know kind of like what to expect. And same
24 for the Commissioners. I don't know if that was helpful.
25 Thank you.

1 COMMISSIONER KENNEDY: Great. Thank you. It was.
2 You know, and especially the part about, you know,
3 focusing some of that clarity or the need for some of
4 that clarity, specifically in the area of how
5 instructions are conveyed to staff. And, you know, what
6 I'm hearing is the more consistent future Commissions can
7 be in how instructions are conveyed to staff, the better.
8 Yeah. Agree. Thank you.

9 Commissioner Yee?

10 COMMISSIONER YEE: Yeah. On that point, so it's a
11 question of how does a subcommittee idea become
12 actionable direction for staff? And, you know, does that
13 need to go -- does the chair need to make an explicit
14 statement, you know, at some point, or -- I can't imagine
15 everything would become a motion. That would be too
16 much. You know, in the same way that line drawing. You
17 know, we all threw out idea, but line drawers mostly did
18 not move a line till the chair said to. So with that
19 being the case -- you know, I just wanted to say all that
20 in the abstract.

21 I'm wondering, Director Kaplan, can you think of an
22 example when direction was unclear or conflicting? You
23 know, not to rehash whatever example you come up with,
24 but just so I could work out what we think about when
25 this work or didn't work.

1 MS. KAPLAN: It wasn't necessarily that direction
2 wasn't clear from the Commission. It was when there were
3 decision -- something that a subcommittee was working on,
4 and then we would bring it back to the Commission to have
5 the full discussion to decide on the procedure going
6 forward. There wasn't like a standard format on here's
7 the language for the motion, and here's all the
8 components for it. So it was, you know, we were just
9 creating documents. But there wasn't necessarily
10 consistency.

11 And then there were times where, you know,
12 guidance -- I'm thinking, for a example, for the
13 public -- for a particular public input meetings, like
14 for the group presentations or the draft maps, there was
15 a certain amount of discretion given to staff to resolve
16 certain things. But then, you know, we didn't always
17 think about everything that could possible come up. So
18 then there were times when we had to wait to go back to a
19 Commission meeting to make a decision on something
20 because staff couldn't make a decision on something and
21 there were other issues that arose.

22 So I think there were examples like that, or, you
23 know, there was -- I think when we did the COI meetings,
24 originally we went through one by one on all the
25 components of the COI meeting and did multiple motions,

1 versus later on when we had, you know, a proposal for
2 other public input meetings, it was like the -- it was
3 one motion approving everything.

4 So I think, you know, a lot of that is the growing
5 pains of learning the process and not necessarily having
6 like even enough staff to devote a consistency to
7 creating a template, and so I think we did the best that
8 we could, but that's just a recommendation to save 2030
9 some time on, I think, to kind of help with some of that
10 procedural process.

11 COMMISSIONER YEE: Thanks, Director Kaplan. And,
12 yes, I agree. Yes, I agree.

13 COMMISSIONER KENNEDY: Yeah. And that's exactly
14 what we're here to do is to figure out how we can pave
15 the way so that 2030 has an easier time on them.

16 Commissioner Le Mons?

17 COMMISSIONER LE MONS: Yes. I have a little bit
18 different take, I think, in -- not on procedural pieces.
19 I think certainly maybe some of our lessons learned are
20 more just cautionary expressions of our experience
21 without a desire to feel like we have to solve it and
22 tell them, you know, this is the way we found that works
23 kind of thing.

24 So I just wanted to make that caveat to -- I don't
25 know what our goal is with the level of specificity that

1 we're really looking to provide to 2030. We talked a lot
2 yesterday about respecting the independence. And of
3 course the 2030 Commission will know that they can do
4 whatever they want to do, and we really want to help
5 them. But I think even in the level of detail with some
6 of our discussions, I think we are beginning to get a
7 little prescriptive, so I just want to caution us about
8 getting too prescriptive where unnecessary.

9 I also wanted to highlight that I really enjoyed all
10 the different tenors and tones of who was running the
11 meeting. And I think it's more representative of our
12 society that, you know, we get so used to this idea that
13 there's a way it should be done. And either people have
14 been doing it for 30 years have mastered how it ought to
15 be done, but trust and believe they've left out voices
16 and left people from the table who would do it from a
17 whole different way.

18 So I thought that while it was cumbersome at times
19 and nerve wracking at others, we really had to adapt and
20 I think it was part of what we got organically about
21 seeing how different people are.

22 2030 may have one chair, or, you know, not do what
23 we did this whole rotating chair and vice chair and maybe
24 take a different approach. But I just wanted to lift up
25 that I think there was some value into all these

1 different sort of approaches. And I notice as time went
2 on we evolved our own approaches. Like, there might be
3 something that Commissioner Turner started to do that
4 people was like, oh, I like that, and they put it into
5 their approach, you know, and others.

6 So I thought that part was fun. And
7 retrospectively, I think there was some value in that. I
8 would hope that that wouldn't -- we wouldn't forget that
9 part of the experience as we zero in on some of the
10 growing pains. Thanks.

11 COMMISSIONER KENNEDY: Thank you. No, that's great.
12 A nice reminder of everything that we experienced
13 together.

14 Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Well, I just looked at our
16 agenda. I think some of this might got into the
17 meetings. They're kind of like intertwined a little bit,
18 so --

19 COMMISSIONER KENNEDY: Please, feel free.

20 COMMISSIONER FERNANDEZ: You want me just to say it?
21 Okay. Good. Thank you.

22 COMMISSIONER KENNEDY: Yeah. Because this is all 3B
23 because C is education, so feel free to --

24 COMMISSIONER FERNANDEZ: Uh-huh. Okay. All right.
25 I don't want to do a Fernandez, we just go on to the next

1 agenda item. I'll add that to my list.

2 One thing -- and I caught myself doing, is when I
3 was a chair, I really had to be very cautious and remind
4 myself because you are -- you do have information that
5 the Commissioners may not have yet because you're waiting
6 for the meeting. But then also I needed to remind
7 myself, well, if it impacts the subcommittee, we need to
8 make sure that they're aware of it prior to the meeting
9 as well. So just a reminder, you know, lessons learned,
10 that we do that.

11 I did like the -- we set a meeting -- Commissioner
12 Yee did the whole schedule and everything, but we
13 pivoted, which was great. And I think that's -- a great
14 lessoned learned is don't be so stuck as to the decisions
15 and -- that you made at the beginning, you know, week
16 one, you know, it can change. And that's okay to change.
17 It's probably great to change it because as chair we all
18 know that there is this additional -- what do you say --
19 I don't want to amp level. You're amped a little bit
20 higher because you just got to be read and on, and you
21 can only do that for so long. So it's okay to pivot and
22 turn if, you know, it's going to be every two weeks, or
23 every week, or whatever the case may be.

24 And I did -- as Commissioner Le Mons said, I did
25 enjoy rotating. I enjoyed having every Commissioner

1 rotate and be the chair. And on the flip side of it, I
2 think there's a true appreciation once you do it to the
3 challenges that the next chair has to go through, and
4 you're more than happy to hand it off. So that's just my
5 feedback. Thank you.

