

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:

BUSINESS MEETING/LESSONS LEARNED

FRIDAY, MARCH 18, 2022

9:31 a.m.

Reported by:

Jaqueline Denlinger



APPEARANCESCOMMISSIONERS

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

STAFF

Alvaro Hernandez, Executive Director
Tim Treichel, Senior Attorney
Marcy Kaplan, Director of Outreach

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

Also Present:Public Comment

Helen Hutchinson, League of Women Voters of California
Renee Westa-Lusk

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P R O C E E D I N G S

1
2 March 18, 2022

9:31 a.m.

3 CHAIR VAZQUEZ: Welcome California to our Citizens
4 Redistricting Commissioner Lessons Learned conversation.
5 We'll be continuing the conversation from the last couple
6 of weeks today. But first we're going to start off with
7 a little bit of business and housekeeping. But first
8 before we get to that, Director Hernandez, or Ravi, can
9 you call the roll?

10 MR. HERNANDEZ Yes, I'll be taking the roll. Thank
11 you.

12 CHAIR VAZQUEZ: Thank you.

13 MR. HERNANDEZ Commissioner Yee.

14 COMMISSIONER YEE: Here.

15 MR. HERNANDEZ Commissioner Ahmad. Commissioner
16 Akutagawa.

17 COMMISSIONER AKUTAGAWA: Here.

18 MR. HERNANDEZ Thank you. Commissioner Andersen.

19 COMMISSIONER ANDERSEN: Here.

20 MR. HERNANDEZ Commissioner Fernandez.

21 COMMISSIONER FERNANDEZ: Presente.

22 MR. HERNANDEZ Commissioner Fornaciari.
23 Commissioner Kennedy.

24 COMMISSIONER KENNEDY: Here.

25 MR. HERNANDEZ Commissioner Le Mons.



1 Commissioner Sadhwani.

2 COMMISSIONER SADHWANI: Here.

3 MR. HERNANDEZ Commissioner Sinay.

4 COMMISSIONER SINAY: Here.

5 MR. HERNANDEZ Commissioner Taylor.

6 COMMISSIONER TAYLOR: I am present.

7 MR. HERNANDEZ Commissioner Toledo.

8 COMMISSIONER TOLEDO: Here.

9 MR. HERNANDEZ Commissioner Turner.

10 And Commissioner Vazquez.

11 CHAIR VAZQUEZ: Here.

12 MR. HERNANDEZ You have a quorum, Chair.

13 CHAIR VAZQUEZ: Great. Thank you so much. All
14 right. So let's quickly go through our run of show
15 today. So first we're going to have director updates and
16 announcements as well as subcommittee updates and
17 announcements for the first part of this morning. So
18 through 11 a.m. is when we have this scheduled.

19 We'll take our scheduled break from 11 to 11:15. At
20 11:15 we will reconvene to continue our Lessons Learned
21 Conversation, particularly around recommendations. Then
22 we will break for lunch at 12:30. We'll have an hour for
23 lunch. When we reconvene at 1:30, we will continue
24 recommendations as needed. We have a scheduled break at
25 3:15 for 15 minutes. When we reconvene at 3:30, we'll

1 have a half an hour left to wrap up our Lessons Learned
2 conversation and we'll be taking public at 4 o'clock.
3 And hopefully, we will be adjourning this meeting at
4 4:30.

5 Yeah, Commissioner Kennedy.

6 COMMISSIONER KENNEDY: Just two things. One, we had
7 invited Toni (ph.) to join us and speak about data
8 management from her perspective as part of the Lessons
9 Learned discussion. She had indicated that her
10 availability was between 9:30 and 10:30 this morning. So
11 we may break from the business meeting to hear from Toni.
12 Second, if we're coming back from lunch at 1:30, then
13 break is 3 to 3:15, and we'll have 45 minutes after the
14 break for -- to finish up recommendations before going to
15 public comment.

16 CHAIR VAZQUEZ: Good catch. I'm adjusting that now.
17 Thank you. Anything else? Okay great. Any
18 announcements from commissioners, first?

19 Dates, announcements?

20 Yeah, Commissioner Sinay.

21 COMMISSIONER SINAY: You should have all received an
22 email just saying that we updated the presentation based
23 on some folk's feedback. Interestingly, I have some
24 thoughts after yesterday's meeting as well. But
25 remember, when you access it, it is no longer just an

1 open document that you can edit until -- you can make all
2 the edits you want once you download it and put it on to
3 your computer. And then save -- you save it on to your
4 computer, then you can make the edits you want. The way
5 it was set up originally, we could have all been making
6 changes and it could have gotten really messy.

7 So just download it on to your device and then you
8 can make the edits that you want. And continue sharing
9 changes that you might want to make. Or make them
10 yourself in the version that you are using. Thank you
11 everybody for making this a great presentation.

12 CHAIR VAZQUEZ: Great. Thanks so much.

13 Any questions for Commissioner Sinay?

14 All right. Not anticipating too much business. So
15 hopefully we can get this wrapped up pretty quickly. Are
16 there any director updates or announcements from our
17 staff?

18 MR. HERNANDEZ I have just a quick update. We have
19 sent a letter requesting the additional funds that were
20 allocated previously. And, you know, we sent a letter
21 requesting those funds, just to make sure that we have
22 them, given that we had a number -- we had more than the
23 originally planned meetings. So we did have some
24 overages there and want to make sure that we cover that.

25 In regards to the BCP, our staff is still working

1 with Department of Finance to answer any additional
2 questions that they may have and kind of get to the
3 granular level of information that they're requesting and
4 requiring for the BCP. So that is still in the works.
5 That concludes my updates.

6 Are there any questions?

7 CHAIR VAZQUEZ: Yeah, Commissioner Andersen.

8 COMMISSIONER ANDERSEN: Yeah, I have a quick
9 question. What's BCP?

10 MR. HERNANDEZ I am sorry. That is budget change
11 proposal. That's the request that we submit to the
12 Department of finance --

13 COMMISSIONER ANDERSEN: Yes.

14 MR. HERNANDEZ -- to ask for additional funds for
15 the next fiscal year, or in this case, for the next
16 several fiscal years.

17 COMMISSIONER ANDERSEN: Got it. Thank you.

18 MR. HERNANDEZ It's state government speak, sorry.

19 CHAIR VAZQUEZ: Thank you for interpreting, Director
20 Hernandez.

21 Commissioner Sinay?

22 COMMISSIONER SINAY: Two things. One is, we're so
23 really, really behind on reimbursements, especially, you
24 know, for some reason it looks like all the September
25 ones haven't been paid. I heard a commissioner mention

1 that yesterday, that's my biggest one. And then I've
2 also heard it from staff and former staff. And that's
3 really worrying. So if we could really put some focus on
4 getting everyone paid their reimbursements or tax or
5 whatever that state speak is for that because this is
6 just way too long, especially, yeah.

7 And second is, what if you update on all the
8 evaluations for staff, especially, I know that there's
9 some that need to come to us, you know, that we need to
10 do. Fredy's is one of the ones because he's on the
11 executive team, that does come to us. Just like the
12 one -- yours, the director, and so did Director Kaplan's.

13 And then, also, we probably need to start getting
14 ready to do Anthony's. While I think he's June, but I'm
15 kind of blurred on that, but just wanted to keep us on,
16 you know, since we've been told how important it is for
17 those who are applying for state jobs, I want to make
18 sure that we really stay on that and everybody gets those
19 pieces. Thank you.

20 CHAIR VAZQUEZ: Thank you.

21 Commissioner Kennedy?

22 COMMISSIONER KENNEDY: Thank you, Chair. I'll
23 channel Commissioner Turner a bit and say that it's
24 difficult to really feel any fiduciary responsibility
25 over financial matters if we're not getting all of the

1 information that's going out and coming in. Have we
2 seen, have we actually seen the budget change proposal?
3 Or is there anything outstanding that we haven't seen
4 that we need to see? Thank you.

5 CHAIR VAZQUEZ: Thanks. And Commissioner Fernandez,
6 is this related so that maybe Director Hernandez can
7 answer all at once?

8 COMMISSIONER FERNANDEZ: You can have Director --
9 well, I'm going to have questions for him, too. So
10 should we just --

11 CHAIR VAZQUEZ: Okay.

12 COMMISSIONER FERNANDEZ: -- wait until we ask the
13 question.

14 CHAIR VAZQUEZ: Maybe it's --

15 COMMISSIONER FERNANDEZ: Sorry, he's got a list
16 right now.

17 CHAIR VAZQUEZ: Yeah, he does have a list.

18 COMMISSIONER FERNANDEZ: Yeah.

19 CHAIR VAZQUEZ: Well, maybe let's just add yours
20 then.

21 COMMISSIONER FERNANDEZ: Okay. I will answer
22 Commissioner Kennedy in terms of the budget change
23 proposal. Commissioner Akutagawa and I, as part of the
24 Lessons Learned subcommittee, we did review the budget
25 change proposal. We did review the numbers to ensure

1 that everything corresponded to what the commissioner
2 agreed to in terms of moving forward with the budget
3 change proposal. And that was just with the initial
4 language. So the back and forth that Executive Director
5 Hernandez has been talking about, we haven't been
6 involved in that piece of it.

7 Also, I do want to also -- I did mention yesterday,
8 I think that's what Commissioner Sinay was referring to,
9 that I, since September I have not received any of the
10 travel reimbursements and that's been six months now.
11 And we're told it could be a couple of months. So this
12 is longer than a couple of months. So it's really
13 frustrating that it's taking so long. And I realize part
14 of it is not in our control. But I also know that part
15 of it is in our control. So we need to get that to
16 process as soon as possible.

17 So theoretically, next month any meetings we have
18 are supposed to be in person or you're supposed to
19 release the information of where you will be attending
20 the meeting. So I just -- another question for Executive
21 Director Hernandez is, hopefully, you're looking into
22 some sort of accommodations, at least for Southern
23 California, where there's a location where staff there
24 could meet instead of having to disclose other areas.

25 And the other piece of it was, we just found -- and

1 I'll give it to Terri (ph.). Terri is our budget
2 officer, right. She reached out to Department of Finance
3 regarding the 4.3 that was set aside for litigation. The
4 budget act of 2021 updated that language and that can be
5 used for operational costs as well. So that's kind of a
6 good news. We're not restricted to just litigation.

7 And I think that was it. So thank you to Terri for
8 reaching out and getting that update for us.

9 CHAIR VAZQUEZ: Great, thank you. And before we get
10 to Director Hernandez, just wanted to ask a question.
11 Also, for the budget change proposals, we do have a
12 finance committee. I know, Commissioner Fernandez,
13 you're on both Lessons Learned and Finance, so was
14 wondering if the finance committee had been involved in
15 budget change proposal because that seems like it should
16 be happening. Yeah, go ahead.

17 COMMISSIONER FERNANDEZ: Okay. Well, since it
18 started with Lessons Learned, I kept it with the Lessons
19 Learned. If we had Commissioner Fornaciari also, I mean,
20 this whole thing of two commissioners, we're just trying
21 to be safe and just trying to keep it to two. But if
22 Commissioner Fornaciari, if he feels left out, I would be
23 more than happy to share it with him. Oh, he's saying
24 no. So I try to be careful, I guess, as much as
25 possible.

1 CHAIR VAZQUEZ: Understood. Great. Thank you.
2 That's helpful. All right. Director Hernandez. You've
3 got your list.

4 MR. HERNANDEZ I do. It's a lengthy one. In
5 regards to sharing information with the finance and admin
6 subcommittee, you know, there's that bit of information
7 that applies to both. And so I make sure that I
8 communicate what is necessary for both of the
9 subcommittees. And I serve as the go between for
10 information that is necessary for either one of the
11 subcommittees. So in that sense, the finance and admin
12 is aware of the BCP and some of the figures and vice
13 versa.

14 Getting back to the TECs (ph.), yes, that has been a
15 challenge for us. I have asked staff to focus
16 predominantly on the TECs, to get them processed through
17 as fast as possible. I'm hopeful that by the end of this
18 month that will be accomplished where people will start
19 receiving their reimbursements.

20 The evaluations of staff, we have, as I mentioned
21 the other day, we have reached out to those that fell
22 through the cracks. In regards to Director Ceja, I have
23 that completed. It's ready to go. I didn't realize that
24 it needed to go to the entire commission. So I
25 misunderstood the entire directive that I needed to

1 complete it and get it taken care of. But more than
2 happy to share that with you all. As far as the other
3 staff, those are to be done on a one-year time frame. So
4 as you mentioned, Chief Counsel, that won't happen until
5 later on, April I believe it is, April/May. Other staff,
6 they're getting there's as well. Working on that.

7 Commissioner Kennedy, in regards to the information,
8 I'm working through the subcommittees on all the BCP
9 information as Commissioner Fernandez mentioned. So they
10 are aware of the information. And we're sharing bits of
11 that to you. I don't know if you need to be involved in
12 all of it because it may not make sense. And so then
13 leads to some more questions, more confusion potentially.
14 So again, I, you know, have mentioned early on that I
15 would work through the subcommittees and make sure that
16 they're informed as much as possible with anything that
17 comes up and this one in particular.

18 The time frame was very tight. So we just had to
19 get the information together and get it out to the
20 Department of Finance. And now the going back and forth
21 is just more detail of information and, you know, we're
22 learning the process as we go for the BCP.

23 And finally, in regards to the meeting for next
24 month, we are looking at venues in the Southern
25 California area. Trying to centralize it for all the



1 commissioners, which is a challenge given that the
2 Southern California area is so broad. And so we are
3 planning to have a location, Southern California. We also
4 plan to have a northern California location, which will
5 be here in our office. And so we are working on making
6 sure that we have those two venues available.

7 Any other questions?

8 CHAIR VAZQUEZ: Thank you. Commissioner Andersen
9 and then Commissioner Kennedy and then Commissioner
10 Sinay.

11 COMMISSIONER ANDERSEN: Thank you, Chair. Yes,
12 actually on the location. Say, because I have things
13 going on and what if I cannot actually get up to
14 Sacramento for that meeting, what are the requirements,
15 you know, in terms of, you have to notify where you're
16 going to be. But then, if all of us this has to be open
17 to the public; is that correct?

18 MR. HERNANDEZ That is our understanding, that has
19 to be available and open to the public. We also have to
20 include it on the agenda.

21 COMMISSIONER ANDERSEN: Oh, okay. And so that has
22 to go out ten days ahead?

23 MR. HERNANDEZ Correct. Which will be tomorrow, at
24 the latest.

25 COMMISSIONER ANDERSEN: Well, wait, but that's for

1 the March --

2 MR. HERNANDEZ That's for the March 30th. I
3 apologize. So in regards to the date, let me go ahead
4 and address that now. Given the Easter break for
5 different folks, maybe, you know, anywhere between the
6 first week and the third week of April. Proposing to
7 have the meeting the week of the 25th. It's either going
8 to be Tuesday, Wednesday, or Thursday.

9 COMMISSIONER ANDERSEN: Thank you. And in terms of
10 a meeting that could be open though, a room in a library,
11 or is there particular requirements, you know, what are
12 those requirements, you know, where would one even look
13 to have something?

14 MR. HERNANDEZ I don't believe there's specific
15 requirements. I'll to defer to legal --

16 COMMISSIONER ANDERSEN: Yeah.

17 MR. HERNANDEZ -- so Tim (ph.) if you can chime in
18 in a second, I'd appreciate that. It doesn't have to be,
19 you know, auditorium. It could be a place where someone
20 can come in and provide public input.

21 COMMISSIONER ANDERSEN: But it would have to be,
22 like, a spot where they could be hearing things. Like it
23 can't be the quiet part of a library.

24 MR. HERNANDEZ Well, yes. It has to be -- they have
25 to be able to see and hear. And then also provide their

1 feedback. So with the Southern California location,
2 we're going to have the staff person there. And they're
3 going to help facilitate if anyone wants to provide
4 public comment, how they do that. We're looking at, you
5 know, making sure that they have a Wi-Fi connection. In
6 some cases, commissioners, I'm going to ask for your
7 flexibility. We may or may not have our videographers
8 there. We're still working out some of those details.

9 They can go and have microphones and all that set
10 up. But if not, commissioners would have to potentially
11 have their headphones on to listen and provide comments
12 so that there isn't feedback if they're all in the same
13 room. We had that discussion early on when we were
14 looking at having open meetings. And I know we had a lot
15 of pushback about the headphones. But that is an issue
16 we're trying to resolve as best possible.

17 COMMISSIONER ANDERSEN: Great, thank you.

18 MR. TREICHEL: Director Hernandez, you referred to
19 me and I just want to mention that I am aware that our
20 standards -- I don't have them on top of my head. I plan
21 to do some research and provide that information as soon
22 as possible.

23 CHAIR VAZQUEZ: Great. Thank you. Commissioner
24 Kennedy then Commissioner Sinay then Commissioner
25 Fornaciari.

1 COMMISSIONER KENNEDY: Thank you, Chair. I'm
2 certainly aware that we don't want to get into all of the
3 nitty-gritty. My concern is that subcommittees, in order
4 to be treated as, you know, not subject to some of the
5 posting requirements and so forth -- Bagley-Keene, are
6 supposed to be purely advisory. And if subcommittees are
7 making decisions on behalf of the commission, then my
8 understanding is that Bagley-Keene would be full force.
9 Meetings would have to be noticed, public, et cetera.
10 And so I want to make sure that there's a clarity on the
11 extent of any subcommittee's role and things that need to
12 come before the full commission. Thank you.

13 CHAIR VAZQUEZ: Commissioner Sinay.

14 COMMISSIONER SINAY: Thank you, Commissioner
15 Kennedy, for that reminder. I just wanted to say, for
16 Southern California, don't take me into account to try to
17 find somewhere -- I know that I'm one of the farthest
18 south. I will travel. So but can I recommend that we
19 don't do anything with crazy parking in L.A. That it is
20 easier to do something in the suburbs, though it might be
21 more traveling for the rest of the L.A. folks. But life
22 is easier, you know, once you get out of L.A. City
23 proper. Well, there's parts in L.A. City, but anyway,
24 let me keep it simple. You don't have to take me in
25 account. I will travel where needed. It's over 50

1 miles, so I will get in a hotel and be there on time.

2 Thank you.

3 CHAIR VAZQUEZ: Thanks. Commissioner Fornaciari.

4 VICE CHAIR FORNACIARI: Yeah. I just want to say
5 that I'm going to be chair in April and so Commissioner
6 Sinay will be the Vice-Chair and we're working with
7 Director Hernandez and the legal team to get this all
8 figured out. And we're working on it and figuring out
9 the contingencies and we'll definitely be communicating
10 what we've come up with, with the commission.

11 CHAIR VAZQUEZ: Great, thank you. Commissioner La
12 Mont. And then I'm going to pause this conversation
13 because I know we have guest waiting and additional
14 conversations to get to. Commissioner Le Mons.

15 COMMISSIONER LE MONS: I joined a little late, so I
16 might have missed something. My question is in response
17 to Commissioner Kennedy's point. So I'm assuming that at
18 some point we're going to have a broader discussion about
19 how subcommittee -- I came in on that and so I'm not sure
20 what the issue is there. So we could even talk about it
21 off-line -- not off-line, but at some other point. Is
22 that an immediate concern -- that the purview of the
23 subcommittees?

24 COMMISSIONER KENNEDY: If I can, Chair?

25 COMMISSIONER LE MONS: Yes, I mean no, I'm not the

1 chair, I'm sorry.

2 CHAIR VAZQUEZ: Yes. Go ahead.

3 COMMISSIONER KENNEDY: The most immediate concern, I
4 mean the concern is general, that sometimes we get close
5 to that boundary line between subcommittees being
6 advisory and being decision making bodies. But the
7 immediate concern is the commission as a whole receiving
8 adequate information on finances so that, as Commissioner
9 Turner had said at one point, we can exercise our
10 fiduciary responsibilities.

11 It's difficult to feel responsible in a fiduciary
12 sense if we're not getting any -- if we're not getting
13 enough information in that regard. If it's going through
14 the subcommittee and it's not coming to the full
15 commission, but it should, I just want to make sure that
16 we're very clear on what the purview of any subcommittee
17 is and what the responsibility of the commission is as
18 the responsible decision making body. Thank you.

19 COMMISSIONER LE MONS: Thanks, Chair.

20 CHAIR VAZQUEZ: Thanks so much. Director Hernandez.

21 MR. HERNANDEZ Yes, thank you. I just wanted to
22 circle back on that. As far as the BCP itself, I know
23 this is probably a broader discussion. But the BCP
24 itself, the information that was used to create the BCP
25 was presented to the commission as part of the long-term

1 planning subcommittee information. And that is the
2 information that we used to create the BCP. So it's
3 just, you know, taking that information, putting in -- so
4 the BCP format that we're required to do.

5 So in that sense, that piece of it was shared with
6 the commission. And the commission did have an
7 opportunity to provide input and direction in that sense.
8 But I do think it is a broader discussion as far as the
9 subcommittee and providing direction to the staff and
10 administration. Thank you.

11 CHAIR VAZQUEZ: Great. Okay. So with that, if
12 there needs to be additional discussion on this, we can
13 agendize (sic) it for our next business meeting. Thank
14 you for the reminders, though, Commissioner Kennedy.

15 Okay. So do we have any additional director
16 updates? Yeah, Director Kaplan?

17 MS. KAPLAN: Hi, I'll just be brief. So I'm
18 providing an update for outreach and communications.
19 Thank you, Commissioner Sinay for adding the additional
20 note about the presentation, the post-map presentation.
21 We have posted that on the outreach materials page for
22 the public. And also sent an updated version to the
23 commissioners as well. Also want to highlight a little
24 bit more about, just an update on some of the projects
25 that we discussed at the last meeting including archiving

1 and relinking.

2 So we did complete archiving of all the documents on
3 the website for state archive. And we'll be working with
4 Raul who's also working with other folks at BSS (ph.) to
5 provide all those state archives.

6 In addition to that, Martine (ph.) was also able to
7 pull the content from the website should we -- I know it
8 hasn't been determined yet how the website will continue
9 going forward, but we have all of that documented should
10 we need to rebuild the website.

11 Additionally for archives, she has completed the
12 archiving of our social media content as well. And began
13 the process of relinking on the website. So as I
14 mentioned previously, with our transition from Google
15 Docs to Outlook, some of the larger files that we were
16 linking to on the website, like the maps page, we'll need
17 to transition the files to relink them. And so he's
18 begun that process, including the maps page. And so that
19 should be completed soon.

20 I also wanted to highlight that this week, in the
21 email blast for this week's meetings -- we also did
22 highlight that the data team had put together and posted
23 shape phyla tribute field definitions for the final
24 district plans for the shape files. And so these
25 definitions clarify populations, citizens voting age,

1 population, race, and deviation values contained within
2 the district shape field attributes. And those are all
3 located on the commission final maps page on the website
4 also. And I believe that is my whole report.

5 CHAIR VAZQUEZ: Great, thanks so much.

6 Any brief questions for Director Kaplan?

7 All right. Seeing none, any other staff updates.
8 I'm not sure if we have any additional director staff.

9 All right. Seeing none, any subcommittee updates?
10 We did not receive advanced notice of any updates. But
11 if you have, again brief subcommittee updates, please
12 share them now.

13 All right. Seeing none, we do need to take public
14 comments on director updates, correct? All right.

15 Who will be reading instructions?

16 MR. MANOFF: I can help you with that, Chair.

17 CHAIR VAZQUEZ: Great.

18 Thanks so much, Kristian.

19 PUBLIC COMMENT MODERATOR: In order to maximize
20 transparency and public participation in our process, the
21 commissioners will be taking public comment by phone. To
22 call in, dial the telephone number provided on the
23 livestream feed. It is 877-853-5247. When prompted,
24 enter the meeting ID number provided on the livestream
25 feed. It is 879 9257 6958 for this meeting. When

1 prompted to enter a participant ID, simply press pound.
2 Once you've dialed in, you'll be placed in a queue. To
3 indicate you wish to comment, please press star nine.
4 This will raise your hand for the moderator. When it is
5 your turn to speak, you'll hear a message that says, "The
6 host would like you talk, press star six to speak." If
7 you'd like to give your name, please state and spell it
8 for the record. You're not required to provide your name
9 to give public comment.

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

15 And there are no callers in the queue at this time,
16 Chair.

17 CHAIR VAZQUEZ: Great. Let's give it a minute or so
18 to catch up with the livestream. Any other comments
19 while we are waiting? Comments or discussion on director
20 updates?

21 All right. We can stand at ease for another minute
22 or so.

23 MR. MANOFF: And those instructions are complete on
24 the livestream, Chair. And there are no callers in the
25 queue.

1 CHAIR VAZQUEZ: Great. Thank you. All right. I
2 think then, we can move on. Since there didn't seem to
3 be any subcommittee updates or announcements, we will
4 close that agenda item. And we can move on to continue
5 our Lessons Learned conversations. I will pass it off to
6 Commissioner Kennedy.

7 COMMISSIONER KENNEDY: Thank you, Chair. Director
8 Hernandez, have we heard anything from Toni?

9 MR. HERNANDEZ No. I've asked to reach out to her
10 and I have not heard back. So I don't know if she's
11 going to be able to make it.

12 COMMISSIONER KENNEDY: Okay. Okay, so in that case,
13 we are moving from the cross-cutting issues, discussion
14 the other day as well as the presentation and discussion
15 with other commissions to recommendations. And it will
16 take some time to compile all of the recommendations.
17 Recognizing that we are a little bit under the gun as far
18 as changes in the legal framework. I think it's
19 important that we start the discussion there.

20 What I've been doing is going through the
21 Constitutional language and seeing where there might be
22 areas where there is some interest in making changes.
23 Then going through the code sections and seeing where
24 there are issues that have been brought up. And then
25 going through the regulatory language and seeing if there

1 are areas where there has been some interest in making
2 changes.

3 So let me see if I can share my screen and put up
4 what I've come up with so far in those areas starting
5 with the constitutional language.

6 Commissioner Yee, I'll have to rely on you to call
7 on anybody for the discussion. Okay. So as far as the
8 Constitutional language, so far I'm seeing three areas
9 for possible changes. One is possible change to the
10 creation timeline for the commission. Because that
11 currently talks about creating the commission in each
12 year ending in the number zero. And Chief Counsel Pane
13 and I have been discussing the meaning of the word,
14 "creation," and whether we need any further clarity on
15 creation.

16 But just wanted to get input from colleagues. Do we
17 believe that it is important to press for future
18 commissions to be created before years ending in zero?
19 Or do we believe that it would be suitable, satisfactory,
20 adequate to advocate simply for changes in the timeline
21 within the year ending in zero. In other words, if in
22 our case, the draw for the first eight was held on July
23 2nd, would it be adequate to shift that to, say January
24 2nd.

25 Commissioner Sinay? Yes, I can see some people.

1 COMMISSIONER SINAY: Thank you. I would argue that
2 it would be better to change it to nine. And the reason
3 being, if one of our recommendations -- and we kind of
4 said this even from day one, is that the redistricting
5 work needs to be more aligned to the census work. The
6 census is in full bloom -- yeah, it is full gear the
7 whole year ending in zero and most of the year ending in
8 nine as well.

9 So I was going to say eight, but that might be too
10 far. But the thought is, we've got to think about their
11 timeline as well. And thinking about how we help that
12 conversation that it is a whole civic -- that they are
13 hand-in-hand. And move it away from the political that,
14 hey let's, you know, let's count everybody so we get at
15 the money we deserve and the representation we deserve
16 to, hey, part of being -- get it away from -- anyway, I
17 would encourage it to be in early nine so that they can
18 work more closely with the census.

19 I know we had talked about starting that. But I am
20 a firm believer that the more we set up the scaffolding
21 to help them make the actual relationships, as a
22 consultant, I always say my job is not to do
23 relationships, it's yours. And so let them build that
24 relationship. Let them have those conversations.

25 COMMISSIONER KENNEDY: Very good. Others?

1 Commissioner Andersen?

2 COMMISSIONER ANDERSEN: Yeah. Thank you. I see the
3 point that Commissioner Sinay is making. And the only
4 issue I see is -- seating early January of -- that was
5 still the 2020, correct? Those who know. It was January
6 of '19, I mean of '09 --

7 COMMISSIONER SINAY: I think the nine -- anything
8 with a nine would be better because by -- anything with a
9 zero, census is all -- they start way early, in early
10 nine. So the earlier the better.

11 COMMISSIONER ANDERSEN: Yeah. On that, I do
12 think -- I thought you were going to January of 2020 and
13 I think that is not a good idea because of the holidays.
14 It would require the ark to be -- working all through the
15 holidays.

16 But I do think that possibly just move it a year,
17 like, June-ish, like same date that we have or, you know,
18 July, but the year earlier. I would not advocate going
19 earlier than that because you want to work with the
20 census except, you know in terms of the mission, we'd
21 have to be careful about that. And I wouldn't want to --
22 the reason why we'd like to have them get together, so
23 they can, as you were saying, make connections, things
24 like that. And I think that extra -- also to build the
25 administration part of the commission. Then I think that

1 extra year would do that, would tie it in.

2 But I wouldn't go much earlier than July or even
3 just, I believe it was they -- originally they started,
4 like, in September. So instead of going July, September
5 of '09 -- of the nine year.

6 COMMISSIONER KENNEDY: Thank you, Commissioner
7 Andersen.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Thank you. I think I'm
10 going back and forth on both of them because we always
11 like to go back to, you don't know what you don't know,
12 right. And I think we, the current commissioner, having
13 gone through the process may be in a better position to
14 coordinate with census in terms of what we need, what
15 should be done, and you know, what the needs are.

16 But I do -- so I think starting earlier in the year
17 ending in zero is good in terms of that extra time to
18 staff the office. And hopefully, if you have extra time,
19 you're not having to meet as frequently as we had to
20 because it was actually -- we actually met quite a few
21 times.

22 And the other piece of it and I don't know if any of
23 you felt the same way but I was very anxious to just get
24 to the line drawing. And to be motivated and focused on
25 that. And I'm just wondering if they're appointed two

1 years prior to that process, you know, that's just
2 another year of potentially something happening or losing
3 interest or whatever the case may be.

4 But I do think that us having gone through it, we're
5 in a better position, I believe to provide some of that
6 outreach guidance in working with the census.

7 COMMISSIONER KENNEDY: Thank you, Commissioner
8 Fernandez.

9 Commissioner Vazquez?

10 COMMISSIONER VAZQUEZ: I just wanted to express my
11 support of seating the prior commission in 2019. I am
12 more inclined to have them seated earlier in 2019 because
13 I do think both the census and the commission, the
14 redistricting processes are just so interdependent and
15 potentially mutually reinforcing, that I do think it
16 would behoove the commission to be working in the earlier
17 stages with census folks. And the reminder that when
18 we've talked about, you know, an independent -- us being
19 an independent body, I think it's important that we
20 prioritize, you know, independence from undo political
21 influence and particularly the legislature.

22 But I do think, you know, we are a state body and we
23 should leverage the nonpolitical resources of the state
24 where it helps us achieve our mission.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Vazquez.

2 I'm certainly keen to encourage as much interaction
3 or tapping into doing joint things with census efforts as
4 possible. I guess one thing that is in my mind is, if
5 we're not able to get the constitutional change that
6 would be required. And that's something, you know, that
7 could take quite a bit of effort. That starting --
8 having future bodies created in January of years
9 beginning in zero would in essence give that future
10 commission almost a year more than the 2010 commission
11 had.

12 My understanding is the 2010 commission, the random
13 draw -- well, I'm not even sure when the random draw was
14 held, but the first eight chose the final six, I believe
15 in December of 2010. And they held their first meeting
16 in January of 2011. And essentially received their
17 census data two months later because the census data came
18 out a bit early in that case.

19 So theoretically, it would be possible to hold the
20 random draw late in the year ending in nine with the --
21 depending on how creation is interpreted, with the final
22 six either chosen on the 2nd of January or possibly even
23 having a first meeting on the 2nd of January. And again,
24 that would give that future commission essentially a year
25 more than the 2010 commission had. It wouldn't be as

1 much time as we had, but hopefully they don't have a
2 pandemic.

3 But yes, I certainly am fully in favor of as much
4 interaction with and taking advantage of all the linkages
5 and perhaps inheriting staff and coordinating message
6 campaigns and so forth with the census as possible. And
7 certainly, we've also been highlighting the burden of
8 state processes as far as getting anybody set up and
9 running. So that the work can actually be done that
10 needs to be done before the census data hit. My
11 thoughts, so.

12 Commissioner Sinay?

13 COMMISSIONER SINAY: So a few things I knew before I
14 came in and a few things I learned after I became a
15 commissioner. The one thing I knew was civic entities,
16 civic organizations, nonprofits, those groups who are
17 focused on civic engagement, advocacy, community
18 organizing, getting -- helping the, you know, being
19 really in touch at the grassroots, the hard-to-reach
20 communities, are the organizations that struggle the most
21 to get funding either from foundations, from individuals,
22 or from government. And they're the ones who will hire
23 someone for three months to do census, let them go. Then
24 have to run around to try to find someone else to hire
25 again. And they don't end up hiring sometimes the best

1 person who can do the job because, you know, people need
2 more consistency.

3 The other thing I knew was that the census and
4 redistricting are defined by government entities, be it
5 the legislature, be it politicians, be it whoever. The
6 messaging has always been, you know, they try to change
7 it to how can it benefit -- I think this year was one of
8 the best years for both the census and redistricting to
9 let people know why this is important. And we need to
10 build on that. But again, the census had multi-million
11 dollars more than we did. And I'm thinking that it's an
12 effort that ends and it's over versus the, you know, the
13 message that they have is, get counted because then your
14 communities can get money and be represented. That
15 message is not done. That work is not done until
16 redistricting is finished. So that piece is really
17 critical.