6 COMMISSIONER KENNEDY: Thank you, Commissioner
7 Fernandez.

8 Commissioner Turner?

9 COMMISSIONER TURNER: Uh-huh. Thank you. Yes. I
10 wanted to talk a little bit more about subcommittees
11 because I believe in some sense our subcommittees were
12 the lifeblood of the Commission, and I'm certain we could
13 not have accomplished as much as we did without using the
14 subcommittees.

15 On the other hand, I want to say that sometimes
16 they, to me, were also a challenge. In that, for
17 subcommittees, typically expertise joined subcommittees.
18 And I do want to name that, earlier, when I commented
19 about -- we were talking about the role of executive
20 director and some of those other position, as far as
21 getting a report, I feel like sometimes the subcommittees
22 came back with a request for, yes, decision, vote
23 perhaps, but it seemed like there was also lots of
24 conversation that was had in subcommittees that didn't
25 come back necessarily to the full Commission,

1 particularly where there was shared expertise. It was a
2 matter of, we know line drawing, so this is what we
3 decided, if this is what we've talked about and we've
4 moved on. And I don't think it all the time afforded the
5 full Commission the background and understanding of what
6 went into the conversation.

7 And nothing to the point where there was lack of
8 trust because you do have to balance and trust
9 subcommittees to do the work. But I want to name that
10 you are giving up a piece of involvement in being able to
11 be on the ground in all of the conversations that are
12 held.

13 And I think it's a necessary release, but never the
14 less, you are don't get the fullness of every
15 conversation. And when we had to reach out and get
16 information from other departments, no different than the
17 data and anything else, it's not just anybody in one
18 subcommittee. I think I just wanted to name the that is
19 something to me that is a tradeoff with subcommittees.
20 You can't be in all of the conversations in the firsthand
21 on whether talking with the line drawers, whether it's
22 having -- whatever it is.

23 And so I want -- I think that's good to name that
24 the full Commission does not get the full benefit of all
25 conversations of the ground.

1 And for subcommittees, I think the suggestion I
2 would make too forward is to ensure that there aren't --
3 if it is a matter of legal, that there aren't the legal
4 people and attorneys on it. That there is a concentrated
5 effort to ensure that there's someone that does not have
6 at all the experience, coupled with someone that does,
7 because it makes a difference even when we get ready to
8 share information out. If everyone in the room has the
9 same level of understanding, then you don't even know
10 questions to ask for people who don't have that same
11 level. It's an assumption again that everyone is on the
12 same page.

13 And so then I think good and valuable questions then
14 could get overlooked and not asked because we all assumed
15 we had that information already.

16 So subcommittees, invaluable. Don't think we could
17 have done it without. And I also think that maybe even
18 just a full report out synopsis. These were the back and
19 forth conversations. This is what we've talked about.
20 And ultimately, this is the directive, or this is the
21 recommendation that we have for the Commission might
22 be -- serve a little bit better. Not that that didn't
23 ever happen, but it did not consistently happen. Thank
24 you.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Turner. That's great.

2 Commissioner Fornaciari.

3 VICE-CHAIR FORNACIARI: Yeah. I want to start by
4 appreciating Commissioner Le Mons' comment about, you
5 know, we need to think about balancing between sharing
6 your experiences and being prescriptive in how 2030
7 should do it. I think that was insightful.

8 I think this has all been -- what I'm going to say
9 has all been kind of sad, but I want to be really
10 explicit about it and ensure it's very explicit. At the
11 beginning, we had a -- I'm not sure exactly how to put
12 it, but there was sort of a decision making vacuum -- a
13 decision making sort of -- it was unclear who was making
14 decisions, and explicit guidance was being given by
15 subcommittees or staff to do stuff without the full
16 committee -- without the full Commission voting on it.
17 And it got to a point where, you know, staff members were
18 going in different directions because subcommittees were
19 wanting them to do that. And so, you know, it came to
20 the executive director and the executive staff to push
21 back on subcommittees to bring back motions so that the
22 full Commission gives explicit direction, and I think
23 that's a Lesson Learned. You know, I mean, I think there
24 was a lot of spinning of wheels going on behind the
25 scenes because there was just uncertainty about, you

1 know, decision making authority.

2 COMMISSIONER KENNEDY: Yeah. Thank you for that. I
3 would echo that and say, yes, that's definitely a Lesson
4 Learned from this experience.

5 Commissioner Akutagawa?

6 COMMISSIONER AKUTAGAWA: Yes. Thank you. And I
7 really appreciate everything that's been said. You know,
8 Commissioner Le Mons, I think you're right. I mean, I
9 did enjoy the different styles of each chair. I think I
10 said what I said in terms of like a recommendations in
11 terms of some guidelines, just in case, you know -- not
12 to exclude somebody's personality, but to at least just
13 give, you know, maybe perhaps some frameworks for those
14 who may want it. And again, also to enable a little but
15 more consistency for staff later on.

16 And I think that also comes back to the
17 subcommittee, and I guess maybe a Lesson Learned, just
18 kind of building upon what Commissioner Fornaciari just
19 talked about.

20 And it's not about maybe intending to be
21 prescriptive. But maybe there are some, you know, again,
22 a framework to say, look this happened. A Lesson Learned
23 that, if we were to go back and do it, is that we would
24 have a little bit more of a clearer guideline that
25 subcommittees are important, you know, in terms of the

1 work they do, but ultimately needs to come back to the
2 full Commission so that it can be both reported upon,
3 discussed, and then acted upon if needed. So then that
4 way there's that clarity of what the expectations are.
5 Otherwise, again, you know, we concede that everybody's
6 going to be all over the place.

7 I think in terms of what Commissioner Turner said, I
8 think she was just really right. I feel like we were
9 also balancing the tension between like having the two-
10 people subcommittees, which enable us to move a little
11 bit more quickly or easily because we didn't have to
12 follow Bagley-Keene in terms of -- not in that we were
13 trying to skirt transparency, but it was more a matter
14 of, okay, if we do three people we have to, you know,
15 agenda the meeting and then that means two weeks out at
16 minimum and making sure that we have the agenda.

17 I think there were times when there were multiple
18 people who were interested in it, not because they had
19 expertise, but they were just kind of curious, or they
20 had an interest in a topic.

21 In other cases, you know, it was -- there were
22 just -- you know, maybe just a couple people who were a
23 little bit more passionate about something. And so I
24 think that that is always going to be that balancing act
25 that any Commission is going to have to figure out, is

1 how do they want to run, you know, their subcommittees
2 because I agree with what Commissioner Turner said about,
3 one they're the lifeblood. You want to have that kind of
4 diversity where you're going to have people who don't
5 know about something, but then it also it helps to have
6 somebody who knows a little bit so that then, you know,
7 you can have productive conversations.

8 And sometimes you may have it that you don't have
9 either one that knows anything and it's a little bit of
10 the blind leading the blind, but they learn and they move
11 things along, and they ask and think about different
12 things that others wouldn't necessary do too.

13 So I think it's just acknowledging that there's
14 always going to be the tension, and that it's not a bad
15 thing, it's just there. Thank you.

16 COMMISSIONER KENNEDY: Great. Thank you,
17 Commissioner Akutagawa.

18 Commissioner Fornaciari?

19 VICE-CHAIR FORNACIARI: Yeah. You just reminded me
20 of something in this document we got -- Lesson Learned
21 document we got from the outside groups. And, you know,
22 they were saying, subcommittees that oversee critical
23 issues such as legal issues and public input design
24 should hold their meetings publicly.

25 And I think, for me, you know, I think that was a

1 good Lesson Learned that for the public input design, you
2 know, we had a subset. I think there were seven of us.
3 And I think it was really interesting, and I think worked
4 out well to have those meetings in public. We invited in
5 some groups, you know, but it was small and more
6 manageable -- and I guess we're up against a break here,
7 so I'll just stop there and send us to break, and we'll
8 be back at 8:30 and get to Commissioner Turner. Thanks.

9 UNIDENTIFIED SPEAKER: Thank you.

10 (Whereupon, a recess was held from 3:15 p.m.
11 until 3:30 p.m.)

12 VICE-CHAIR FORNACIARI: Thank you, and welcome back.

13 Let's see. I was -- I just had one more thing to add
14 before we turn it over to Commissioner Turner. I was
15 talking about the Public Input Design Committee. And,
16 you know, we had seven Commissioners. We were able to
17 invite folks from the outside. And we also -- but we
18 also had a number of staff there. And I, you know, I
19 don't know, I'd turn it to Marcy to tell us how effective
20 it was, but it seemed to be a little bit more effective
21 to enable us to really kind of hash through process and
22 come out with a better process, at least I thought. But
23 Marcy, she'll tell me if I'm not right -- if I'm not.
24 But anyway. Thank you.

25 MS. KAPLAN: Did you want me to respond?

1 I mean I think that was a exploratory process that
2 really allowed, I think, staff to be a part of that, you
3 know, really -- it -- to really kind of define what those
4 were going to look like. So I think, especially for some
5 of the -- I remember Patty was on those. And so, staff
6 that weren't typically part of the Commission meetings.
7 So I think it did allow for that opportunity to be -- for
8 them to bring in their expertise also and participate in
9 that process.

10 VICE-CHAIR FORNACIARI: Thank you, Director Kaplan.
11 Commissioner Turner.

12 COMMISSIONER TURNER: Thank you.

13 Yeah, I think I want to start by just being really
14 clear that, Commissioner Kennedy, I'm so grateful for
15 this process that we're going through now, and the
16 Lessons Learned. And it has been such an honor to serve,
17 so irrergardless of the upgrades, et cetera, I wouldn't
18 trade anything for the experience. So I want to say that
19 and be clear about it. And then also under staff
20 support, the meetings, the hotels, transportation, all
21 that, I think, has to be streamlined. I don't know why
22 in the world there's not just a -- Ravi did a great job
23 later in the process, but from the onset, I would
24 recommend that that is a given for us to need to read
25 thousands of documents and listen and catch up on

1 everything and try to figure out where there's a \$95
2 hotel it's just too much. I feel like that that is
3 something that should be handed -- this is where the
4 Commission is staying. This is where they're going.
5 This is how they're going to get there. And let me sign
6 my name to it or whatever. But take care of me, if I've
7 got to do everything else in that. So staff support is
8 needed fully, and that kicked in at varying levels later,
9 even down to meals. Trying to choose a meal in the
10 middle of a meeting just was, again, a challenge. And as
11 a -- as chair, almost impossible to do. So those are
12 just some little logistical things that makes a
13 difference in the process. And like I said, I believe it
14 got better as we went. But for a lot of it, trying to
15 get that figured out and -- I can't even imagine what it
16 was like from the staff trying to wait on, you know,
17 people like me to make up their mind, you know. And we
18 were trying so many lovely different dishes, it was not
19 an easy decision to figure out what some of it was. So,
20 yeah, just a person, some stuff in advance, all of that,
21 I think, will be really helpful. And then also on the
22 videography and the Zoom and the meetings, I can't say
23 enough great things about Kristian and his team and Katy.
24 I don't know what that would look like. Surely, all
25 positions should be fair and equitable, and people have

1 an opportunity to participate. I don't know what it
2 would look like if we were having to try and work someone
3 in new and train someone in. I think that was such a
4 huge part of the process, part of the timekeeping part of
5 telling us, okay, it's time to get back, checking all of
6 the audio, the sound, the -- they were top notch, and if
7 it's not going to be them again every -- I don't know how
8 many ten years, they have in their lifespan, but the
9 problem is that we would really have to figure out or the
10 next Commissions would really have to, I think, pay some
11 sincere investment of time and attention to what that
12 would look like if it's not going to be this same team.
13 Because they make things where it's seamless and easy, I
14 think for this Commission. Owe them a great debt of
15 gratitude and appreciation.

16 There's an element here that talks about
17 timekeeping. And I'm not sure from what frame the
18 timekeeping goes, but my mind went to -- even we received
19 counsel from 2010 to just really be cautious about how
20 much time we were spending in which phase of line
21 drawing, in which phase of -- you know, timekeeping from
22 that perspective for me. We thought we were watching it,
23 but, again, it's one of those things that you can't know
24 till you know. And it's interesting in this same
25 comment and this same section, it comes up about public

1 comment. We got better at public comment. And there
2 were -- there was critique initially about if we were
3 allowing enough public comment. And there's something in
4 the balance of trying to keep things on track, so that
5 you can ensure maps are completed on time and allowing
6 public comment. And when the public comment that we
7 want -- that we've requested, that we can't do our job
8 without, gets to be so much public comment to where
9 you're now stuck, and you can't move forward. And so, I
10 just say that I think we did -- I think every decision
11 that we make concerning public comment made sense from my
12 side of the table from what we were doing to ensure that
13 we were able to actually get to the point of being able
14 to deliver, you know, draft maps and final maps. And I
15 don't know if it will -- if there will ever be a time
16 where the public feels that they fully got to, you know,
17 comment audibly. But with the systems and with the tools
18 that we put in place, I don't feel that anyone had their
19 voices muted. I think people could always comment based
20 on the tools that were made available. So I thought it
21 was a good balance. Something to keep an eye on, but I
22 thought it was absolutely a good balance. And then the
23 last part for me in this section, at least, is about the
24 meeting venue. I thought we had great meeting venues
25

1 at -- in San Diego, in Los Angeles. I think that we
2 perhaps need a different meeting venue. It just was not
3 long term really comfortable in that setup there. And
4 so, yeah. So for the most part, I think the videos were
5 fine. And of course, our home in Sacramento was
6 adequate. It was just that one with the setup of the
7 chairs and tables and stuff I would just make note that
8 long means makes a difference in the opportunity you have
9 to long term and focus. Thank you.