18 And so I would argue that to allow -- for success to
19 happen at the redistricting level and at the -- you know,
20 for success to happen at the community level where there
21 is fair representation, it goes hand-in-hand and we as
22 Californians need infrastructure that's well funded to
23 really get to the individuals who don't trust government,
24 who don't speak the language, who live in rural
25 communities. And the list is very long.

1 So the sooner that can all be brought together, the
2 better. And the messaging together, again, the funding,
3 the infrastructure, everything that was created. Yes,
4 there was politics between, you know, the Governor did
5 the census but the Secretary of State wanted more, yeah,
6 wanted to be involved. Hey, let's have, you know, yeah,
7 those issues.

8 Our mission, I think sometimes we say, oh, you know
9 what, we want to be independent and we use that as a way
10 to actually hurt ourselves from leveraging other things
11 that are out there. And really, we hurt ourselves from
12 achieving our vision and our goal and our mandate of fair
13 representative maps.

14 And what I learned since I've been on the commission
15 is the state is slow. Everything is slow. And I don't
16 understand why we wouldn't just build in extra time for
17 the next commission to be successful. Maybe they lose
18 interest. When you first come in, you're drinking from a
19 firehose -- okay, I will say, I was drinking from a
20 firehose. And I never felt, you know, I felt that we
21 could have even used more time for learning and
22 understanding and being good at map drawing and all that
23 stuff.

24 And so if there is a good plan and we don't have --
25 and as Commissioner Fernandez said, I think it's critical

1 that we don't put -- I mean, I'm to build on what
2 Commissioner Fernandez said. We put a huge burden on all
3 of on all of us who are working full time. And if we
4 were gave that extra year, people could actually keep
5 their jobs a little longer, keep their bosses happy, keep
6 their clients happy, whatnot, keep their -- so I just
7 want us to not get stuck on who we are and what we think
8 but what is the vision of fair representation and how we
9 can help the full infrastructure, not just the CRC.

10 COMMISSIONER KENNEDY: Thank you, Commissioner
11 Sinay.

12 Commissioner Andersen?

13 COMMISSIONER ANDERSEN: Yeah, thank you. This is a
14 very good conversation. And I can see, there's also the
15 lift of, you know, how you talk the legislature into
16 doing this for all the right reasons. And I like the way
17 you put things, Commissioner Kennedy, in terms of the
18 time frame.

19 Basically, the 2010 commission realized, wow, okay,
20 the next commission needs another six months from what we
21 did, essentially, is what they did. Which would give,
22 you know, would give -- say we didn't have a pandemic,
23 would have given us an extra six months. Because of what
24 happened, we got extended time but -- and extended
25 problems.

1 But I think we say, they need two sets of six
2 months, now having gone through the second time. That
3 makes more sense. Which does kind of end up essentially
4 giving a year from the original date of the 2010
5 commission, which is essentially kind of what you were
6 saying. And I believe that kind of gives our commission
7 time to make -- as Commissioner Fernandez mentioned -- to
8 make the connections with the census -- to get that sort
9 of meshed together -- so as we get -- the 2030 comes on,
10 then they could do -- remember when we heard about
11 introductory letters and things like that? That's what
12 we could hand them so they wouldn't have to try -- like,
13 wait, who -- I'm supposed to outreach to what? How?
14 What? Huh? What? Because we've had some of that
15 experience, but we're not -- it's like we're setting up
16 the groundwork to hand it to the next people. And that
17 time would also give them -- because yes, you start to
18 kind of get your idea and your head wrapped around public
19 education and outreach, but you're also doing contracts
20 at the same time.

21 And so it would give them the time to put in --
22 like, our ideal Gantt chart -- I think giving them,
23 essentially, the extra six months for i.e. a total of a
24 year from the 2010 Commission. Those time frames would
25 work, and I do see the benefit of -- essentially, our

1 work would be done before the holidays, and then you have
2 the ball. Just post the holidays. And I think timing-
3 wise that actually might work as opposed to what I'd said
4 sort of before.

5 So I do agree with having essentially -- trying to
6 move that date to -- what is the last bit of -- the end
7 of '09 to seat them, like, early in the zero. First
8 thing in the zero here. Essentially, give them a full
9 year from the 2010 Commission. Thank you.

10 COMMISSIONER KENNEDY: Thank you, Commissioner
11 Andersen.

12 Commissioner Vazquez?

13 CHAIR VAZQUEZ: I really want to emphasize
14 everything that Commissioner Sinay said so well. I am
15 growing pretty strongly committed to trying to push us to
16 get the Commission to be seated as early in 2019 as
17 possible. And in fact, for me, in looking at these
18 constitutional changes, the priority for me would be to
19 change when they are seated to much earlier because that
20 makes changing the map deadline less urgent. We're
21 expanding the time line. And my understanding of moving
22 the deadline for the maps was manyfold, but one of those
23 was trying to extend the time for line drawing.

24 So I just also again want to reemphasize -- having
25 worked in community agencies and community nonprofits

1 just how much relationships matter and relationships with
2 government entities. And I do think even seating the new
3 Commission in early 2030 -- they will be being seated
4 just as the Census begins firing on all cylinders. So
5 the Census at that point is not going to have the
6 capacity to be thoughtfully planning with the new
7 Commission, because they're in execution mode at that
8 point. And what I would see in an ideal world is that
9 relationship building, connecting with community
10 organizations, connecting with the giant infrastructure
11 that the Census builds throughout the 2029 year. That is
12 when the Census will have the capacity to loop in the
13 redistricting work in a much more intentional and
14 meaningful way. They are going to be essentially the
15 staff for -- Census are going to be MIA for most of 2030.
16 And I just -- I don't see a benefit regarding Census
17 collaboration if we don't seat the Commission early
18 enough to leverage it. Thank you.

19 COMMISSIONER KENNEDY: Thank you, Commissioner
20 Vazquez. I want to just share a couple of more thoughts
21 and then I'll call on Commissioner Yee. Ideally, yes.
22 One question is, are we going to be able to do this in
23 one fell swoop to reach the ideal, or is an incremental
24 approach to this going to be an easier lift? And also it
25 ties back into the question that I've been raising, which

1 is independence, yes -- but independence from whom? I
2 mean, let's just take Congress in D.C. because I've used
3 that example before. It's not that everybody clears out,
4 the whole thing shuts down, and then a new one starts.
5 There's a certain institutional existence that carries
6 on. And if it falls to the incumbent Commission to reach
7 out to Census in the years starting in eight or even
8 seven, then we need to look at that as an institutional
9 engagement rather than -- so much that the 2020
10 Commission doing something for itself. It's for the
11 institution of citizens redistricting.

12 So as much as I would like -- I mean, I've even
13 toyed with and probably said at some point, I'd be fine
14 with the new Commission coming in in the year starting
15 in -- or ending in 5 to give them plenty of time to plan
16 and engage with Census and develop joint messaging and
17 plan a flow-through of staff from Census to
18 Redistricting. Not sure how realistic that is, at least
19 at this point. And so we need to -- we need to look at
20 the institutional nature of the Citizens Redistricting
21 Commission more as an institution, less as discrete
22 bodies of people. And figure out the best and most
23 feasible way forward.

24 Commissioner Yee?

25 Can't hear you.

1 COMMISSIONER YEE: How is that? Any better?

2 COMMISSIONER KENNEDY: Yep.

3 COMMISSIONER YEE: Okay. Following up with that --
4 there's not a statutory requirement for the CRC to engage
5 the Census folks. I mean, we kind of grew into that
6 because I just think it's a great idea and a natural fit.
7 And we tried to make the best of it in a short time
8 period. But I mean, that's a choice the 2030 Commission
9 has to make on its own, if it's going to engage. And I'm
10 trying to imagine -- in a full-blown scenario where they
11 end up being able to really mesh their outreach together
12 and kind of cobrand the whole effort together. I mean,
13 that would take a huge upfront -- probably forming in
14 year five kind of organizational effort. And that's not
15 something we can chose for 2030. I mean, it's something
16 we could do in the off years. We could get that ball
17 rolling and then it would be up to them whether to pick
18 up on it.

19 But short of that, I'm trying to imagine -- okay,
20 what exactly are we thinking 2030 will do? I mean, I'm
21 wondering -- I don't know if Marcy's available -- but
22 just try to think concretely. If we had had three months
23 more, what more would we have done with the Census? If
24 we'd had six months more, if we had had a year more? I
25 mean, that would really determine what was actually

1 possible. Picking up more Census staff into -- being
2 able to hire them out, you know what I mean? To our
3 outreach staff. That would possibly be a big plus. But
4 those kinds of things -- I mean, there's so many
5 variables. It's hard to predict. So I'm just trying to
6 completely imagine what kind of coordination are we
7 actually talking about and what kind of time lines go
8 with those different scenarios?

9 If Marcy is available and has any thoughts on that,
10 I would love to hear from her. Thanks.

11 COMMISSIONER KENNEDY: Okay.

12 CHAIR VAZQUEZ: Can I -- I have something --

13 COMMISSIONER KENNEDY: Yes.

14 CHAIR VAZQUEZ: I wonder if --

15 COMMISSIONER KENNEDY: Go ahead.

16 CHAIR VAZQUEZ: Sorry. Thank you. I just wanted to
17 jump in because I think I would like to also hear
18 Director Kaplan's response to this. My understanding --
19 my day job also did a lot of work with the Census in
20 activating community groups to participate. And the
21 infrastructure that the Census built in the years prior
22 to actually completing the Census included many, many
23 roundtables across the state that were convened by
24 community partners, and it really was the kind of
25 community engagement that we tried to build from scratch

1 without relationships.

2 And I hear the point of sort of the next cohort can
3 sort of take or leave our work and that we should think
4 about institutionally what we want to build. My concern
5 also with not having them seated sooner in 2019 is that
6 there is a learning curve, as many folks have talked
7 about. There is a learning curve to community
8 engagement, outreach, how to hold space and hold power
9 with community. And I really think that learning can
10 happen, especially -- God forbid -- no pandemic and folks
11 are able to convene in these Census roundtables across
12 the state. If Commissioners could attend these and start
13 to build those relationships with community groups, that
14 for me -- while there's not a statutory requirement for
15 us to work with the Census -- our statutory requirement
16 does, as we've all acknowledged -- require us to get
17 heavy community input. And I just -- I don't see how
18 we'd be leaving the next cohort of the Commission in a
19 better place than when we arrived if we don't seat them
20 sooner. And with the purpose of helping them get in
21 early so that they can learn all through 2019 about how
22 to do community engagement, so that, again, while in 2030
23 they can be more in activation mode. Same with the
24 Census. So those are my thoughts.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Vazquez.

2 Commissioner Andersen, and then we'll call on
3 Director Kaplan.

4 COMMISSIONER ANDERSEN: Great. Thank you. I was
5 just saying there are two ideas here in terms of the time
6 line. And we're talking about moving it up in terms of
7 seating for the outreach and for staff and contract
8 building. But the end -- there's actually a whole other
9 aspect which is item number I-3 -- A -- the little one --
10 3 -- possible changes to the end of the map. The reason
11 to extend that is not just oh, we need more time for line
12 drawing. Because we're trying to say, and you will
13 reallocate prisoners. So you lose a month from the time
14 you get the Census data to when you can use the Census
15 data. That is why we're trying to do that at the other
16 end.

17 So these are not all the same thing. Well, we don't
18 have to do the September 15 date because we move it up
19 earlier to start. Those are two different issues. I
20 just wanted to make sure that -- I'm really lobbying
21 heavily for we extend from August 15 to September 15
22 because of that month. So I just wanted to make sure
23 that that was sort of separate items. Thank you.

24 COMMISSIONER KENNEDY: Thank you, Commissioner
25 Andersen. Commissioner Fernandez, unless you have

1 something that you want an answer from Director Kaplan
2 on, I'd like to call on her to respond and then come to
3 you. Okay.

4 Director Kaplan?

5 MS. KAPLAN: I'm happy to share just some context of
6 the time line of some of the efforts from the State
7 Census effort. So I don't -- I don't know how far back
8 you want me to go, but I think just also remembering that
9 the time line of the Census is -- will be different in
10 2030 than what we had for this -- or the actual -- the
11 end of the enumeration because of the COVID delay. For
12 2030 it will be, I would assume, back to the original
13 schedule.

14 So some of the pre-work, including with the State
15 Census Office the summer of 2018 there were meetings
16 across the state that the office launched. I'm not sure
17 if those are the same that Commissioner Vazquez is
18 highlighting. And the majority of the staff were
19 onboarded in the late fall, like, probably December 2018.
20 So there was a lot of pre-work earlier. And I've shared
21 a little bit of the time line with the Long-Range
22 Planning subcommittee, so I can pull that up and send
23 that around to everyone. As well as in terms of like,
24 when they got funding and how that increased over the
25 years prior to that. In January 2019 -- I think that was

1 around when the RFPs launched for the effort, and most of
2 the staff were onboarded at that point.

3 And so it did -- that did take a while for those
4 contractors to be identified, for their scope of works to
5 be ironed out and everything. And so there are
6 recommendations in the State Census Office, the
7 California Complete Count Office report for 2030 did do
8 some of that stuff earlier, and that's also in that
9 report I had shared with the subcommittee. So I can send
10 that around to everyone. So census day is April 1, and
11 the census this last cycle should've -- enumeration
12 would've gone to the end of July. So that's just helpful
13 to have that context of the time line. I'm not sure what
14 else you wanted more background on.

15 COMMISSIONER KENNEDY: Thank you for that, Director
16 Kaplan. Those documents will be very helpful. I look
17 forward to seeing them.

18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Thank you. I just want to
20 make sure -- no one's arguing that we shouldn't
21 coordinate with the Census -- of course we should
22 coordinate with the Census, but again, the Census doesn't
23 need to coordinate with us. They don't need to
24 collaborate with us. We're just assuming they will, and
25 we're hopeful that they will. We've got a good idea

1 that -- hopefully, they will. Again, there's a funding
2 difference between what the Census gets and what we
3 get -- 187 million versus maybe 20 million that the
4 Redistricting.

5 So I'm hesitant to have the Commission start so much
6 earlier if it's not going to be effective time of their
7 use, because we don't know yet. This will be the first
8 time a seated Commission is trying to coordinate with the
9 Census prior to the new Census being seated. And again,
10 I do feel that we are in a better position to know what
11 we need and what type of collaboration we want versus
12 seating a whole new commission in terms of what they
13 think they're going to need.

14 But I still -- I still think that an extra six
15 months for them would be great. It would help. And then
16 of course, we would hand over whatever relationship we've
17 established and connections to the new commission.

18 And then, Commissioner Kennedy, you mentioned if it
19 would be incremental changes, like the constitutional.
20 My recommendations is if we're actually going to try to
21 do a constitutional change, everything that we think we
22 want to change -- or would like to see changed -- we do
23 it in one bite. Because that goes -- that's a huge
24 effort -- that goes before the voters. And funding. And
25 there's going to be those that are against it, and it's

1 just a huge effort. I recommend once it's -- I'm not
2 sure we have the energy to do it twice -- but in terms of
3 the legislative changes, that's an annual process. So
4 theoretically, we could also go forward in future years
5 other than in those years that end in 9, 0, and 1.

6 Thanks.

7 COMMISSIONER KENNEDY: Thank you, Commissioner
8 Fernandez.

9 Commissioner Fornaciari?

10 VICE CHAIR FORNACIARI: Thanks. Let's see. I'll
11 just tell you how I'm feeling. It's just not sitting
12 right with me. There's a lot here. There's a lot going
13 on -- there's a lot of talk about changes that would all
14 be coupled with this. In this conversation there's a lot
15 of underlying assumption here about outreach and the
16 outreach effort. I just looked back in the Wayback
17 Machine at the role of the commissioner. And there's no
18 outreach for commissioners, right? We as a Commission
19 kind of decided we were going to do that. And so if
20 we -- and it seems like we're deciding how the next
21 Commission is going to do it, too. Or part of this
22 conversation is us deciding how the next Commission is
23 going to do it.

24 And I'm not -- we've had a lot of commission -- a
25 lot of discussion about outreach and how commissioners

1 feel about doing outreach in their role. And some of us
2 are really into it and comfortable with it and some of us
3 are not. I'll just go back -- it wasn't part of the --
4 it's not part of the job description that we got, right?
5 To do outreach. And I'm not sure it's the most efficient
6 and effective way to do outreach is to expect the
7 Commission to do it. I think that they should be
8 engaged. I think that they should engage in education,
9 but putting a big outreach effort on the Commission in
10 addition to their regular -- to the job of drawing lines,
11 I think is a little much. I think that we did it because
12 we had the time, and we had the talent. And I'll just
13 stop there.

14 COMMISSIONER KENNEDY: Thank you, Commissioner
15 Fornaciari.

16 Commissioner Sinay?

17 COMMISSIONER SINAY: I'm going to guess that working
18 so closely with Commissioner Fornaciari on outreach has
19 influenced me to a certain extent. We have gone back and
20 forth on is outreach part of what we do or not do? And
21 the reason is not so much is outreach a part of what we
22 do or not -- because it is very clear that we need to
23 engage as many people -- but I think usually the tension
24 is, do we cross the line of maybe getting information
25 from others on redistricting matters?