10 VICE-CHAIR FORNACIARI: Thank you, Commissioner
11 Turner.

12 Commissioner Andersen.

13 COMMISSIONER ANDERSEN: Yeah, I was still, sorry on
14 the subcommittees. I didn't know we switched to meetings
15 or are we just kind of blurred them together or return to
16 the subcommittee --

17 VICE-CHAIR FORNACIARI: We're blurring them
18 together. Yeah --

19 COMMISSIONER ANDERSEN: Okay.

20 VICE-CHAIR FORNACIARI: -- because they're all part
21 of 3B.

22 COMMISSIONER ANDERSEN: Got it. Okay. I'll just
23 look for these -- I just want to say that we should
24 recommend, you know, our subcommittee has standardly been
25 tuned, but I thought there was -- at times we went to a

1 multimember subcommittee, there were real reasons, and it
2 was very valuable. You know, there was areas where we
3 need to put several different communities together,
4 because we need their input back and forth. And so, I
5 thought that was very valuable. Then, you know, some of
6 them changed, and, you know, towards the end we got rid
7 of them. But I think we should definitely suggest that
8 to the new Commission. On the meetings themselves, and,
9 you know, the one -- there are many things I could say,
10 but the Zoom hybrid meetings, absolutely we definitely
11 want to say you want to do a hybrid type of meeting. You
12 want to have the ability to have the public -- the way we
13 did that, I thought that worked very well. Now, you
14 know, there's a great reason to have us together, but the
15 idea of how we did Zooms, I thought that was very, very
16 effective. The other thing I want to say about meetings
17 and public comment, we had different types of meetings.
18 There were, you know, our business meetings. There were
19 our input meetings. There were our COI meetings. And
20 each of those, I think we should sort of say this was
21 this kind of meeting, this is how we had public comment,
22 and this is kind of why. Because I thought we actually
23 did that rather well. You would we could, you know, for
24 all the different reasons, there were different time
25 slots for people and the "public comment" but really it

1 was actually input. And I think making that distinction
2 would really help the 2030 Commission. So I will stop
3 there.

4 VICE-CHAIR FORNACIARI: Thank you, Commissioner
5 Andersen.

6 Commissioner Yee?

7 COMMISSIONER YEE: Yeah, just -- well, my apologies
8 for missing the bullet point there to go from BA, 3B, 3C.
9 I wish it would have been 3D. But it looks like it all
10 looks now since the topics go together readily. Yeah, I
11 just wanted to echo Commissioner Turner's praise for
12 Kristian and his team. Really, you know, took him for
13 granted, because he just made things so smooth running,
14 kept time for us, and, I'm not sure, it's just, you know,
15 the whole range of responsibilities; timekeeping,
16 managing the ASL, and the transcriptionists. How that
17 ended up in the videography contract? I mean it worked
18 out magnificently, and, Kristian's been -- and his team
19 have been superb at it. But how was that decision made
20 or -- the -- I mean, it surprised me a little bit as I
21 thought about it, but I mean it all worked out.

22 Does anyone know how we cross that bridge?

23 COMMISSIONER KENNEDY: Kristian, you're welcome to
24 chime in.

25

1 MR. MANOFF: A lot of the format for the video that
2 we are using now was part of a conversation that came out
3 of the applicant review panel process. And, as you will
4 recall, when we started the applicant review panel
5 process, there was no Zoom. There was no need for
6 anybody to be by remote, so everybody was in person,
7 including the ASL folks. The only people who were remote
8 were our remote transcribers that do the open captioning.
9 So everybody else was in person. And we began to develop
10 a style for the video based on feedback from the folks at
11 the state auditor's office. So then when it came time to
12 integrate Zoom, a lot of what we were doing was to
13 incorporate the same elements that we were able to
14 accomplish in person but to incorporate those, you know,
15 from remote video feeds. So it was sort of an evolution.
16 And because the style was liked, like everybody seemed to
17 be cool with it, we were getting good feedback about it,
18 we just carried it over when we won the CRC contract. So
19 it was a natural process, and it's always good to get
20 feedback on what people want to see on the video, and as
21 well as what you need from an accessibility standpoint.

22 COMMISSIONER YEE: So was that all, in fact,
23 included explicitly in the contract, including in our
24 timekeeping and so forth?

25



1 MR. MANOFF: No. Typically, the roles and
2 responsibilities of a production, that's an iterative
3 process. And so, once you begin working with a different
4 board or Commission, they all have their own style.
5 Sometimes technical direction is handled by somebody
6 completely different than the videographer. But due to
7 the fact that I kind of ended up handling all of the
8 invites for Zoom and everything else, so I ended up being
9 a sort of the point of contact on it. But that role
10 could, you know, that could be shared by somebody, you
11 know, quite easily.

12 COMMISSIONER YEE: Oh, yeah, so not as easy to
13 do it as well as you though.

14 MR. MANOFF: Thank you for that though.

15 COMMISSIONER YEE: By the way, while we --
16 while we still have -- while we're speaking with you, the
17 2010 public comment, was that entirely in person? Did
18 they do any phone comment like we did?

19 MR. MANOFF: No, in 2010, public comment was
20 completely done by -- in person. And that is one thing
21 that I'm curious to see what will happen, you know, with
22 Bagley-Keene is that usually the public has to be in
23 person to give comments. So this is a sort of a new
24 ground, not only for the CRC, but for other boards and
25 Commissions. And their question is out there of will

1 remote comments be allowed for the public going forward.
2 And I haven't gotten an answer about that from any board
3 or Commission yet. So -- because I don't think we know.
4 So that is out there.

5 COMMISSIONER YEE: Great. Thanks so much.

6 MR. MANOFF: You're very welcome. Thank you.

7 COMMISSIONER KENNEDY: Thank you, Kristian.

8 Thank you, Commissioner Yee.

9 I wanted to follow up on Commissioner
10 Andersen's previous point about input and comment. And,
11 you know, this ties back to the existing statutory
12 provisions and regulations and the discussion that we've
13 had periodically. You know, do the colleagues feel the
14 need to revise the code and/or provide additional clarity
15 in regulation on the difference between public input into
16 the mapping processing and public comment in general,
17 understanding that, you know, there are requirements.
18 There is the requirement in the government code that
19 meetings for the purpose of public input have to have
20 longer lead time, as far as notice. And we got into the
21 discussion very early on long before there were census
22 data, long before we were even really thinking about, you
23 know, what mapping would look like and what public input
24 would look like during mapping, you know. Was general
25 public comment, or was public comment on director's

1 reports, was that something that subjected us to the
2 longer lead time and requirement, or was that something
3 that, you know, any meeting is going to have to have, but
4 it doesn't require a longer lead time? So I wanted to
5 get that on the table and get input from colleagues.

6 With that, I'll call on Commissioner Andersen.

7 COMMISSIONER ANDERSEN: I had a different item. But
8 on that, yeah, I actually, because that was confusing.
9 And it is -- I -- it needs a little more clarification
10 than it does in the code. I mean we read that, and it's
11 clearly talking about something different, because you
12 have to have different time frames of it, but it doesn't
13 delineate that. And I think a little more delineation --
14 I would recommend that we make a little more delineation.
15 Again, not specifics how you have to do it, but just, you
16 know, input for public maps isn't -- is different than
17 general public comment. You know, and that -- and the
18 meetings can, you know, how that's handled could be, you
19 know, write policies and recommend to write policy about
20 that. But I do think a little more of delineation on
21 that would be appropriate.

22 A slightly different matter that I was -- I wanted
23 to bring up is we should -- also about meetings is just
24 mention to, you know, the 2030 the length of meetings and
25 why we have shorter meetings versus longer meetings, pros

1 and cons, but also times of meetings and days of
2 meetings, again, pros and cons. And how we sort of, you
3 know, we broke things up in a couple of periods of, you
4 know, Monday, Tuesday, or everything's like that to
5 get -- just to give them the idea of you can flexible
6 with it. Thank you.