1 I think the main argument that is being made for
2 partnering with the Census is really about outreach,
3 right? How much can we -- not the Census -- I mean,
4 rebranding and branding with the Census -- that was
5 never -- I wasn't thinking that. My thought was that the
6 contracts that are done by the Census can include a
7 longer period that brings in this amount. And if that
8 means part of the budget -- I don't know how state
9 contracts work. I know state contracts can be that
10 creative where they partner with a nonprofit and they get
11 funding from two different pools or for two different
12 projects. I don't know -- I'm going to guess no based on
13 our experience of trying to create contracts with
14 community groups.

15 But the idea -- I think where I'm struggling to --
16 what I'm struggling to communicate is just the need to
17 help the infrastructure on the ground be more seamless.
18 Nonprofits, advocacy organizations, associations,
19 grassroots groups -- however we want to refer to them --
20 are hungry for cash. And there is the reality that it is
21 a cycle that you're constantly running around looking for
22 money. And how can we be part of the solution and not
23 part of the problem as two government entities who are
24 really trying to reach the same individuals to get them
25 involved and get them to understand -- to get them

1 engaged in a healthy democracy?

2 COMMISSIONER KENNEDY: Thank you, Commissioner
3 Sinay.

4 Commissioner Vazquez?

5 CHAIR VAZQUEZ: Yes. Thank you. I think I
6 understand sort of this question mark about commissioners
7 doing outreach, and especially because there is a
8 learning curve. That being said, I do feel pretty
9 strongly that the Commission is responsible for outreach
10 because I am not sure how we fulfill our mandate to
11 identify community of interest -- communities of interest
12 without outreaching and engaging the community to give us
13 that information.

14 Now, I think reasonable people can disagree about
15 what -- how that should look like and what role
16 individual commissioners can play, but I would think that
17 in my ideal world, the outreach staff that we brought
18 on -- the local outreach staff -- would be the ones
19 creating those connections to local CBOs in real time
20 whether, honestly, we hire them or the next Commission
21 hires them.

22 I also am still -- I continue to struggle with why
23 we need to completely sort of like, dismantle everything
24 that we worked so hard to build, and I think Commissioner
25 Kennedy you have made this point several times. I really

1 disagree that we don't need sort of -- maybe a skeleton
2 staff, certainly. There are ebbs and flows to the
3 workload, but I think if we had a full functioning office
4 and even local offices, we could create robust
5 institutions -- we could become a robust institution with
6 staffing and capacity to be able to leverage
7 relationships on the ground.

8 And I think also Commissioner Sinay mentioned sort
9 of the cycle of being a nonprofit and being hungry for
10 cash. I mean, I think, for me I don't necessarily think
11 we should find -- let me back up. How do I want to say
12 this? These groups are going to be doing the labor of
13 outreach and engagement anyway because that is how --
14 that is how they will be making our democracy truly
15 representative. So they will -- these community groups
16 are -- as they did -- as they did this year and as they
17 did ten years prior -- they're going to be doing the
18 work. And I feel like they should be adequately
19 resourced to do that work, whether we do it, whether we
20 figure out a way to have private foundations support that
21 work or what have you.

22 So for me -- they're going to be doing the work
23 anyway -- they should be compensated. And so part of how
24 this for me is relevant to when the Commission starts is
25 that if they're going to be doing the work anyway, I

1 think the Commission as a whole needs to be part of --
2 needs to be part of supporting them in doing that,
3 whether financially or as thought partners.

4 COMMISSIONER KENNEDY: Thank you, Commissioner
5 Vazquez.

6 Just to summarize a little bit before break -- my
7 sense is -- and please correct me if I'm wrong -- my
8 sense is that we all believe that a future Commission
9 would need more time than what is currently foreseen in
10 the legal framework. Not talking about our experience
11 with COVID, but just in general that if we had not had
12 the pandemic and we had had our first meeting in August
13 of 2020 and had to submit final maps by August of 2021,
14 with everything that we know now, we generally believe
15 that the next Commission and future Commissions will need
16 some more time.

17 Commissioner Fornaciari?

18 VICE CHAIR FORNACIARI: Yes. I agree with that.
19 And I agree with what Commissioner Sinay and Commissioner
20 Vazquez just said. But I guess -- I guess it's the hows,
21 right? I mean, we're having a conversation about a time
22 line without knowing what we're going to do and how we're
23 going to do it or propose to do it, right? And there's
24 so many questions in addition to the time line that we
25 need to discuss and come to an agreement on. I mean,

1 it's so coupled that just this conversation about the
2 time line and making the decision about what the time
3 line looks like is difficult for me to come to some
4 conclusion on that without understanding the rest of it,
5 right? And so one of the big things that we ran into is
6 contracting with CBOs, right?

7 Okay. I mean, if we want to give money -- if we
8 want CBOs to have money to do this work, we got to figure
9 that out. And we also got feedback from them -- they
10 don't want to get the money from us because then they'll
11 feel beholding to us. So how do we solve that problem?
12 We talked about -- so if we make this thing a year
13 longer, yes, maybe they won't have to meet so often, but
14 is that going to exclude folks from participating because
15 it's more time on the Commission -- the Commission's not
16 in hibernation.

17 We talked about a salary for -- the potential of
18 having a salary for the commissioners. I mean, to me,
19 that changes the conversation, too, right? And so I
20 guess I'm struggling with all of these pieces, and for me
21 to make an informed decision about what the time line
22 should be, we need to have all these other conversations,
23 too.

24 COMMISSIONER KENNEDY: Great. And my hope is
25 that -- I'm not trying to close off this Lessons Learned

1 discussion and long-range planning discussion by the end
2 of March. I don't think that's realistic. I think that
3 this needs a good bit more consideration, and I will be
4 happy to continue this discussion after the end of March.
5 But I do think it's important to at least start taking
6 steps in the direction of having a consensus on what we
7 would put forward to those that we need to put our ideas
8 forward to. So thank you for that.

9 Commissioner Le Mons?

10 COMMISSIONER LE MONS: I wanted to echo some of the
11 same feelings, I guess, or perspectives that Commissioner
12 Fornaciari is raising. It feels similar to points I made
13 the other day. And it could just be the way I am
14 thinking of Lessons Learned, which is just that. Okay,
15 these are the lessons that we learned based upon how we
16 approached it, and I think that is the key piece. It's
17 how we, as a Commission, decided we wanted to achieve the
18 objective of the Commission. It isn't a set-in-stone
19 approach. It's a different approach than the previous
20 Commission used and could, quite frankly, be a very
21 different approach that the subsequent Commission will
22 use.

23 So I think that that part makes it a little
24 difficult for me in that I want to be careful that we're
25 not so arrogant in what we experienced is what we

1 experienced, but it's really more the frame that --
2 because this is what we experienced, this is what it
3 should be going forward. So that's the part that I'm
4 having a little bit of difficulty with.

5 I think raising these things -- and I know the
6 problem is that all the things that we talked about so
7 far in terms of time lines and timing and all of the
8 learning curves and ramp-up times and everything that's
9 required for any new commission to be seated -- a lot of
10 this process that we're doing right now they won't have
11 the luxury of doing. So I know we're trying to make not
12 only the overall process and experience more productive
13 for the broader objective of why the Commission exists.

14 I wonder at what point did we begin to kind of cross
15 the line in our scope as the 2020 Commission? And I'm
16 not saying we are crossing it -- I don't know, but maybe
17 I, in my own mind, need to have more of a delineation
18 between Lessons Learned like a escalation of our process
19 and a pointing out of our discoveries and some high-level
20 broad suggestions of what might be raised of dealing with
21 some of those things, keeping in mind the respect and
22 latitude of the autonomy of the 2030 Commission.

23 And then second to that, and maybe separate, is this
24 whatever the length of the list is of things that we
25 think just have to be corrected and that there becomes a

1 consensus from this Commission through a vote that that's
2 what we're going to do. And then from there, we can
3 focus our time over whatever period of time that we're
4 going to invest in that over the rest of our tenure,
5 based upon when things would need to be approached with
6 different bodies, et cetera. So I think maybe process
7 for me and how we are going to really achieve this would
8 be helpful in better understanding as well.

9 So those are just some of my thoughts. I don't have
10 really solutions to offer, but it's just some things that
11 I've been thinking about as we've been having these
12 discussions. Thank you.

13 COMMISSIONER KENNEDY: Thank you, Commissioner Le
14 Mons. So we are at -- we just passed 11 o'clock. It is
15 break time and so we will -- I'll hand it back over to
16 the chair and we will pick back up on the backside of our
17 break.

18 CHAIR VAZQUEZ: Great. Thank you. Let's have a
19 full 15-minute break, so I will see folks at 11:16.

20 (Whereupon, a recess was held from 11:01 a.m.
21 until 11:16 a.m.)

22 CHAIR VAZQUEZ: All right. Welcome back to our
23 Lessons Learned conversation.

24 I will turn this back over to Commissioner Kennedy.

25 COMMISSIONER KENNEDY: Thank you, Chair. So I

1 believe Commissioner Le Mons was last. Commissioner
2 Fornaciari had had his hand up, but I believe he had to
3 step away for a bit. I raised my hand basically to say
4 that providing more time for the 2030 Commission doesn't
5 compel them to do anything specific with it as
6 Commissioner Fernandez said. Maybe they decide to have
7 fewer meetings because there's less pressure. I suppose
8 it's possible that they would appreciate the pressure. I
9 once worked with a colleague who said the best way to get
10 anything done is to have a plan and not quite enough time
11 to do it. But my sense is that for many reasons, most of
12 which we've gone through last week and this week, it
13 would be good to provide the 2030 Commission with at
14 least some more time even if we're not able to provide
15 them with what we might consider an ideal amount of time.

16 So for me the bottom line is providing more time
17 might be achievable without a constitutional amendment,
18 providing anything near what we believe would be ideal
19 would require a constitutional amendment. And as
20 Commissioner Fernandez, I believe, pointed out, that's
21 orders of magnitude more difficult than providing some
22 additional time. So I invite further thoughts on this.
23 Again, I don't know that we have to reach a final
24 conclusion on this today or this month. But it is
25 certainly a conversation that we need to have and we do

1 need to conclude it at some point.

2 Commissioner Yee?

3 COMMISSIONER YEE: Thank you, Commissioner Kennedy.
4 Yeah, a constitutional amendment -- I mean, it is a big
5 lift. I'm trying to think kind of as the devil's
6 advocate -- let's say I'm just a voter out there. What's
7 the case? What would compel me -- what's broken here
8 that needs to be fixed that would compel me to vote yes.
9 And knowing that this involves more money, and so on.
10 And it's tricky because we're kind of talking out of both
11 sides of our mouth. We're saying, we're very proud of
12 our maps. I'm very proud of our maps. The maps got
13 done. The job was done. Same thing in 2010 with half
14 the time. Maps got done. So from a voter's point of
15 view, what's broken that needs to be fixed?

16 Of course, everybody wants more time and more money,
17 right? And could do a better job. And we could've done
18 a better job. But the job did get done, so even if we
19 got this onto the ballot, it's not a slam dunk, I don't
20 think, that it's an obvious fix that people would fall
21 behind. And even just to have -- without the change --
22 just staying in the years ending in zero -- even to have
23 three or six more months -- three, four, or six more
24 months -- that would've been useful, for sure. And I
25 think -- thinking in those terms might be more realistic.

1 Thanks.

2 COMMISSIONER KENNEDY: Thank you, Commissioner Yee.
3 Commissioner Andersen?

4 COMMISSIONER ANDERSEN: Yeah. I totally agree with
5 Commissioner Yee's perspective there because it's the
6 why, the what. And the one idea, though, that we really
7 need to push in terms of why is -- the 2010 Commission
8 did not have the ability to do the community of input --
9 sorry -- the communities of interest -- our COIs --
10 before the census data got there. And that is crucial.
11 That is a very, very big difference, which we were able
12 to do. And that was very well received. And it's
13 separate from maps.

14 And both of -- they told us, boy, we wish we
15 could've done a second draft. We were saying, we sure
16 wish we could've done a second draft. Those are really
17 legitimate reasons that the public -- and I believe all
18 our partners out there -- would say, wow, we sure
19 would've liked to have had a second draft. And those
20 community of input meetings were very, very valuable. So
21 I just wanted to say that.

22 COMMISSIONER KENNEDY: Thank you, Commissioner
23 Andersen.

24 Commissioner Vazquez?

25 CHAIR VAZQUEZ: Yes, agreed. I think the community

1 of interest input was really valuable in that that work,
2 I do think, could've benefited from additional time as
3 well as Commissioner Andersen said, having more time to
4 do a second sort of official draft map.

5 An additional perspective I will add about pushing
6 for commissioners to be seated earlier is that Census
7 would require going out to the ballot and getting voters
8 to agree to it. As you said, Commissioner Kennedy, this
9 is a giant lift. It's going to be expensive. It will
10 cost not zero dollars to run a ballot initiative and a
11 campaign. And it seems like if we're going to be doing
12 this lift, should we not -- should we not try to maximize
13 that opportunity? I would have concerns about doing all
14 of this for three to six months.

15 And I also -- I think it's both -- I'm getting into
16 campaign mode -- it's about making the case to voters and
17 it's also -- I'm not sure that we would have a super
18 vocal opposition. That's also what you think about, I'm
19 sure -- like, folks -- there will be some on the
20 record -- well, this'll cost money, the job got done,
21 blah, blah, blah. But I don't foresee a strong, well-
22 funded opposition to this unless we give folks reason to
23 strongly oppose. So for me this -- I'm not saying that
24 by any stretch that's an obvious or easy win, but it will
25 be a lift, and so I think if we're going to do the lift,

1 we should do the lift to get some real additional
2 meaningful time for the next cohort.

3 COMMISSIONER KENNEDY: Thank you, Commissioner
4 Vazquez.

5 Again, I'll highlight that moving the start to --
6 for example, January of 2030 -- so roughly five or six
7 months more than we had and roughly a year more than the
8 2010 Commission had -- does not require a constitutional
9 amendment. That can be done with some legislative
10 changes, not necessarily easy, but certainly not the
11 expense of an initiative campaign.

12 But again, I also highlight that it may be that the
13 time line that we currently have was largely a product of
14 the short window between the time the original initiative
15 passed in the fall of 2008 and the 2010 census. If the
16 initiative campaign had happened in 2003 rather than
17 2008, would we still have the same time line that we
18 currently have? I think that's a question that we need
19 to ask; we need to look at; we need to consider. And
20 certainly, if we strongly felt that starting in 2025 was
21 going to be the best for the future of Citizens
22 Redistricting Commissions in California, I would be all-
23 in on that campaign.

24 I am not yet to the point of believing that given
25 the -- given all the factors that we're talking about

1 with that 8/20/25 start is necessary and given that we
2 could, in fact, undertake some of what we were talking
3 about while we are still in office. I just wanted to put
4 that out there. Thank you.

5 If there's no further discussion on this right now,
6 we can certainly come back to it later. The next item
7 that has come up in our discussions that has at least
8 some traction with Commissioners, is a possible change to
9 the size of the Commission, shifting from five, five and
10 four to five, five, and five. And if the consensus is
11 not to shift or propose a shift to five, five, and five,
12 there was some interest in changing how the other
13 category is handled, whether that be by saying the third
14 largest grouping, rather than the -- sorry, the second
15 largest grouping rather than the second largest party
16 because "party" limits it to Democrat or Republican. It
17 does not take into account that the entire "other"
18 category is currently larger than the Republican
19 category, even though the no-party-preference category is
20 still somewhat smaller than the Republican category, but
21 once you add the other elements of the "other" category,
22 that is larger than the current Republican registration.

23 So just wanted to open that topic up for discussion.

24 So Commissioner Sinay?

25 COMMISSIONER SINAY: I just wanted to acknowledge

1 that I found it fascinating yesterday -- I think it was
2 Michigan -- their biggest representation on their
3 Commission was, actually, from the third group. And
4 everybody else was kind of like us in that they shared.
5 And I just wanted to bring that up that that was just
6 something to think about.

7 COMMISSIONER KENNEDY: Commissioner Andersen?

8 COMMISSIONER ANDERSEN: The one thing that I
9 think -- we often say, oh, it's five Democrats, five
10 Republicans, and four of the other. That's not the --
11 that's not how it's written. It's five of the most
12 populated party by number, five of the second most
13 populated party by number, and four of the remaining
14 parties together. And so I don't know -- the only reason
15 I would say maybe go five, five, and five is -- and
16 there's one also interesting thing about it in terms of
17 the "other" -- there is a category where a lot of people
18 thought, yes, I want to be independent. I want to be no-
19 party-preference, and then there's a party -- there's a
20 political party which people did sign up, thinking they
21 were joining the Independent, but no, it was actually a
22 different political party. Many people found that to be
23 kind of a bit of a shock.