7 COMMISSIONER KENNEDY: Go ahead, Commissioner
8 Andersen.

9 COMMISSIONER ANDERSEN: Back to meeting venues. We
10 didn't have a lot of experience with this, because it was
11 just when we left some place it was only us. But I do
12 know that there was a lot of information about, you know,
13 well, when you go public, you know, we have to have at
14 each venue certain things that you would have to have.
15 And it would be nice to sort of, again, sort of delineate
16 that for the 2030 Commission. Unfortunately, we don't
17 have -- we didn't say the things that we needed what we
18 might believe that they would also need, but,
19 unfortunately, we don't have a lot of experience at that.
20 But it is an item that you don't necessarily think about;
21 specifically all the videography, the security, all these
22 different items that, again, I don't believe 2010 will
23 left us a great deal with. If they did, we should just
24 pass that part along.

25

1 COMMISSIONER KENNEDY: Very good. Thank you,
2 Commissioner Andersen.

3 Commissioner Fornaciari.

4 VICE-CHAIR FORNACIARI: So we'll see in
5 response to your inquiry about, you know, a better
6 definitely of -- well, let's see. So I think implied in
7 what you said, Commissioner Kennedy, about, you know,
8 ten-day versus fourteen-day meeting, what's -- we have to
9 define what redistricting matters are, what, you know,
10 get those definitions a little more clearly. And I guess
11 from my perspective, I enjoyed the ambiguity in those
12 definitions. And I enjoy the ability for us to define
13 them ourselves. So I mean I guess we -- I mean -- and
14 there also kind of think back and -- how impactful was
15 the extra four-day requirement? I can't think of any
16 specific examples where it caused problems, but I -- in
17 the back of my mind I'm thinking there were one or two
18 meetings where it would have been helpful to only have
19 ten days. But if we could do it without being too
20 restrictive and onerous about defining redistricting
21 matters, then, you know, that might be helpful.

22 COMMISSIONER KENNEDY: Thank you, Commissioner
23 Fornaciari.

24 Commissioner Turner.

25 COMMISSIONER TURNER: I love that -- enjoyed

1 the ambiguity. Under education, I just wanted to say
2 that I thought that this Commission that we did a really
3 good job on our materials under the districting basics
4 video. I thought was great. I loved the process where
5 we got an opportunity to do the presentations and the
6 tracking of them to ensure that we were including a broad
7 range of people from different backgrounds. I loved the
8 course that came in. I can only imagine 2030 there
9 should be many, many more requests now that the word is
10 out. So yeah, I thought that's another highlight of this
11 particular Commission. I think it was done really well,
12 the educational events and even being invited to events
13 and the -- just the support that was received. The --
14 we'll talk about comments later. But the talking points
15 and being able to follow the script and the PowerPoint, I
16 thought top notch all the way.

17 VICE-CHAIR FORNACIARI: Thank you, Commissioner
18 Turner. And I anticipate that we'll spend most of
19 tomorrow on education, communications, and outreach.

20 Are there others, at this point, on our meetings and
21 agenda setting, internal communications, subcommittees?

22 Commissioner Sinay.

23 COMMISSIONER SINAY: So I'm still not convinced that
24 we need to use Robert Rules of Law. And for some
25 meetings, we threw it out; like the Public Input Design

1 Meeting. And so I -- you know, we were kind of told --
2 we were sent to books at the very beginning that, you
3 know, but that's a choice that that that each Commission
4 needs to make. And they should -- you know, we never
5 really quite talked about what other options there were
6 and other ways of conducting meetings and facilitating
7 and making it engaging. But I would like, if possible, I
8 would -- just a little footnote, saying, you know,
9 explore different facilitation tools. It doesn't have to
10 be Robert Rules of Law. You could use Roberta's Rules of
11 Law, which there is a whole book on that.

12 VICE-CHAIR FORNACIARI: Well, that's interesting. I
13 hadn't heard that. You know, I -- there is a
14 prescription in the legal framework that the first eight
15 must use Robert's Rules. As I recall, we never found
16 anything in the legal framework requiring the full
17 Commission to use Robert's Rules. As I recall, we never
18 formally decided one way or another. We would
19 occasionally, if we found ourselves needing help in
20 resolving something, we would occasionally refer to it.
21 But I would say we didn't necessarily go by Robert's
22 Rules. We certainly had them there as a resource if we
23 needed something. But I've watched, you know, the
24 Michigan Commission and maybe bits and pieces of other
25 Commissions that, to me, seemed much more formal than we

1 were, as far as rules of procedure.

2 Commissioner Andersen, I apologize for making that
3 statement before calling on you, but go ahead.

4 COMMISSIONER ANDERSEN: No, that's okay. I was just
5 going to say the first date we were told, okay, because
6 it is. The first date has to right, use Robert's Rules
7 of Order. But there's a simplified version, which is
8 what we officially adopted as the rule -- as a group of
9 eight. And then we did make a recommendation to the full
10 Commission to use the simplified, which is kind of where
11 we sort of started. And we didn't really officially
12 adopt that. We kind of started there, and then we sort
13 of degraded a little bit. And then, as I said, certain
14 types of meetings were very different. But, again, those
15 are, as I'm talked about, we had different types of
16 meetings. We kind of came back to it, the simplified
17 version. And not strictly. We sort of -- we made a
18 simple, simplified version, sort of. So that was kind of
19 the whole evolution of it -- where we ended up, with the
20 exception of meetings that we totally modified for input,
21 map drawing, and that sort of stuff.

22 VICE-CHAIR FORNACIARI: Thanks for that reminder.
23 We've got five minutes until public comment. I don't
24 want to go any farther than where we are, as far as our
25 prompts and our outline today. But do colleagues have

1 any further thoughts to our -- maybe now is the time for
2 the whoops, I forgot to mention input. And as I said, I
3 certainly have at least one, maybe two, if I can bring
4 the second one to mind.

5 Commissioner Andersen.

6 COMMISSIONER ANDERSEN: Just thought we have, you
7 know, ASL captioning and transcription. We could say,
8 you know, that yes, we always had ASL. And in terms of
9 our translations and those sorts of things, I think we
10 should make those recommendations. I'll bring that
11 information forward to the 2030 Commission. And also,
12 you know, basically what will indeed be the legal
13 requirements for 2030, in terms of, you know, do you
14 always have to have particular languages at that point?
15 I would be surprised if that was not the case. But I
16 think we should bring that forward to the 2030.

17 VICE-CHAIR FORNACIARI: Thank you, Commissioner
18 Andersen.

19 Okay. Commissioner Akutagawa.

20 COMMISSIONER AKUTAGAWA: Actually, what Commissioner
21 Andersen just brought up, I guess it falls under the
22 meetings category, and it may come back again in some of
23 the other areas. But language access, I know we had
24 quite a bit of conversations around it. I know that
25 being able to at least provide minimally the Spanish

1 translation as we got into a line drawing was, I think,
2 important. There were early requests to provide, you
3 know, at least Spanish translation if -- and if not,
4 other translations for other languages for, you know, our
5 business meetings as well too. Perhaps that is just
6 something that we just note as a Lesson Learned that as
7 inclusive and as expensive as the 2030 Commission can be,
8 perhaps the tools to provide simultaneous interpretation
9 will be a lot more available, in terms of the technology.
10 And I think that speaks to making not only the meetings
11 accessible, but also perhaps also making it so that a
12 wider array of Californians can also potentially feel
13 like they too can also apply and participate on the
14 Commission as well too.

15 VICE-CHAIR FORNACIARI: Yes. Thank you for that.
16 That's certainly something that I've been pushing ever
17 since we were the first eight, and I was and remain
18 convinced that redistricting is an election-related
19 activity, and that we should consider ourselves covered
20 by the VRA language access provisions, which would
21 require statewide access to our meetings and activities
22 in Spanish from beginning to end.

23 Commissioner Andersen.

24 COMMISSIONER ANDERSEN: Sorry about that. That just
25 reminded me, we should have actually all accessibility;

1 language, you know, the different types of fonts, you
2 know, for visually impaired, you know, hearing impaired,
3 you know, all -- hearing impaired is -- but it -- and so,
4 that should be a broader -- not just language
5 accessibility, but all accessibility.

6 VICE-CHAIR FORNACIARI: Yeah. And we do have that
7 on the schedule under cross-cutting issues.

8 COMMISSIONER ANDERSEN: Oh. Sorry. Thank you.

9 VICE-CHAIR FORNACIARI: The second line, beginning
10 of the third line; language and disability access.

11 COMMISSIONER ANDERSEN: All right.

12 VICE-CHAIR FORNACIARI: So as Commissioner
13 Akutagawa, you know, indicated, some of these things we
14 will come back to and look at them as cross-cutting
15 issues, because I agree that is important to look. And,
16 yeah, just while we have one minute before 4:00, I'll say
17 that my -- I forgot to mention earlier when we were
18 talking about formation and composition, I had suggested
19 at the time that we were the first state in looking at
20 those remaining in the three subpools. I feel it would
21 have been helpful to have people's language skills,
22 foreign language skills on their applications. I -- you
23 know, I still think that that's the case, and I would
24 certainly advocate for making that change in the future.
25 Commissioner Akutagawa.

1 COMMISSIONER AKUTAGAWA: Yes, since you since you
2 brought it back up, it just reminded me of something that
3 I was trying to figure out where I could bring this up.
4 I think I mean -- this is what I mean by, like, coming
5 back to some of the things that we talked about later
6 might be good only because, you know, once you have time
7 to think about everything that, you know, has been
8 discussed or even said, you know, other thoughts might
9 come up. So I was thinking about what I said about the
10 State Auditor's Office in the selection process, and I
11 think I realize it's like I should be clear about what I
12 meant. One, I think being clear about what criteria kind
13 of like the six criteria that we had to work against, I
14 think being very clear about that, I think, for the
15 Auditor's Office would be helpful. Secondly, I guess I
16 shouldn't -- I didn't mean to say that -- whoever ends up
17 being part of the selection committee, hopefully, that
18 is -- they're going to be guided by that. But with that
19 said, I guess I should have also mentioned that I also
20 understand the -- having a diverse panel is also equally
21 as important, because even if you're following certain
22 kinds of criteria, I think there's also a -- I don't
23 know. I don't want to say optics, but maybe there is
24 about that that that, you know, there is this kind of
25 idea that with our -- with the diversity on a on a panel,

1 we, you know, each individual person is, obviously, going
2 to bring a different kind of perspective to even the kind
3 of criteria that's there as well, too.

4 And I guess -- I feel like I guess for us as a
5 committee, a Commission, I think that we've all brought
6 lots of different perspectives, because of our diversity
7 as well, too. And yeah, I thought I'd just add that in
8 there as well too that I think for Californians, it --
9 having -- being able to see that even the selection
10 committee or the applicant review panel being diverse is
11 going to be as important as us, the Commission being
12 diverse, is equally as important. But making sure that
13 we, you know, whoever ends up doing all of this work,
14 that we have these very clearcut criteria by which we're
15 following, just like we follow the six criteria to draw
16 the lines. So I thought I'd add that. Thank you.

17 VICE-CHAIR FORNACIARI: Great. Thank you.

18 And Commissioner Andersen, you'll be the last one,
19 and then we'll open the lines for public comment.

20 COMMISSIONER ANDERSEN: Just on that, I think that's
21 a suggestion. I don't think we can say mandate that
22 because I know how it worked. They actually had, you
23 know, volunteers, but I know for a fact that none of them
24 in the State Auditor's Office, they don't actually
25 know -- no one knew what party any of the other guys

1 were. And so, they might not have, you know, a full, you
2 know, they might not be able to make panel if they --
3 either you have to have a broad diversity. You know, I
4 know the first three, you know, we're more diverse where
5 this three were -- they're all white -- all of one race.
6 They do represent different portions -- well, originally
7 they were from different parts of the country, but --
8 state. But I think we can make that suggestion, not
9 codify it.

10 VICE-CHAIR FORNACIARI: Thank you, Commissioner
11 Andersen.

12 And Commissioner Fernandez, I will call on you.

13 COMMISSIONER FERNANDEZ: Okay. Just on the panel.
14 I'm going to be super quick. If you go to our code
15 Section 8252(b), it actually specifies how they are
16 drawn, and it's similar to us, where it's randomly
17 selected. So just as the first date, there were no
18 Latinos, the first three came up to be what they are. So
19 there is a specific process that the state auditor needs
20 to go through. And so if any changes were needed or
21 wanted, it would, you know, definitely have to work with
22 the state auditor on that. Thanks.

23 COMMISSIONER KENNEDY: Yeah. Thanks for pointing us
24 to that.

25 Okay. Commissioner Fornaciari, back to you.

1 VICE-CHAIR FORNACIARI: Thank you. And I want to
2 thank everyone for all their work today and input. It's
3 been another great day of conversation. I want to
4 especially thank the -- what do they call it -- the
5 Redistricting Engagement Committee for putting together
6 this set of updated slides for us and in a timely manner.
7 We really appreciate that. So thank you. We already
8 have two callers in the queue. So Katy, if you can read
9 the instructions for general public comment, I would
10 appreciate it.

11 PUBLIC COMMENT MODERATOR: Absolutely. Sure. The
12 Commission will now be taking general public comment. To
13 give comment, please call 877-853-5247 and enter the
14 Meeting ID number 85298300771 for this meeting. Once you
15 have dialed in, please press star 9 to enter the comment
16 queue. The full call-in instructions are read at the
17 beginning of the meeting and are provided in full on the
18 livestream landing page.

19 And right now we have caller with the last four
20 digits 2911. And then up next after that will be caller
21 8495. Caller 2911, if you'll please follow the prompts.
22 The floor is yours.

23 MS. ERIKAT: Good afternoon, Commissioners and
24 staff. Thank you all for your hard work and opportunity
25 to share our reflections and recommendations on the state

1 redistricting process. My name is Janine Erikat. I'm a
2 policy associate at the Partnership for Advancement of
3 New Americans.