24 So it would be interesting to see the numbers before
25 we really decided on this one way or the other -- the

1 actual registered numbers right now. And then we can
2 talk about where it would go, but I like the way it's
3 written right now. I could see -- just because the
4 numbers that we were talking about before, having it go
5 five, five, and five, which would give five of -- the
6 first largest, the second largest, and five for the
7 remaining, as opposed to four remaining just because of
8 more representation for the mix. But I just wanted to
9 make sure that people know it's not five Democrats, five
10 Republicans, but it's -- if another party becomes larger
11 than the Republican Party the way it would be right now,
12 is the Republican Party would be mixed in, and I don't
13 think that would sail past the legislature, just to put
14 it bluntly.

15 COMMISSIONER KENNEDY: Okay. Hold on just a second.
16 Okay. So this is the latest report on voter registration
17 for the State of California. This is the 154-day report
18 before the June 7th Primary, so this is as of January
19 4th, 2022. And this shows you going back to the --
20 before the formation of the Citizens Redistricting
21 Commission.

22 Commissioner Yee?

23 COMMISSIONER YEE: Yeah. So two questions. One is,
24 the idea of adding one, I take it, would be a move
25 seemingly to add fairness? I mean, in our case for you

1 first eight, it would've helped that tough decision at
2 the end if we would've been able to fill one more slot,
3 but otherwise, what's the strong argument for anyone?
4 What is the problem that that fixes?

5 The third category is actually neither of the first
6 two. It's not just third-party, but of course, no party
7 of preference as well. So I can certainly see the
8 argument of fairness for no-party-preference being
9 considered as a category. That could be one of the first
10 two categories as you can see here as of January this
11 year it's certainly creeping up and may well soon be the
12 second largest category.

13 On the other hand, I have to agree. I don't think
14 politically it would fly, and our two-party system I
15 think it's important. I think it's in crisis. I think
16 if Republicans slip more in California it's our own
17 fault. Hopefully, that can change, but just politically
18 speaking, I don't know if it would fly to essentially
19 have one of our historic two parties fall off the -- fall
20 off the first two categories. But what were the
21 arguments for adding one? I'm not recalling exactly what
22 they were.

23 COMMISSIONER KENNEDY: Well, if I can jump the line
24 at this point, as it were -- yes, fairness, but also if
25 you consider that in the adoption of the final maps, for

1 example, or personnel decision -- major decisions of the
2 Commission that require a special majority. That special
3 majority is three, three, and three, despite the fact the
4 membership is five, five, and four. So you are in
5 essence giving the four in the other category
6 individually more power than any other individual member
7 of the Commission. To me that's a -- that has to be
8 considered in this discussion. I'll leave it to others
9 to bring up any other points that they see on this.

10 So Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Well, because Commissioner
12 Kennedy jumped the line -- he stole my thunder. That's
13 exactly what I was going to say is it really comes into
14 play. And if you can remember, some of the votes we had
15 to either hold off or postpone in order to ensure we had
16 enough. And at least if it was five, five, and five, you
17 could -- theoretically, two could be gone from a specific
18 party, depending if they're going to vote one way or
19 another.

20 So yeah, it was two-fold, fairness and then also for
21 the super-majority votes that comes in to play. And as
22 Commissioner Kennedy said, higher weight then, is given
23 to the no-party-preference because they've got four
24 versus the five. Or whoever that third -- whoever's
25 going to fill the four. Thanks.

1 COMMISSIONER KENNEDY: Thank you, Commissioner
2 Fernandez.

3 Commissioner Toledo?

4 COMMISSIONER TOLEDO: I don't have a strong opinion
5 either way, but I do see the argument in terms of
6 fairness and the votes. One thing I wanted to raise is
7 just -- one thing we did see, and we did hear from the
8 public during this cycle, has been geographic
9 distribution of the commissioners and might there be --
10 it probably also would be very controversial -- but
11 potentially trying to see how we might be able to
12 incorporate some geographical considerations as part of
13 the selection of the Commission as to whether there are
14 fourteen or fifteen of us. Thank you.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Toledo.

17 Commissioner Akutagawa?

18 COMMISSIONER AKUTAGAWA: Thanks. I also want to
19 support what has been said about fairness. I guess also
20 thinking about fourteen -- I don't want to think about it
21 necessarily in terms of a tie-breaker. I hope that any
22 future votes will maybe be similar to us where there's
23 enough, I think, collaboration amongst the commissioners
24 that there can be, again, another unanimous vote. But I
25 guess just for me the argument is also why shouldn't it

1 be five, five, and five, instead of what is the case for
2 five, five, and five. It's more the opposite, why
3 shouldn't it be? And I think that as we're seeing from
4 these numbers that there is a shift in the way, I guess,
5 people do not necessarily want to affiliate with either
6 one. It could also be about challenging the status quo
7 of a two-party system and also saying that in some ways
8 just having a little bit more greater diversity in terms
9 of maybe just how people may want to either identify or
10 not identify may also add to it.

11 I'm a little -- in terms of what Commissioner Toledo
12 just talked about in terms of geographic diversity, I
13 think we did hear quite a bit about that. I would just
14 say, I would be concerned about adding more parameters,
15 like having to require kind of geographic diversity. I
16 think then -- and I think then the question will, for me,
17 then gets raised about, like, well, how do we ensure
18 other kinds of diversity? Why only geographic diversity?
19 And I think it becomes -- it could become complicated.

20 It could be that maybe that's just the way we have
21 to go. But again, I think maybe that's better left to
22 the next Commission to let -- or the selection process.
23 It could be left up to us, but I think that maybe that
24 should also be a voters kind of question as well, too.
25 Like, who do they want representing the state on that?

1 So I'm not necessarily strongly against it or strongly
2 for it. I'm just kind of raising it as just maybe a
3 question. Thank you.

4 COMMISSIONER KENNEDY: Thank you, Commissioner
5 Akutagawa.

6 Commissioner Sinay?

7 COMMISSIONER SINAY: Thank you. I keep looking up
8 how people talk about political affiliation now that
9 things are changing and we are moving away from a two-
10 party system. And -- and I think we used group and we
11 also brought up -- the one that keeps -- that keeps
12 making the most sense to me is voting bloc. What are the
13 voting blocs? You know, this is, like, the first bloc,
14 the second bloc.

15 But I think if there was one change that I would
16 like to see in that legislate -- the way it's written,
17 and I know the party part isn't written, but for it to be
18 clear. The way -- so we -- we did ask -- Commissioner
19 Yee and I did ask when we met with Common Cause and
20 League of Women Voters, which I think would -- having
21 their input on some of this is critical. They're still
22 around the people who have these conversations.

23 But they said, well, we went around and around on
24 numbers, and we really didn't -- we had thought of
25 thirteen, but there was one member from League of Women

1 Voters, she just thought it was bad luck, so we -- she
2 was like, not thirteen. And so that's kind of how we
3 ended up at fourteen. So I'm sure there was more to it
4 than that, but that was kind of -- we were -- we were
5 kind of amused about that.

6 I would say that, currently, the -- the third bloc
7 actually has more power than the other two blocs because
8 they get -- when we do a supermajority, it's still three,
9 three, and three. And they only have -- you know, they
10 have four, and so they can hold up votes and stuff. So
11 that's -- you know, just to keep that in mind that if we
12 were to give out parity, parity would be five, five, and
13 five, and then supermajority vote would still be three,
14 three, and three.

15 And I will say that when I said that the -- when I
16 would tell people, yeah, I got selected, I'm one of
17 fourteen, everybody's question was, like, why fourteen?
18 Shouldn't it be an odd number so that you have that
19 break? You know, the person who -- but because I didn't
20 know about the super majority at the time, and so I think
21 that's how they handled having fourteen and having that
22 tiebreaker.

23 But I would be -- I'm okay either way, but I
24 would -- but I would be really supportive of making sure
25 we have clearer language so that it's about political --

1 you know, it's about blocs and that it's all-inclusive
2 for all the different small parties, bigger parties,
3 independents, nonparty preference, all the different ways
4 people define themselves when they cast a vote.

5 COMMISSIONER KENNEDY: Thank you, Commissioner
6 Sinay.

7 Commissioner Taylor?

8 COMMISSIONER TAYLOR: Thank you. For all the
9 reasons that you guys have stated, I think I would be in
10 favor of the additional slide, balance, parity, fairness,
11 and I think the additional stock would also increase the
12 complexion of the makeup of the commission to be --
13 fairly represent Californians and also add to the
14 potential balance in geography. Thank you.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Taylor.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes. I think this is also
19 what Commissioner Taylor just mentioned, but I just --
20 having that additional member, that would be -- then
21 seven would be selected by the eight. So that would
22 allow an additional member to balance, like, for
23 geography or ethnicity or race or background, whatever
24 the case may be. But it would hopefully balance out
25 being able to fill some of those -- check off some of

1 those boxes.

2 COMMISSIONER KENNEDY: Thank you, Commissioner
3 Fernandez. All right.

4 Commissioner Andersen?

5 COMMISSIONER ANDERSEN: I was just actually going to
6 go the other way. I would recommend -- oh, first of all,
7 I believe the way it's written is as clear as it -- as it
8 should be. It should be the first -- you know, I'm not
9 sure what bloc, you know, by voting blocs, but in terms
10 of political party by number, the largest political party
11 by number, the second-largest political party by number,
12 and then the remaining parties, you know, as a group.
13 And then, you know, whichever party -- you know, as you
14 say right now, there happen to be more of, quote, others,
15 the combination -- over here, it looks like there are
16 three parties and other, but it's two, one, two, and
17 others is the way it's written, co-combined.

18 I think we should have five, but I believe it should
19 be the first nine and then pick two, two, and two. And
20 the reason I'm saying that is because you have to do
21 those as a slate, and it's very tricky. I think having
22 the voices would be different. Now, the one thing that
23 you do -- we do have to need -- made to understand is
24 those could be who knows. And as the population shifts
25 over the years, who knows what the first and second

1 parties will be in our state? You know, we have no idea.
2 And I was going to say it should be the first nine and
3 then two, two, and two.

4 You know, I do see what Commissioner Fernandez said
5 about, well, maybe you could make sure of geographic --
6 but they do consider geographic all the -- all the way
7 through. It's unfortunately, there just aren't that many
8 people who tend to apply, and that's where I think we
9 need more outreach in terms of areas that are more remote
10 or, you know, further -- you know, not just from the big
11 cities. So but that's why I was going to say it should
12 be the first nine, and then -- but we do regardless, if
13 we add a person, we need to pay attention to all those
14 specific details.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Andersen.

17 You know, just a hypothetical, what if we reached a
18 point twenty years from now where no party preference had
19 more than anyone else and still had fewer seats on the
20 commission? You know, I think one of the challenges of
21 this is to perhaps think in terms of hypotheticals and
22 how could it be written more generically so as to ensure,
23 you know, that fairness is not just -- that fairness is
24 not limited by putting the word party.

25 And that's why, you know, some are saying, you know,

1 what if we changed -- proposed changing the word party to
2 grouping. And no matter what happens, no matter how many
3 years down the road, you know, then it is taken care of
4 with a small change in just the terminology.

5 Commissioner Andersen?

6 COMMISSIONER ANDERSEN: Yeah. I see the distinction
7 now. I just assume no party preference was, quote,
8 group. But without defining it that way, it is
9 misleading, yes. It's like they don't count sort of
10 when -- it certainly is a group. So I see the point, and
11 I appreciate that point. And I don't believe -- well, I
12 don't know. It would be interesting to see what the
13 people who originally wrote it actually contemplated.

14 COMMISSIONER KENNEDY: And again, this is -- this is
15 in the category of if this change were to be made, it
16 would have to be through an initiative. This is not
17 achievable through legislation because this language was
18 put in there by initiative and can only be changed
19 thorough initiative.

20 Commissioner Vazquez?.

21 CHAIR VAZQUEZ: Thanks. This, more so than
22 extending the time line, feels like it would invite a
23 very strong, well-funded opposition campaign from one or
24 both parties. So just wanted to flag that, that if we're
25 concerned about heavy lift, this one is going to be

1 (audio interference).

2 COMMISSIONER KENNEDY: Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: I completely agree with
4 Commissioner Vazquez. This is going to be the one that's
5 going to not be a winner, I don't think. But I mean,
6 that doesn't mean that's why we should not go for it, but
7 I just see the arguments because we don't know Democrat,
8 Republican, what that will look like in ten, twenty,
9 thirty, forty, fifty years, and neither one would want to
10 lose their five, I think.

11 COMMISSIONER KENNEDY: But the beauty of proposing
12 five, five, and five is that no one loses five. You
13 know, it puts everyone on a more even keel and,
14 hopefully, you know -- a three-legged stool is more
15 stable than a two-legged stool.

16 Commissioner Akutagawa?

17 COMMISSIONER AKUTAGAWA: Yeah. I wanted to just
18 really emphasize or agree with what you just said,
19 Commissioner Kennedy. I guess I -- I mean, I guess, I'm
20 just going to say I'm probably being just, you know, not
21 informed on this. I mean, what happens if, in some
22 cases, the no party preference grouping goes higher?
23 Does that mean that they get the five and then one or the
24 other, whether it's Democrat or Republican, gets a four-
25 seat placement?

1 And I'm sure that's not going to make someone very
2 happy, either, and I guess -- in some ways, I guess the
3 rise in no party preference is also a reflection of, you
4 know, what people also believe about the two-party
5 system, too. So I guess I'm just -- I'd be curious. I
6 mean, and I don't know if anybody has a way to explain,
7 like -- I guess, the -- yeah.

8 I mean, I'd be curious why there would be a feeling
9 that there would be a loss of something versus more of
10 evening it out and ensuring, in a way, a fair -- kind of
11 equal seats for at least Democrat, Republican, and no
12 party preference, which would -- I'm assuming is going to
13 be combined with other, but I guess it's not because if
14 that were the case, then no party preference and other
15 would have been the second-largest grouping for even our
16 commission. So I guess it's not worked out in that way,
17 so yeah. Thank you.

18 COMMISSIONER KENNEDY: Thank you.

19 Yeah. The language currently says the largest
20 party, the second-largest party. So since no party
21 preference is not a party, the no party preference, even
22 if it were, you know, fifty percent of the voter
23 registration, would not be able to have equal
24 representation with the next largest grouping and the
25 following grouping, as it were.

1 So I mean, as I see it, the only way that someone
2 really loses a seat on the commission is if it stays at
3 five, five, and four and the language is changed to
4 grouping rather than party. If a proposal to change the
5 membership to five, five, and five were to pass, you
6 know, nobody's losing a seat. And if we stick with five,
7 five, and four and don't change the language from party
8 to grouping, nobody's losing a seat. That's a way to
9 look at it.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: So I'm not saying that I'm
12 not supportive because, actually, I'm supportive of it,
13 and I just want to explain the losing piece of it. The
14 losing piece of it is if you have to be lumped with the
15 others, right? So you potentially have a chance to --
16 either Democrat or Republican or even no party
17 preference, to lose a commissioner to other. So that --
18 I'm trying to explain what it is, but I'm also saying I
19 agree with moving forward with the five, five, and five.
20 I just think that there's going to be strong opposition
21 to this, and I just want to make sure everyone's fully
22 aware of that.

23 COMMISSIONER KENNEDY: Thank you, Commissioner
24 Fernandez.

25 Commissioner Vazquez?

1 CHAIR VAZQUEZ: I agree with Commissioner Fernandez.
2 I think what I'll add is that this composition was
3 extremely contentious when it was proposed. It was
4 probably one of the bigger fights in the ballot
5 initiative in particular because there are -- there were
6 also competing proposals to structure this so that
7 representation on the commission was proportional to the
8 party distribution in the state.

9 So in particular, Republicans, having even
10 representation with Democrats, was an especially
11 important political compromise to get this -- to get our
12 commission established. So I'll just say that I don't
13 necessarily disagree that it's better public policy to
14 have a fifth seat on this commission. I will say that I
15 have big concerns about the feasibility of getting this
16 passed both Democratic and Republican opposition, in
17 particular, because I think, you know, we are a unique --
18 we're a unique group of individuals.

19 So this is where I think we also sort of have to
20 step back and think about how our individual commission
21 worked together, which I think was pretty brilliant and
22 special. And the fact that we had a unanimous adoption
23 of our maps, again, I think it's really unique and
24 special, and I don't know that we can guarantee that kind
25 of synergy and that partnership across the next

1 fourteen/fifteen cohort.

2 And I think that is where sort of the political
3 leaders of the parties -- the parties in our state will
4 be very, very mindful of when considering their
5 opposition to this because what you're doing is
6 potentially neutralizing a party line vote in favor of or
7 against maps that are maybe completely distasteful to one
8 party or the other. So yeah. Again, just because it's
9 smart public policy does not always mean we have the
10 political will to enact such policy.

11 COMMISSIONER KENNEDY: Thanks for that reminder,
12 Commissioner Vazquez.

13 Commissioner Ahmad?

14 COMMISSIONER AHMAD: Thank you. And I just wanted
15 to echo agreement with Commissioner Fernandez's
16 statement. I -- in theory, this would be great, but in
17 practicality is where I'm getting a little pause. And I
18 feel like trying to approach this project might be --
19 might have unintended consequences on the progress that
20 we've made to even get a -- an independent commission up
21 and running. And then the last point being another --
22 the third group gaining a seat is, in effect, decreasing
23 the power of the other two groups. So perhaps having
24 those groups being leveled won't be in -- as we learned
25 yesterday, in everyone's agenda. Thanks.