4 As you may remember, PANA has served hundreds of
5 immigrant and refugee families across San Diego County.
6 And during the process, PANA engaged over 500 people in
7 redistricting at state, county and state level. And we
8 presented you back in November of 2020 on best practices
9 for community engagement and on the diversity of African
10 languages.

11 At PANA right now, we're in the process of an
12 intentional debriefing and will be producing a report
13 with reflections and recommendations later this spring.
14 But in the meantime, I wanted to share a few high-level
15 Lessons Learned and recommendations that we hope will
16 inform your learn -- your Lessons Learned discussion and
17 recommendations for future Commissions. Again, I want to
18 thank you all for being dedicated to accessibility, as
19 evidenced through today's meeting, and I also want to
20 encourage you to explore the possibility of doing the
21 following to improve the experience for non-English
22 speakers.

23 One being dedicated language access staff.
24 Accessibility requires a lot of capacity, and having
25 staff dedicated to language access specifically can

1 streamline the process and make it easier for staff,
2 Commissioners, and the public to engage, specific
3 training for interpreters on redistricting, and three, to
4 allow for group presentations.

5 In San Diego County, which is a --

6 MR. MANOFF: Thirty seconds.

7 MS. ERIKAT: -- smaller scale, of course -- thank
8 you -- the Commission allowed for group presentations of
9 COIs, regardless of math, and this meant that community
10 members could come together to speak. And it was a
11 huge -- made a significant impact for a limited English
12 proficient folks who maybe aren't as comfortable --

13 MR. MANOFF: Fifteen.

14 MS. ERIKAT: -- speaking alone, especially when they
15 could be calling in isolation in between English
16 speakers.

17 So again, I'll follow up with more recommendations,
18 and I just really appreciate you all taking the time and
19 would love to hear about any barriers you think there
20 are --

21 PUBLIC COMMENT MODERATOR: Thank you so much.

22 VICE-CHAIR FORNACIARI: Thank you, Ms. Erikat, for
23 your input. We appreciate it.

24 PUBLIC COMMENT MODERATOR: And right now we have
25 caller 8495. If you'll please follow the prompts to

1 unmute. The floor is yours.

2 MS. ABDI: Hi. Good afternoon, Commissioners.
3 Thank you for your work and opportunity share reflection
4 and recommendation on the state redistricting process.
5 My name is Rahmo Abdi. I'm a community organizer with
6 Partnership for Advancement of New Americans. I
7 presented to you on November 2020 on the practice for our
8 community engagement and diversity of African Language.
9 And I want to thank all of you for being dedicated to
10 ensure that all of Californians had an opportunity to
11 participate in this process in a variety of ways. The
12 recommendations that that could be composed express in
13 experience for non-English speakers, dedicated language
14 access staff and specific training for interpreters and
15 also allowing group presentation. Engaging in this
16 process both exciting and intimidating for many community
17 members who doesn't speak English and have never spoken
18 before Commissioners. And despite, the Commission and
19 the staff, there were some challenge in common in
20 different language. For example, in August 13, the
21 hearing -- hearing, many people were confused, because of
22 the instruction was unclear, and people were confused
23 about what's going on during the meeting, and they felt
24 defeated, and they didn't want to call in language that
25 they sent anymore because of the language access. To fix

1 this, we suggest offering in-depth training for the
2 interpreters on technology and their redistricting
3 instructions --

4 MR. MANOFF: Thirty seconds.

5 MS. ABDI: -- so interpreters can understand what
6 they are interpreting and can support the callers on the
7 line.

8 Again, thank you. But this is just recommendation
9 what we can improve for the next cycle. So if we give an
10 interpreter adequate training or in-depth training before
11 the meeting that--

12 MR. MANOFF: Ten seconds.

13 MS. ABDI: -- that will be a good way to do it.
14 Thank you for your time.

15 VICE-CHAIR FORNACIARI: Thank you, Mr. Abdi, for
16 your feedback. We really appreciate that.

17 PUBLIC COMMENT MODERATOR: That's all of our
18 callers, Chair.

19 VICE-CHAIR FORNACIARI: Commissioner Kennedy.

20 COMMISSIONER KENNEDY: Thank you, Chair.

21 And yes, thanks to Ms. Erikat and Ms. Abdi for their
22 input. I've been a champion for many, many years and
23 have been engaged in efforts in a number of contexts to
24 develop specialized glossaries, specifically to help
25 translators and interpreters use a consistent vocabulary

1 when dealing with technical election-related matters.

2 So I would certainly endorse the call for some
3 specialized training for the interpreters and possibly
4 even, you know, developing a multilingual glossary of
5 redistricting terminology. I can check with the Election
6 Assistance Commission in D.C., because they have produced
7 glossaries in a number of languages with election-related
8 terminology to see the extent to which those might
9 include redistricting terminology. But if they don't,
10 you know, this could well be another opportunity for us
11 to not only break ground, but to produce a resource that
12 is then useful for redistricting bodies nationwide. Just
13 like if we were able to get funding for the development
14 of a week-long simulation with a fictitious jurisdiction
15 and fictitious COI input and fictitious census data, et
16 cetera, et cetera, et cetera, you know, that could be a
17 resource for other jurisdictions. A multilingual
18 glossary to assist interpreters and translators could
19 also be something of great value, not only here in
20 California, but elsewhere as well. Thank you.

21 VICE-CHAIR FORNACIARI: Commissioner Akutagawa?

22 COMMISSIONER AKUTAGAWA: Yeah. I would also add my
23 support to the other comment around group presentations
24 for those who are nonnative English speakers. And if
25 they want to provide whether it's COI testimony or any

1 kind of testimony, if they could do so in what I heard or
2 what I'm interpreting is in a group setting, so that then
3 there's other additional support around them as an
4 individual wants to make a presentation. I am -- I could
5 just say that, you know, as an individual, even as an
6 English speaker, making any kind of testimony is going to
7 be -- could be nerve wrecking and could be intimidating.
8 And then if on top of that, you layer on that somebody is
9 not a native English speaker, they may feel self-
10 conscious about whether it's their accent or even whether
11 or not they'll be understood or if they're using the
12 right kind of words. I think being able to provide the
13 kind of supports that sometimes the nonprofits will
14 enable that or any group that would help to bring
15 together. I think whatever we can do to help encourage
16 greater participation amongst Californians, if that means
17 allowing group presentations, I think that that would be
18 definitely something that we should encourage the next
19 Commission to look at and to really seriously consider as
20 a good practice to enable greater participation. Thank
21 you.

22 VICE-CHAIR FORNACIARI: Thank you, Commissioner
23 Akutagawa.

24 And it appears that we have no additional colors at
25 this point.

1 So I will --

2 COMMISSIONER FERNANDEZ: Just because.

3 VICE-CHAIR FORNACIARI: I'm going to call

4 Commissioner Fernandez --

5 COMMISSIONER FERNANDEZ: Sorry.

6 VICE-CHAIR FORNACIARI: -- before I adjourn the

7 meeting.

8 COMMISSIONER FERNANDEZ: Okay. I just wanted to
9 triple support having the group presentations as English
10 as a second language. I do -- I have seen many times how
11 intimidating any environment is, in terms of providing
12 testimony in a language other than what you're
13 comfortable with. And I'll tell you, if they know that
14 their buddy's coming, and they come in a group of ten,
15 they are so much stronger, so much more voiceful, and
16 they provide feedback that is very valuable. So just
17 wanted to provide my support for that. Thank you. And
18 sorry, and I'm done.