1 COMMISSIONER KENNEDY: Thank you, Commissioner
2 Ahmad.

3 Commissioner Andersen?

4 COMMISSIONER ANDERSEN: Sorry. Just one last thing.
5 And I appreciate what we're saying here, but the
6 supermajority's three, three, and three, so it isn't --
7 you know, the Republican Party, the Democratic Party have
8 three votes, all the rest together have two -- have three
9 votes, the way it is now. And by adding a fifth person
10 to the other group, the remaining -- I'll say the
11 remaining groups -- would not change that.

12 And unless we define no party preference as a party,
13 there would be no change. They would still be part of
14 the other unless one of the other -- one of the actual
15 other political parties becomes larger than, you know,
16 the second-largest or the -- you know, one of the first
17 or second largest.

18 You know, we have to remember that this is not a --
19 you know, all major decisions by the commission are a
20 three, three, three vote, which does give more power to
21 that third grouping -- seventy-five percent versus, you
22 know, the -- three out of five. And that is -- that's
23 powerful. Now, if you divide it up between -- with
24 political party and stuff, which is true.

25 But if it becomes five, five, and five, it actually

1 essentially reduces the power, if that makes -- of the
2 combination. But it -- nobody else loses power, even if
3 you get it -- even if there's sort of the switching
4 around, you're still three. And I understand what
5 Commissioner Fernandez said if the number 2 party becomes
6 one of the mix, but unless it's redefined -- party is
7 redefined -- it's not happening.

8 And I think -- I understand the public's perception,
9 oh my God, you know, because you think fourteen. You
10 know, what Commissioner Sinay first. Oh. Oh my gosh.
11 Well, what about -- how are you going to break
12 tiebreakers? But then you see the -- no, all important
13 decisions are made on a three, three, and three basis.
14 The tiebreakers are, you know, about, you know, what
15 dates we're having our meetings and things like that.

16 So I think -- and I just want to make sure that
17 people don't think no party preference is -- I sort of
18 thought, quite frankly, but no party preference is no
19 party, so it doesn't -- it's not as one -- it cannot be
20 moved into the one or two unless we redefine that, which
21 that is never going to happen, given the Republicans and
22 the Democrats. So I just wanted to make sure that
23 everyone was really, really clear about that.

24 And the other issues, though, are absolute truth.
25 It's public perception of what -- of what they would

1 think. So just wanted to make sure that everyone was
2 aware.

3 COMMISSIONER KENNEDY: Great. Thank you,
4 Commissioner Andersen.

5 Anything else on this point?

6 Okay. Then the third item under possible
7 constitutional changes would be changing the deadline for
8 the maps from August 15th. And what I've heard mostly is
9 shifting that back to the original September 15th
10 deadline that was included in the 2008 Voters FIRST Act.
11 So opening up that discussion.

12 Commissioner Sinay?

13 COMMISSIONER SINAY: Yeah. When I first saw this, I
14 was like, well, why September 15th? It seems like it
15 would need even more time. And one thing we did learn
16 this time is that there -- that it can be done, right? I
17 mean, we pushed the Office of Registrar, you know,
18 throughout the state, obviously, with our time lines, but
19 I was -- I was kind of thinking more October 15th
20 versus -- you know, giving -- I know that if we could
21 justify the -- that we were saying, well, September 15th
22 because we need the one month for reallocation of
23 formerly -- of incarcerated individuals.

24 And then we, you know -- but I still think that it
25 was a tight time line -- it would be a tight time line

1 for the future group, future commissions. Obviously,
2 we -- you know, yeah. So I still think that that extra
3 month would be helpful just to be able to do things,
4 check, get out the input from the community, and you
5 know, we keep talking about one map -- one draft map or
6 two draft maps. All that could still use another month.

7 COMMISSIONER KENNEDY: Thank you, Commissioner
8 Sinay.

9 Commissioner Yee?

10 COMMISSIONER YEE: Yeah. I reached out to Kathay
11 Feng, you know, since she was involved in the original
12 Proposition -- the first two, but including the second
13 one that changed the deadline back up to -- or moved it
14 up to August 15 and asked her why. She said it was, as
15 she recalls, to give more time for any litigation that
16 came up as well as more time for election officials to
17 get ready for the next primary.

18 But she reminded me that, you know -- that primary
19 date could change. You know, there's some interest in
20 getting California moved up in the primary calendar. Who
21 knows? And then, of course, the census date, you know,
22 we all thought was a very stable kind of thing but we
23 learned otherwise. So you know, there are variables
24 there, so her thought, you know, about it was maybe the
25 language should be changed to something that allows for

1 flexibility, you know, based on the census and based on
2 primary date and finding some kind of formula that would
3 be able to be adjusted as things might change.

4 COMMISSIONER KENNEDY: That's actually a very
5 interesting point. Thank you, Commissioner Yee, for
6 that.

7 You know, with -- there was a little bit of
8 confusion at some point between receipt of the census
9 data by the state and receipt of the census data by the
10 commission. And clearly, for the commission, it would
11 be -- it would be an easier time line if there were
12 certainty. Not necessarily saying more time, but if
13 there were certainty, knowing upfront how much time there
14 is between the commission receiving the data and the
15 requirement to submit the final maps.

16 Part of -- part of what we faced was there was --
17 there was a date for the state to receive the data
18 without a hundred percent certainty as to when we would
19 receive the data. And so Commissioner Yee is right that
20 the -- you know, it could be useful to have more clarity
21 just on that point, if nothing else.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Thank you. I kind of go
24 back and forth on this one. I -- well, first of all, I
25 did reach out to Karin Mac Donald from the Statewide

1 Database trying to get understanding, and I think
2 Commissioner Akutagawa might understand it a little bit
3 more, in terms of when the Statewide Database receives
4 the census data and then when we would receive it. It
5 has more to do -- it has -- it's more involved than just
6 the realignment of incarcerated population because the
7 2010 commission also had that lag, the three- to four-
8 week lag.

9 So the second piece of it. I go back and forth on
10 this one because I honestly think that if, one, we did
11 less visualizations -- and actually, number 1 would be if
12 we had our VRA and racially polarized voting analysis
13 done well in advance, I think it would have really -- I
14 don't want to say sped up our draft maps, but it probably
15 would have because we seem to be doing a lot of, you
16 know, Etch-A-Sketch and then starting over again.

17 So I think if we have -- if we had our VRA ahead of
18 time, because you can do that before you receive the
19 census data, and then if we had less visualizations, more
20 line-drawing, I really do think we would have had time
21 for a second draft map. So at this point, I think I'm
22 okay with the date as long as, hopefully, the 2030
23 commission takes our advice and does their VRA analysis
24 ahead of time and has less visualizations.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Fernandez.

2 Commissioner Akutagawa?

3 COMMISSIONER AKUTAGAWA: Yeah. I mean, I hear what
4 Commissioner Fernandez just said. I guess I was just
5 thinking, you know, that extra breathing room you get. I
6 mean, you know, there's something to be said, you know,
7 like, okay, if you're efficient with your time, you
8 should be able to do it. And I think they're going to
9 be -- there can be an argument made for that, I think.
10 At the same time, I think knowing that -- you know,
11 ensuring -- the inputs of communities sometimes can take
12 a little longer. Sometimes that extra time does make
13 sense.

14 And I guess if I -- if I had to choose between
15 starting the commission earlier or starting the
16 commission later, originally I was thinking, you know,
17 yeah, we should start earlier. But I heard some of the
18 kind of perspectives on why, actually, that's not as
19 critical versus, you know, being able to extend the
20 deadline on the back end because then it gives you more
21 time once you receive that census data.

22 And I think that's when people really start to pay
23 attention, too. And I think we found that as well, too.
24 Again, I think we also have to -- and I think this has
25 been already said, you know, since this requires a

1 constitutional change, you know, I think that's going to
2 have to be a really serious consideration that we'll have
3 to take into account.

4 And I -- honestly, I don't know if people would
5 understand the difference between August 15th and
6 September 15th or any other date. And I think they're
7 probably going to be, why are we being asked to vote on
8 this, also, and so that's going to be another challenge
9 as well, too, you know, just in education on that part as
10 well. So nothing's easy, but I guess -- yeah. I just
11 wanted to just throw that out there as food for thought.
12 Thank you.

13 COMMISSIONER KENNEDY: Thank you, Commissioner
14 Akutagawa.

15 Commissioner Andersen?

16 COMMISSIONER ANDERSEN: Yeah. These are all very
17 good points. I really like the idea of rearranging the
18 language to be descriptive of what actually happens, i.e.
19 when the CRC receives the data is a very important
20 distinction. And I do want to say because, you know, we
21 did work extensively with the line drawers and also
22 Statewide Database, and there is -- it isn't just
23 prisoner reallocation. It takes about a month, but --
24 about a month -- but there is some realignment that have
25 to do to verify numbers, and that usually takes about a

1 six-week on top of that, which is why -- a two-week on
2 top of that, which makes, like, about six weeks.

3 But then also, which we now know, is at the end --
4 you know, we did the three-day item and now we know that
5 that is not enough. So that needs to be extended about a
6 week to allow for the maps to be completed, the
7 descriptions to be done, that final report to be put
8 together.

9 And you cannot do some of those items until the maps
10 are final, and we sort of built the whole time line
11 around that, which, again, you can get it done, but you
12 don't necessarily get it done well. And if we're making
13 this -- as I said, to move it at all requires a lift, and
14 I would -- that's why I would like that extra month at
15 the end added to it. But I also think that should be,
16 like, a certain amount of time from when the CRC receives
17 the data.

18 I don't know if that's more confusing to the public.
19 It might actually make a little bit more time -- make it
20 clearer. And you can certainly say because one never
21 knows now what could happen to the census date. Other
22 people really prefer hard dates. So I would consider
23 both manners, but I would build it from that and going
24 backwards. Thank you.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Andersen.

2 And looking at the constitutional language, it's in
3 section 2, subsection G of Article 21 of the
4 Constitution, it says by August 15th in 2011 and in each
5 year ending in the number 1 thereafter, the commission
6 shall approve four final maps. So it is, as you say,
7 just a hard date. It's not relative to anything in
8 the -- in the Constitution. We had something that was
9 relative to something because of the Supreme Court
10 ruling, but the constitutional language is a hard date.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Thank you. I just -- just
13 a couple of things I wanted clarification from
14 Commissioner Andersen. Was she requesting -- or was she
15 stating that she would like to see the language say
16 that -- oh, wait. You said it's a hard date. Never
17 mind. But if we were going to change it, she wanted it
18 to be from the date that we receive the data from the
19 Statewide Database and then also increase the date. I
20 think that's what she said. Was that right?

21 COMMISSIONER ANDERSEN: Yeah. Basically, yes.
22 Basically, the way it is for now, it's like a -- like a
23 three and a half -- essentially, they're thinking, okay,
24 you get it on April 1st, done by August 15. But we now
25 know the CRC does not actually get the data on April 1st,

1 if things went well. It gets it more like May 1st, say.

2 COMMISSIONER FERNANDEZ: Okay. So you were --

3 COMMISSIONER ANDERSEN: -- around.

4 COMMISSIONER FERNANDEZ: That plus --

5 COMMISSIONER ANDERSEN: So then --

6 COMMISSIONER FERNANDEZ: Plus a longer -- plus

7 September.

8 COMMISSIONER ANDERSEN: Which I would take it to at
9 least September 15.

10 COMMISSIONER FERNANDEZ: So that's --

11 COMMISSIONER ANDERSEN: Probably September 15.

12 COMMISSIONER FERNANDEZ: So your proposal would be
13 actually --

14 COMMISSIONER FERNANDEZ: Add a month.

15 COMMISSIONER FERNANDEZ: Okay. Okay. So my
16 other -- I guess my --

17 COMMISSIONER ANDERSEN: Or (indiscernible,
18 simultaneous speech).

19 COMMISSIONER FERNANDEZ: -- other point. Okay.
20 Right. So --

21 COMMISSIONER ANDERSEN: Yeah.

22 COMMISSIONER FERNANDEZ: -- my other point is,
23 we're -- no one's ever going to feel like they had enough
24 time. And then I don't know what the extra month will
25 give us other than, as we saw, the politicals and

1 organizations and saying the same thing over and over.
2 I'm not sure how helpful that's going to -- the extra
3 month's going to be to continue to receive that feedback.

4 Because at the end of the day, it's quite a bit of
5 data and you just have to draw the line because you could
6 continue to analyze this data and input for a year, and I
7 don't know if that would have resulted in better maps
8 than what we did. I guess that's my point is, will the
9 extra month give us better maps than what we had? And I
10 guess, at this point, I would say no if we did it
11 efficiently, you know, knowing now what -- then what we
12 know now.

13 COMMISSIONER KENNEDY: Great. Thank you,
14 Commissioner Fernandez.

15 Director Kaplan?

16 MS. KAPLAN: I think you had reached out to
17 Statewide Database about coming to an upcoming meeting,
18 so I think, again, having that conversation around the
19 data processing that goes on in between when they get the
20 data and when it goes to the commission along with, like,
21 over the next ten years, what is done because there may
22 be opportunities to speed up that time line as well
23 should you not go for a later time line. So I think that
24 would be helpful to get a lot -- you know, a lot more of
25 that background from them as well.

1 COMMISSIONER KENNEDY: They'll be joining us on the
2 30th. Thank you.

3 Commissioner Andersen?

4 COMMISSIONER ANDERSEN: Yeah. Sorry. There's one
5 item I forgot. The one item that was -- I don't know if
6 that was considered in the 2010, but it sort of went back
7 and forth with us because of -- because of our time
8 frame, blah blah. But it was that the community of
9 input. You know, we -- remember, we did our community of
10 input before we received census data. And then we wanted
11 to do -- let's get -- hear from the community about the
12 actual census data, what they'd like to do.

13 But all of them said, can you give us a couple of
14 weeks to process it, and then can we give you our
15 information? Without that extra time, it doesn't work
16 that way. And that is what we did. You know, we just
17 said, sorry, this is when you can come and talk to us,
18 this first couple of weeks. And who got left out of that
19 were the smaller groups. The larger groups had that
20 together and could come in to do presentations. A few
21 individuals could, but the smaller groups couldn't react
22 fast enough. And that was one other item.

23 Also then that, yes, I understand we did quite well,
24 but, you know, if we had gotten our VRA ahead of time,
25 that would be really good. But again, the three-day at

1 the end, we needed -- you know, we needed that four or
2 five extra days at the end of having -- we declare final
3 before we have to turn over everything, including that
4 final report. Three days does not cut it.

5 COMMISSIONER KENNEDY: Thank you, Commissioner
6 Andersen.

7 Commissioner Sinay?

8 COMMISSIONER SINAY: Thank you. I may have
9 misunderstood what Commissioner Andersen said, but what
10 the groups had asked was for us not to start any line-
11 drawing until they presented their maps. And they --
12 yes, they -- you know, they needed time, like we all did,
13 to process it, and we said -- and our decision was we
14 wanted to start -- you know, we wanted to understand,
15 which I thought was -- was good for us to get in there
16 and understand the state so that when they presented all
17 their different maps because, you know, I think that's a
18 lesson learned, too. A unity map is not one map. I
19 think until they actually presented their maps, I kept
20 thinking they were coming together in a unified map, with
21 one unified map. But -- and so I just wanted to clarify.

22 I think -- I find it interesting, we all kind of say
23 if we can be efficient or we can be effective, and we
24 always feel like, you know, we -- it's always -- you
25 know, I'm a firm believer that we all have different ways

1 of processing information. Some of us think out loud.
2 Some of us write it down. Some of us stay very quiet and
3 then just pop in if nothing else has been added. And I
4 want to appreciate everybody for the way that they
5 engaged.

6 And giving us more time, what would it have done? I
7 do feel that that last week was rushed. I do feel that
8 we close up maps -- you know, we worked late at night.
9 We closed the maps that night, and then the next day, it
10 was like, oh wait, there might be some -- we made a
11 mistake or we'd like to talk about something, and we
12 couldn't.

13 And so even if you build in that time -- you know, I
14 always thought that that time -- and we talked about
15 this -- from when we gave it to -- you know, that last
16 three days or whatever it was given was for not because
17 people could call us in and stuff, but if they were to
18 change anything, then we had to give another three days,
19 and then we had to give another three days.

20 So just even building in some time there for us to
21 think about it and the staff to think -- you know, for
22 everybody to think about it and be able to say, okay,
23 we've heard everybody's comments and stuff and it's fine,
24 or we've heard everything and we want to make this change
25 and now we have to wait another three days. And maybe

1 that three days, we know it's just the cooling off
2 period.

3 But I did -- I did feel very rushed that last --
4 that last week, maybe the last two weeks. But again,
5 there's a lot of ways to fix that, as we were talking
6 when we spoke through the Lessons Learned.

7 COMMISSIONER KENNEDY: Thank you, Commissioner
8 Sinay.

9 Commissioner Taylor?

10 COMMISSIONER TAYLOR: Yes. Maybe to piggyback real
11 quick on what Commissioner Sinay just said, and maybe
12 that might just be a practice for the next commission
13 when we think about considerations. Just it would have
14 been nice to have a little bit more reflection time on
15 the business that we tended to.

16 So we would make changes or we would take input, we
17 would act on those, and as -- I felt, at times, we didn't
18 have necessarily enough time to reflect on those changes.
19 It might be just some -- a component of what this process
20 is, but it would have been nice not to have felt so
21 rushed but to have just maybe even over a small break,
22 four hours, to look at what we just did or the input that
23 we -- that was received. Thank you.

24 COMMISSIONER KENNEDY: Thank you, Commissioner
25 Taylor. Anything further on this?

1 Commissioner Sinay?

2 COMMISSIONER SINAY: So it's not on this, but it's
3 an aha moment I had last night, and I believe, and I
4 don't know, if I'll make it back in time, so I just
5 wanted to share it really quickly so you could have it on
6 here. But one of the big changes in 2020 that I haven't
7 heard us talk about is the fact that there was a lot of
8 new -- there was a lot of independent redistricting
9 commissions.

10 Ten years ago, there were very few at the local and
11 at the county level, and this time there was a lot more,
12 especially in California. And so that added to the
13 outreach that was happening but also added to the
14 confusion taking place. And so I've added that bullet
15 into our PowerPoint because I think it's a -- it's a big
16 piece as we're thinking about legislative changes and
17 changing our mandate -- well, you know, my thought of
18 changing the mandate so that it does include providing
19 support to local independent redistricting commissions in
20 the State of California because they're only going to
21 continue to grow.

22 And so just to think about, you know, we were --
23 we're just at the top of the iceberg on that confusion
24 and the support they need and the data they need. And I
25 know we had the commissioner from -- one commissioner

1 from Long Beach, but it would be helpful to just have a
2 session with some of the local redistricting efforts to
3 hear from them their thoughts.

4 I know we've all had different conversations, but
5 you know, Commissioner Akutagawa has been -- sorry, I
6 totally butchered your name there. I'm -- I apologize.
7 But we've -- you know, about the sharing of data and
8 helping them, you know, with some of the technology, the
9 infrastructure because they have a shorter amount of time
10 to get up and going.

11 So we've talked about it, but I don't -- I didn't
12 quite have that aha moment until yesterday when the woman
13 from Long Beach was speaking that, you know, they --
14 those -- they barely existed last time, the local
15 independent redistricting commissions, and there's only
16 going to be more.

17 COMMISSIONER KENNEDY: Thank you, Commissioner
18 Sinay.

19 And again, you know, I'm not rushing to complete the
20 entire Lessons Learned exercise by the end of March. I'm
21 very happy to organize a session that would focus
22 exclusively on the relationship between the state
23 commission and local commissions, be they county, city,
24 special district, school board, whatever. That -- I
25 would be happy to work on organizing something like that.

1 Unless there is anything else on these potential
2 constitutional changes, I would turn it back over to the
3 Chair for now, and we can go into potential legislative
4 changes after lunch.

5 CHAIR VAZQUEZ: That sounds good. All right. We --
6 I think we can get an extra five minutes for lunch. So
7 again, in my campaign to be the best -- be the best Chair
8 out of the fourteen, I will give to you an extra six
9 minutes to your hour-long lunch and we'll reconvene at
10 1:30.

11 COMMISSIONER KENNEDY: Thanks, everyone.

12 CHAIR VAZQUEZ: Thanks.

13 (Whereupon, a recess was held from 12:24 p.m.
14 until 1:30 p.m.)

15 CHAIR VAZQUEZ: Hi, everyone. Welcome back. We are
16 continuing our Lessons Learned conversation, and I will
17 turn it back over to Commissioner Kennedy.

18 COMMISSIONER YEE: Actually, I'll be picking up this
19 session. Thank you, Chair.

20 CHAIR VAZQUEZ: Just kidding.

21 COMMISSIONER YEE: By the way, Angela, Chair for
22 Life, yes. I love the long lunch.

23 CHAIR VAZQUEZ: Applause, applause.

24 COMMISSIONER YEE: Okay. We're picking up in our
25 Lessons Learned recommendations document. We're into

1 section 2. Having discussed the potential constitutional
2 changes, we're looking at the potential legislative
3 changes now.

4 And I'm thinking maybe we could start -- maybe
5 Commissioner Kennedy could remind us the nature of the
6 first two recommendations. For the definition of day,
7 the first one. I thought we had actually put that one to
8 rest, but maybe not. You can remind us, Commissioner
9 Kennedy. And the amendments to the government code and
10 the restrictions around that, just remind us what the
11 nature of that is.

12 COMMISSIONER KENNEDY: As far as nature -- sorry.
13 As far as definition of a day, you know, when the
14 statutory language says shall be on display for three
15 days, for example, does that mean seventy-two hours from
16 when they're posted or does that mean, from when they're
17 posted, you wait until the following day starts, you have
18 three full days, and then any action that you can take
19 after the three days you can actually only take on, you
20 know, like, ninety-six hours later or however many hours
21 it is.

22 So -- and as I've said throughout, you know, one of
23 the -- one of the concepts that I came across in junior
24 high school, I guess, that really resonated with me was,
25 you know, the purpose of language is not to make it

1 possible to be understood but to make it impossible to be
2 misunderstood. And I think that these provisions, absent
3 a clearer definition, are still subject to
4 misinterpretation. So that's on number 1.

5 Number 2, it -- is really in response to a situation
6 where we're just now holding our Lessons Learned exercise
7 and being asked to propose legislative changes that we're
8 not necessarily ready for yet. And I'm just thinking
9 that it could be just like that -- just like there can't
10 be changes in years zero -- or nine, zero, or one, maybe
11 because of the differences in our -- in our schedule
12 compared to normal, maybe it could be made so that no
13 changes are made within one year of certification of the
14 maps. Thank you.

15 COMMISSIONER YEE: Very good. Thank you. Okay.
16 Your thoughts on either of those first two.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Thank you. Yes. In terms
19 of the definition of a day, with the long-term committee,
20 we have come forward with proposed -- potential
21 legislative changes, and at the last meeting we had
22 discussed, well, I guess, based on our research, one, the
23 code section already defines a day as a calendar day, and
24 then more importantly, was from our legal counsel.

25 They said that the Black -- Black's Law Dictionary

1 defines a day as a full twenty-four hours, midnight to
2 midnight. So it was -- we felt it was sufficiently
3 defined. So I don't know if Tim wants to chime in on
4 that or not. So I thought that we were good with not
5 going forward --

6 MR. TREICHEL: Okay.

7 COMMISSIONER FERNANDEZ: -- with further defining
8 day.

9 MR. TREICHEL: Thank you. Thank you, Madam
10 Commissioner and Chair.

11 Yes, in fact, I did the legal research on that and
12 we -- what I -- we found was calendar day, as defined
13 in -- by Black's Dictionary, Black's Law Dictionary --
14 and there's a lot of different types of day. There's,
15 like, three pages. I was about to email them, but the
16 one -- the calendar day is defined -- and I'm reading --
17 it's as you stated, Commissioner, a consecutive twenty-
18 four-hour day running from midnight to midnight -- from
19 midnight to midnight. So I believe it starts -- the day
20 starts at midnight, the next midnight.

21 COMMISSIONER YEE: So as an example then, if you
22 decide something at 4 p.m. one day, the three-day clock
23 doesn't start ticking until midnight that night, although
24 midnight actually belongs to the next day. So it would
25 be more than seventy-two hours after that.

1 MR. TREICHEL: That's my -- that's my
2 interpretation, that the day starts at midnight and
3 continues for seventy-two hours. So it would be seventy-
4 two hours plus whatever fractional period there was
5 before the time.

6 COMMISSIONER YEE: All right. Okay. Very good.

7 Commissioner Fornaciari?

8 VICE CHAIR FORNACIARI: Yeah. So we did kind of
9 talk about an example of defining the three-day period
10 after we approve our maps and changing that to say
11 seventy-two hours so that if we approve them at noon --
12 or the next commission approves that noon on Monday --
13 then 12:01, you know, on Thursday, they can act on it
14 instead of waiting till Friday. And I think that's --
15 that would be fine.

16 Are there other day issues that we have to deal
17 with, Commissioner Kennedy, other than that day
18 definition?

19 COMMISSIONER KENNEDY: I would have to go through
20 and check. I am going through the entire legal framework
21 and can keep that in mind as I go through. I don't have
22 any others off the top of my head. I mean, we -- you
23 know, we did talk about if there -- the ten-day posting
24 requirement. So if we need ten clear days, then you
25 know, it's in essence, eleven days kind of thing from

1 what might -- we might normally think of.

2 COMMISSIONER YEE: Okay. And then any thoughts on
3 number 2, the -- perhaps changing the language -- the
4 period when proposed changes can be pursued and not
5 defined in terms of the last digit of the year but rather
6 as a span of time, one year after the maps are approve --
7 finalized. That seems pretty reasonable, and it seems
8 related to a lot of other year-numbering specifications
9 in the -- in the -- in the regulations. We'd probably
10 have to look at all of them together.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: I guess I do have a
13 question on this one. So you're saying not within -- not
14 within one year of certification of maps. Okay. So
15 let's say, for example, we -- the next commission is
16 seated January of 2030, but the maps aren't due until
17 April of 2031. So theoretically, they could make some
18 changes before August of 2020, like the first seven or
19 eight months; is that what we're saying?

20 COMMISSIONER YEE: That's what I'm saying --

21 COMMISSIONER KENNEDY: No. We're --

22 COMMISSIONER YEE: Yeah. Go ahead.

23 COMMISSIONER KENNEDY: Sorry. No. We're talking
24 about one year after the certification, that the -- that
25 the government code couldn't be amended until at least

1 one year after the maps are certified. So that if
2 they -- if they submitted --

3 COMMISSIONER FERNANDEZ: Oh.

4 COMMISSIONER KENNEDY: -- their maps by the August
5 15th, 2031 deadline, then amendments to the government
6 code could be proposed beginning August 16th of 2032.

7 COMMISSIONER YEE: But Commissioner --

8 COMMISSIONER FERNANDEZ: So you could have --

9 COMMISSIONER YEE: -- Kennedy, this -- go ahead.

10 COMMISSIONER FERNANDEZ: So you could --

11 COMMISSIONER YEE: Go ahead.

12 COMMISSIONER FERNANDEZ: So again, the new
13 commission could make changes prior to certifying the
14 maps, then.

15 COMMISSIONER KENNEDY: No. The current -- the
16 current -- they can't make changes in years ending in
17 nine, zero, or one.

18 COMMISSIONER FERNANDEZ: Oh, you're going to --

19 COMMISSIONER KENNEDY: And I'm just --

20 COMMISSIONER FERNANDEZ: -- keep that language. I
21 thought you were proposing to proposing to --

22 COMMISSIONER KENNEDY: Yeah.

23 COMMISSIONER FERNANDEZ: -- change the nine, zero,
24 one. Okay. Thanks.

25 COMMISSIONER YEE: Okay. Any further thoughts on

1 that? Commissioner Fernandez, your thoughts? Why don't
2 we move on to --

3 COMMISSIONER FERNANDEZ: I did.

4 COMMISSIONER YEE: Yeah, you did. Okay. We can go
5 to number 3, which is related to the discussion we've
6 already started, revised start date of application
7 process perhaps earlier to years ending in eight and make
8 conforming changes stemming from that. So the timing
9 about publicizing names and when the names are submitted
10 to the Legislature for legislative strikes and so forth.
11 Do we want to discuss that any further here? Of course,
12 an easier lift if this done legislatively rather than
13 constitutionally.

14 Commissioner Kennedy?

15 COMMISSIONER KENNEDY: Yeah. I'll reiterate that I
16 think that it is reasonable to bring the formation of
17 future commissions earlier in years starting in zero as a
18 first step towards a more ideal time line, and that, if
19 that's going to happen, then basically, there are
20 conforming changes needed elsewhere in the -- in the
21 legal framework all the way from starting date of the
22 application process, publicizing names of applicants.

23 Obviously, if the objective is to get the 2030
24 commission in place in January of 2030, then the
25 submission of names to legislative leadership is going to

1 have to be, you know, a good bit earlier than May 15th,
2 or might need to be earlier than May 15th. No, it
3 would -- it would need to be earlier than May 15th in
4 years ending in zero. So just a whole series of
5 conforming changes if we want to propose this. We just
6 need to keep good track of all of the conforming changes
7 that are needed.

8 COMMISSIONER YEE: Very good.

9 So as I'm glancing back over the constitutional
10 provisions, you know, there's a -- the provision for
11 formation of the -- of the commission is that it should
12 be created no later than December 31st of each year
13 ending in zero. So the start of that process to get to
14 the creation by December 31st, there is no constitutional
15 provision for setting the start of that process.

16 So you're thinking we could start that earlier
17 through legislative change rather than constitutional
18 change, Commissioner Kennedy?

19 COMMISSIONER KENNEDY: Well, again, what my
20 proposal, at this point, as a -- as a first step towards
21 a more ideal time line -- and actually, I was thinking
22 about this over lunch, and it may be that the 2030
23 commission, once they go through it on a more, quote
24 unquote, normal time line would have a better sense of
25 this than we do because we didn't have a normal time

1 line.

2 But if we -- if we proposed shifting everything --
3 essentially shifting everything six months further up so
4 that instead of having the random draw on the 2nd of
5 July, the random draw was held on the 2nd of January,
6 then following the time line that we had, the full
7 commission would be in -- would be meeting, holding its
8 first meeting in February of 2030, which, again, would be
9 eleven months earlier than the 2010 commission held their
10 first meeting.

11 And I'm thinking that that's a reasonable first step
12 towards a more ideal time line. It would not require a
13 constitutional change. It would just require a number of
14 conforming changes elsewhere in the legal framework, both
15 in the government code and in the California Code of
16 Regulations.

17 COMMISSIONER YEE: Right. Very good. Okay. Any
18 other thoughts on changing the application start date and
19 process?

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: I'm -- I think with this
22 one, we kind of have to wait to see what the consensus is
23 for -- to moving it up, if that makes sense. Because
24 I -- it was -- we were going back and forth in terms of
25 is it in the nine year that we want them to start, is it

1 in the zero year? And I get that this would not require
2 a constitutional change. I don't know if there's
3 agreement of starting earlier and how much earlier. But
4 if -- it will impact, obviously, if we do propose to move
5 it up, and that section -- that code section definitely
6 will need to change if we do.

7 My only other thing is, although it is in the
8 commission's code -- government code section, it does
9 impact the state auditor, and I would want to at least
10 inform them or get their feedback on it, on this one and
11 plus a few others. Thanks.

12 COMMISSIONER YEE: Thank you. Okay.

13 Commissioner Kennedy?

14 COMMISSIONER KENNEDY: So as we know, there isn't a
15 new state auditor yet, but I'm happy to reach out to
16 staff of the State Auditor's Office just to let them know
17 kind of the sense of the discussions, the various points
18 that have been made, and see if they have any thoughts to
19 share. But I don't -- I would not foresee any official
20 reaction from the State Auditor's Office in the absence
21 of a new argument.

22 COMMISSIONER YEE: Certainly. And it's probably way
23 back -- you know, back in the seven or eight years from
24 now tickle file for them, so their mind is not on this.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Yes. There is an acting --
2 as in -- as in any agency, if there -- there's always
3 going to be an acting state auditor, so there is someone
4 to talk to.

5 And then I guess maybe the bigger picture of this
6 is, I guess I need to understand the rules because
7 Commissioner Akutagawa and I had brought forward the list
8 of potential legislative changes. So I guess I just
9 need -- I guess, we just need to know, are we moving
10 forward with it as we've stated last time, as we've
11 already met with legislative staff? Or you know, who's
12 going to take the lead on these efforts? So I just need
13 to know. Thanks.

14 COMMISSIONER YEE: At this point, you know, Lessons
15 Learned is only recommending and conducting the
16 discussions. The whole commission would have to decide
17 on anything to actually move forward with.

18 Commissioner Kennedy?

19 COMMISSIONER KENNEDY: And yeah. I mean, we're --
20 we are organizing the discussions and compiling what
21 we're hearing. You know, if there's not a consensus,
22 we're not trying to force a consensus. But after that,
23 my sense is that we have a government affairs
24 subcommittee, and it would be entirely appropriate for
25 the government affairs subcommittee to take this forward.

1 And I believe that's Commissioner Sadhwani and --
2 was it Commissioner Toledo?

3 COMMISSIONER YEE: Yeah. I believe so, yes. Okay.
4 If no other discussion of the application start date
5 item, we can move on to item 4, any changes to the size
6 or composition of the applicant review panel. That is
7 the panel convened by the auditor with three persons of
8 three different political flavors last time. There was
9 some discussion earlier about making it a larger, more
10 representative body, or diverse body. Any further
11 thoughts?