19 VICE-CHAIR FORNACIARI: Well, thank you for that.
20 We appreciate it. Thank you for your participation and
21 feedback.

22 With that, I am going to recess this meeting, and we
23 will reconvene at 9:30 a.m. tomorrow.

24 Oh, I have a question here before we go. Do we
25 think we will still meet on Saturday? And so I guess

1 that was part of my question for the subcommittee, but my
2 thinking for the subcommittee, are we going to go into
3 the next -- do you -- would -- so you have five topics
4 for tomorrow. Would you go into the following topics to
5 continue through Saturday, or would we stop 4D?

6 COMMISSIONER KENNEDY: I will share my thoughts and
7 certainly look to Commissioner Yee for his thoughts. I
8 think looking at what remains for this week, a cleaner
9 division, education, communications, and outreach are
10 kind of a natural grouping. And I'm hoping and
11 anticipating that we will have lively discussions around
12 those three topics tomorrow. And if we manage to make it
13 through all three of those tomorrow, I think that would
14 be a very solid accomplishment, leaving data management
15 and mapping for Saturday in the knowledge that that might
16 not take up 9:30 to 4:30, excuse me, 9:30 to 4:30 on
17 Saturday. But it does seem to be a fairly natural
18 dividing point. And you know, if we're lucky to have
19 really solid discussions and interaction on both sets,
20 you know, we might go both days. So that's my thinking
21 at this point.

22 VICE-CHAIR FORNACIARI: Commissioner Yee?

23 COMMISSIONER YEE: Yeah. I'm very pleased by the
24 pace we've been able to keep throughout this process and
25 always interested in saving people meantime, if possible,

1 if it doesn't make sense to use it all. But maybe,
2 Commissioner Kennedy, you should also mention that next
3 week you actually have some -- we have some visitors
4 coming to share. So it's not just us talking, but we're
5 going to be hearing from some outside folks. So that
6 will take some of the time next week. So it's not all
7 open next week -- not all open discussion time. Would
8 you like to mention who we have coming?

9 COMMISSIONER KENNEDY: Sure. Well, first of all, to
10 mention that Thursday morning is also set as a business
11 meeting. It may be that just as today, we're -- we've
12 exhausted the business meeting items by 11 o'clock. I
13 don't know. But that is on the schedule for Thursday
14 morning.

15 Thursday afternoon with a definite start time of
16 1:30, we have outside speakers coming to join us. So
17 far, the Michigan Commission has confirmed participation,
18 but not yet given us names. Colorado Commissions --
19 because they have separate Commissions for Congressional
20 redistricting and for state legislative redistricting.
21 But Colorado has indicated that they will be sending
22 someone, or someones, to join us for Thursday afternoon.
23 Arizona confirmed today that they will be -- that one of
24 the Arizona Commissioners will be joining us.

25 I've gotten a confirmation from the vice chair of

1 the Long Beach Independent Redistricting Commission. The
2 chair, unfortunately, it's going to be getting on an
3 airplane Thursday afternoon. But the vice chair is
4 available and eager to join us. I'm still waiting for a
5 reply from the San Diego County Commission, and I have
6 sent out another feeler to the 2010 Commission to see if
7 there's interest from the 2010 Commission in joining us
8 for that discussion.

9 The idea is the 1:30 to 3 o'clock block would be
10 taken up with initial presentations on their experiences
11 and some of their Lessons Learned. And then after break
12 from 3:15 to 4 o'clock on Thursday, we would have an open
13 discussion amongst all of us. So potentially the 2010
14 Commission, us, the 2020 Commission, Arizona, Colorado,
15 Michigan, Long Beach, and perhaps other local
16 redistricting bodies. So that is what is on tap for next
17 Thursday afternoon.

18 VICE-CHAIR FORNACIARI: Well, thank you for setting
19 that up.

20 Commissioner Turner.

21 COMMISSIONER TURNER: Yeah, I want to echo that.
22 Thank you for setting it up. And I want to be clear of
23 the intent and purpose. It's just information sharing?
24 Is there a goal target that we're trying to get from
25 them? I want to be clear.

1 COMMISSIONER KENNEDY: Yeah. The idea is to get a
2 sense of any particular challenges that they encountered,
3 you know, to perhaps help stimulate our thinking, as far
4 as recommendations that we might put forward to assist
5 the 2030 Commission, yeah. Maybe we were lucky and
6 didn't come across or didn't encounter a problem that
7 some of them may have encountered along the way. So I
8 just wanted to --

9 COMMISSIONER TURNER: That's good.

10 COMMISSIONER KENNEDY: -- you know, take the
11 opportunity and say, you know, tell us about your
12 process. Maybe we can learn from it and pass on some of
13 the wisdom to the 2030 Commission. That's -- that was
14 the concept behind that.

15 COMMISSIONER TURNER: Thank you.

16 COMMISSIONER YEE: So to answer the question, it
17 sounds like my sense is that we will meet Saturday, maybe
18 not go the full day though.

19 Does that sound about right, Commissioner Kennedy?

20 COMMISSIONER KENNEDY: Director Kaplan?

21 MS. KAPLAN: Just really quickly, do you have an
22 estimate of the time that we will be going over
23 communications tomorrow? I'm going to see if Martin can
24 join for that window of time, or if you want to just
25 shoot me an email once you (indiscernible, simultaneous

1 speech) .

2 VICE-CHAIR FORNACIARI: Do we want to -- yes, set a
3 time, right?

4 COMMISSIONER KENNEDY: You know, I'd rather let the
5 discussion flow, but, you know, my expectation is that,
6 you know, education might take from 9:30 to 11:00.

7 MS. KAPLAN: Okay.

8 COMMISSIONER KENNEDY: So looking at 11:15 to 12:45
9 as the most likely timeline for -- specifically for
10 communications. Of course, he's welcome to join us for
11 the whole discussion.

12 MS. KAPLAN: Okay. Thank you.

13 COMMISSIONER KENNEDY: But not required.

14 VICE-CHAIR FORNACIARI: Any other questions,
15 comments? All right. Well, we are in recess until 9:30
16 a.m. tomorrow morning. Take care everybody.

17 VICE-CHAIR FORNACIARI: Thanks everyone.

18 **(Whereupon, the Business Meeting - Lessons**
19 **Learned meeting adjourned at 4:23 p.m.)**

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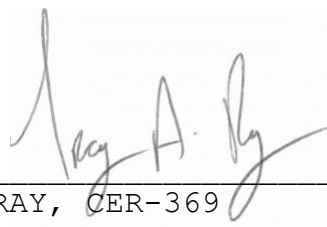
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CERTIFICATE OF REPORTER

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 31st day of March, 2022.

A handwritten signature in black ink, appearing to read "Troy A. Ray", is written over a horizontal line. The signature is fluid and cursive.

TROY RAY, CER-369

CERTIFICATE OF TRANSCRIBER

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 transcribed by me, a certified transcriber 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.

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.



LORI RAHTES, CDLT-108

March 31, 2022