12 Commissioner Akutagawa?

13 COMMISSIONER AKUTAGAWA: Yeah. I think I just want
14 to follow up on what Commissioner Fernandez just asked,
15 and I -- and I don't know if this is the time now to
16 discuss it or if this is something that we just have to
17 perhaps table at a later time.

18 I think we just need some clarification because,
19 again, Commissioner Kennedy mentioned government affairs,
20 but my understanding is that has been sunsetted and that
21 I think it was you, Commissioner Yee, when you were the
22 chair, that in checking with them, it was deferred to us
23 to just go ahead and move forward with it since we hadn't
24 already started doing it in the context of the long-term
25 planning.

1 If that is not to be the case, I think we just need
2 to just understand it so that we can then turn over, you
3 know, the work that we've already started to another
4 committee. So I think just some clarification would be
5 helpful for us before we keep moving on any additional
6 work that we're still doing. So thank you.

7 COMMISSIONER YEE: Okay. So pausing the discussion
8 on legislative proposed changes and rechecking our
9 process here and what does come next, how do we get to
10 the actual proposal -- actionable proposals in -- and
11 action. I'm actually not recalling exactly where we
12 landed, so thoughts from anyone? Or maybe we just never
13 landed.

14 Commissioner Fornaciari?

15 VICE CHAIR FORNACIARI: I don't think we ever
16 landed. I don't -- I don't think we ever made a
17 decision. I just -- I mean, so, you know, just -- I
18 guess, if we just strictly consider the term Lessons
19 Learned, we just make a document full of lessons that we
20 learned, you know, and then -- but we never really
21 discuss the next step in the process of, you know,
22 making -- taking those lessons and then making some
23 decisions on changes that we're going to make. I mean, I
24 don't feel like we ever had that discussion or came to a
25 conclusion on it.

1 COMMISSIONER YEE: I'm glad I didn't forget. Very
2 well. Let's think about what would be -- what are some
3 possibilities? What would be some next steps? We could
4 form a new subcommittee, we could use one of our existing
5 subcommittees.

6 Commissioner Fornaciari?

7 VICE CHAIR FORNACIARI: Well, I think, I mean, we're
8 having this conversation right now, which is a
9 conversation we need to have, but I mean, kind of who
10 leads this conversation is I don't think the critical
11 point. I mean, we do -- we do have a long-term committee
12 already in place, and they've already begun meeting with
13 the Legislature and making those -- you know, having
14 these conversations. So I mean, I would think that it
15 would be fine for them to carry on with that, with the
16 work they've already begun.

17 COMMISSIONER YEE: Um-hum.

18 COMMISSIONER KENNEDY: I think -- in some ways, I
19 think we need to be a little bit more deliberate about
20 the process we're going to use to go through and kind of
21 make these decisions. Although, you know, we can't, I
22 guess, too process-oriented since we've got a time line,
23 too. Yeah. So it's really -- I got -- that's what I
24 think. There's no definitive answer there, so.

25 COMMISSIONER YEE: All right. I mean, at minimum,

1 we want to capture the conversation and have a good list
2 of, you know, considerations and pros and cons for each
3 of these ideas, to have a full list to the question of
4 what's actionable. I mean, it's a separate question.

5 Commissioner Kennedy?

6 COMMISSIONER KENNEDY: Thank you. And maybe it's
7 just my brain telling me that we would always need a
8 government affairs subcommittee, and maybe Commissioner
9 Toledo or someone else can clue me in. I didn't recall
10 and I don't know that I would have supported sunseting
11 something as generic and important as a government
12 affairs subcommittee.

13 COMMISSIONER YEE: Commissioner Toledo?

14 COMMISSIONER TOLEDO: Yeah. I don't remember us
15 sunseting the government affairs committee, but I do
16 remember that we did charge Commissioner Fernandez and
17 Akutagawa to look on these -- look at these long-term
18 potential changes. And I know they've been meeting with
19 the Legislature and certainly informing the commission on
20 it.

21 So I mean, I would think that they would continue to
22 do some of that and work with government affairs as
23 necessary to -- once we get to the -- to the stages of
24 actually pushing the legislation through or getting to a
25 final -- I mean, we can -- we can structure it any way,

1 is what I'm getting at. But I think most of the work is
2 being done at this point by Commissioner Fernandez and
3 Akutagawa in terms of capturing the data, getting the
4 information, meeting with the appropriate individuals.
5 And I think that was -- and that's appropriate, given
6 that that was the focus of those.

7 So a point that I did want to make. It's I think
8 when it comes to advocacy and government relations,
9 certainly the individuals who -- with the most passion
10 around an issue should probably lead that issue because
11 it -- when it comes to, you know, changing the -- create
12 more flexibility -- ability about where our meeting
13 times, right, and that sort of thing, certainly there are
14 some commissioners that are more passionate about that
15 than others. And so certainly, I think there's a way to
16 weave that in so that we have the voices of the most
17 passionate commissioners around certain issues and then
18 having government affairs coordinate as needed --

19 COMMISSIONER YEE: Right. Indeed.

20 COMMISSIONER TOLEDO: -- in terms of the --

21 COMMISSIONER YEE: Right.

22 COMMISSIONER TOLEDO: -- larger strategy for the
23 commission rather than -- but this seems like one piece
24 of it.

25 COMMISSIONER YEE: Right. Indeed. Long-term

1 planning was, you know, having these early -- very early
2 conversations with legislative liaisons just to see, you
3 know, what was on people's minds, would -- what would it
4 take, what's possible, and -- but very far from any kind
5 of official list of proposals that the commission has
6 agreed on, you know, to pursue.

7 So Commissioners Kennedy, then Fernandez.

8 COMMISSIONER KENNEDY: Thank you. And I'll probably
9 leave it with this. My understanding of the original
10 mandate of long-term planning was to compile ideas for
11 activities over the coming years and to develop budget
12 projections based on those and, you know, come back to
13 the commission with those, now which they've done a great
14 job. I did not see it including taking recommendations
15 for legal changes to the Legislature, and I'm not clear
16 on how that became part of the mix beyond budget.
17 Thanks.

18 COMMISSIONER YEE: Thank you. I think Commissioner
19 Fernandez can probably bring some clarity.

20 COMMISSIONER FERNANDEZ: The reason we brought it
21 forward was we do have an author and legislative staffer
22 ready to meet with someone to discuss it, and that's what
23 we did. I think my frustration right now is that I was
24 up till after midnight, so I guess I was up late this
25 morning trying to put together the spreadsheet that

1 pretty much encompassed most of the information that
2 Commissioner Kennedy did.

3 So my frustration is that there's duplication of
4 duties, and if you guys don't want us to do it, that's
5 fine with us. We're not looking for additional work. I
6 just need to know if I need to stand down. That's fine
7 with me. I don't mind, and I -- I'm not -- I'm not -- I
8 don't speak for Commissioner Akutagawa. I just don't
9 want to do duplicate work and then charge the state
10 additional per diem. Thanks.

11 COMMISSIONER YEE: Thank you.

12 Commissioner Akutagawa?

13 COMMISSIONER AKUTAGAWA: Yeah. I'll just go on the
14 record and support what Commissioner Fernandez said. You
15 know, look, we're not looking to create more work for
16 ourselves. We just did it because it was -- it seemed
17 like a natural outgrowth of the work that we happened to
18 be doing. But you know, just let us know what we need to
19 do. Thank you.

20 COMMISSIONER YEE: Thank you.

21 Yeah. My understanding was, you know, we had
22 already charged you to go ahead and pursue those initial
23 conversations based on discussions we had. Our
24 discussions right now are simply, you know, further
25 fleshing out our shared -- our individual perspectives

1 and shared perspectives on these particular items.
2 Looking back, yeah, I think we actually should have
3 probably coordinated our lists of items. There is some
4 duplication, but hopefully that wasn't a big -- a big --
5 a big cost.

6 So at this point, all right, you know, unless
7 there's any reason to change, I think we should continue
8 to look to long-term planning to pursue those initial
9 conversations and to use our discussions right now simply
10 to inform their perspectives as -- that they will bring
11 to those conversations. Does that sound reasonable?

12 In which case, I'm wondering if we should pivot
13 slightly, maybe can ask long-term planning to highlight
14 which items they think might be most worth discussing
15 further now, you know, in the short time we have left
16 today that would most help you going forward.

17 Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: I have to apologize,
19 Commissioner Yee. I completely missed that last part, so
20 I wasn't sure what direction we're taking, which is
21 like -- Commissioner Akutagawa and I said, we're fine
22 with whatever, but -- and then you pointed it back to us
23 and I missed, like, the last three minutes. Sorry.

24 COMMISSIONER YEE: No worries. No worries. And I
25 apologize. We probably -- you know, we should have

1 coordinated with you how to approach all this since it
2 had already been put on your plate. But just wondering,
3 now, you know, since we don't have unlimited time,
4 especially this afternoon, are there some items that
5 might be especially timely to discuss now that will help
6 you as you go into those early conversations with
7 legislative liaisons, and you know, what further
8 perspective can we give you now from -- as commissioners
9 to help inform those conversations?

10 COMMISSIONER FERNANDEZ: Okay. So the list I've
11 compiled doesn't have as many items as what Commissioner
12 Kennedy has. In -- we've already had our initial meeting
13 with them, and I was actually -- I don't think
14 Commissioner Akutagawa and I were planning to meet with
15 them again until after our March 30th meeting because
16 we're hoping to get the items on Commissioner Kennedy's
17 list and then if there's anything extra on our list, was
18 really going to discuss this further on the 30th and try
19 to -- you know, encourage, please, Commissioners need to
20 attend that meeting because that is a supermajority vote
21 in terms of what to move forward with.

22 And at this point, we can't really move forward with
23 any of them other than conceptual discussions, right,
24 because we don't have -- we don't have a vote yet. Does
25 that help? So we can just keep -- continue to move on

1 with Commissioner Kennedy's because, like I said, I
2 believe most of ours encompasses what he's outlined.

3 COMMISSIONER YEE: Okay. Very good. Well, looking
4 at the remaining legislative changes, we were discussing
5 the applicant review panel, any changes to the size or
6 composition of that. Number 4 -- 5, conforming changes
7 to the commission. We've already discussed some of that.

8 Defining a commissioner role and process of removal;
9 we have not discussed that. The whole question of
10 Bagley-Keene, reasonable exceptions; we've discussed that
11 somewhat. Number 8, possible changes to regulations
12 around FisCAL, the Budget Act, delegated authority; we
13 discussed some of that. The whole three-day notice
14 period, perhaps expanding that. Obtain authority to
15 issue regulations, not quite sure what that is. And
16 shift to fixed pay. So any of those, fire away.

17 Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: Actually, I just wanted --
19 since it brought -- we brought up the Bagley-Keene, I
20 just wanted to ask Commissioner Vazquez and I think it
21 was Commissioner Kennedy if -- I know I -- you know, I'm
22 really bad. My memory's not so great right now, but I
23 believe, at our last meeting, we voted, I believe, to
24 support the legislation. But then I'm also wondering, is
25 there another piece to it? There's communication maybe

1 with the governor's office in terms of possibility of
2 extending that -- the virtual hybrid meetings?

3 COMMISSIONER YEE: Yeah, I don't believe they've
4 made any decision about -- Commissioner Vazquez, respond?

5 CHAIR VAZQUEZ: Yeah. Oh. Well, I can -- so yes,
6 we did agree to support legislation relating to some
7 modifications to Bagley-Keene that would enable greater
8 participation via remote or virtual options. I have not
9 been involved in any additional subsequent discussions
10 about extending the governor's emergency order.

11 My sense -- and if folks have a different political
12 analysis of the situation, my sense is that at this
13 point, it is very unlikely -- not impossible, but very
14 unlikely -- because the emergency orders are sort of
15 wrapped up -- the Bagley-Keene exceptions are wrapped up
16 in a bunch of other emergency powers that the governor
17 took.

18 And so it would -- it is unlikely that he will issue
19 an extension of the Bagley-Keene pieces outside of
20 preserving these additional emergency pandemic powers,
21 which he's been getting a lot of political flack for as
22 well -- as well as, you know, it's a signal that the
23 pandemic is continuing, which it is. But again, I think
24 politically, he's eager to give some of that back. So
25 yeah. I think that's also why we've been planning as a

1 commission with our staff for those orders to go away on
2 the 30th, as expected. But yeah.

3 COMMISSIONER YEE: Thank you.

4 Commissioner Fornaciari?

5 VICE CHAIR FORNACIARI: We did bring up a kind of a,
6 I think, interesting topic. We had a talk about -- we
7 brought it up yesterday, I think. And that was, why does
8 the Legislature have a role in selecting the -- or not
9 selecting, but striking folks from the -- from the --
10 in -- and you know. You know what I mean, in the
11 selection process. And it's -- actually, it's not in the
12 Constitution. It's in the government code.

13 I think it would be a -- kind of impossible to get
14 the Legislature to change the legislation giving them
15 that power, but you know, I thought it would be something
16 interesting that we could talk about.

17 COMMISSIONER YEE: Commissioner Vazquez?

18 CHAIR VAZQUEZ: I maybe have an unpopular opinion on
19 this, but I'll say my opinion on this is that I can see a
20 value. I'm not sure -- I have no evidence of this being
21 used this way or not used this way, but I could see a
22 value in the Legislature serving as a check, particularly
23 to the other party, in terms of potential extreme voices.
24 I think part of the beauty of this commission is that I
25 think we're all sort of public servants, civically

1 engaged, et cetera, but we're sort of not -- many, if not
2 most of us, aren't deeply vested in the -- our party
3 machinations.

4 And so for me, the best person to -- the best people
5 who would understand the who's who of party politics is
6 the Legislature, and I see that as sort of a check of,
7 like, oh, we really don't want that person in this
8 process. So again, maybe an popular opinion, and I'm --
9 there's probably trade-offs involved in there, but I
10 don't find that the most problematic part of our charter.

11 COMMISSIONER YEE: Thank you. All opinions welcome.
12 Commissioner Taylor?

13 COMMISSIONER TAYLOR: This is not the first time
14 Commissioner Vazquez, but I side with you. I see it as a
15 very practical checks and balance similar to our jury
16 system and much like we're talking about the design with
17 the alternatives. That's sort of what we know. It's
18 what's been set up and worked in the past. So I, too,
19 agree that there should be a check and balance to
20 possibly eliminate a potential extreme voice. Thank you.

21 COMMISSIONER YEE: Thank you. Commissioner
22 Fernandez.

23 COMMISSIONER FERNANDEZ: And I have sided with
24 Commissioner Vazquez in the past, and Commissioner
25 Taylor. And I, too, agree that I had -- I actually

1 thought about this last night, and it's like, what is the
2 benefit of them? And I remember my neighbor -- I won't
3 disclose the name -- telling me that they had spoken to
4 him about me and whether or not to strike me off the
5 list.

6 So I am definitely not one that is politically
7 savvy, so I would not know, you know, the leanings of
8 anyone. So I do think that it is beneficial to have
9 someone that will look at that political -- would have
10 more information on that political side of it because the
11 panel's not going to necessarily strike them out. So
12 anyway, that's just to say, I think it is a good thing to
13 have them, maybe not as many strikeouts as they have, but
14 I think it is good.

15 COMMISSIONER YEE: Thank you. Yeah. But
16 practically speaking, as someone mentioned, to get the
17 Legislature to agree to give up power is pretty unlikely
18 to give up their own power, however small.

19 Commissioner Kennedy.

20 COMMISSIONER KENNEDY: Thank you, Commissioner Yee.
21 And yeah, I'll side with Commissioner Fernandez on that.
22 You know, I do see a reasonable role. I don't find the
23 number particularly reasonable because if each of the
24 legislative leaders can strike ten percent of each pool,
25 that -- the fact that there are four legislative leaders,

1 you end up striking forty percent of a pool that the
2 applicant review panel has put a lot of time and effort
3 into, you know, doing quality control on.

4 And I think by the time the applicant review panel
5 submits the list to the Legislature, that limiting it to
6 one strike would be reasonable, given that each party
7 then has two strikes per subpool. But to ask the
8 applicant review panel to go all the way through the
9 process and then to be able to -- and it's not so much
10 that they're able to. It's almost that they feel obliged
11 to exercise all of their strikes.

12 And so an alternative or possibly supplemental to
13 reducing the number of strikes per legislative leader per
14 subpool from two to one, which would result in, maximum,
15 losing twenty percent of the overall pool, would be to
16 require some sort of written justification for each of
17 the strikes. You know, that would be -- that might serve
18 as something of a disincentive, but if there's
19 justification for a strike, then there's justification
20 for a strike and putting it in writing, I don't think
21 would be, you know, asking too much.

22 So those two thoughts. Limit it to one strike so
23 losing, at maximum, twenty percent of the applicant pool
24 that is submitted to the Legislature. And second, even
25 if it remains at two strikes per legislative leader,

1 requiring written justification for any strikes. Thank
2 you.

3 COMMISSIONER YEE: Thank you, Commissioner Kennedy.
4 Commissioner Sinay?

5 COMMISSIONER SINAY: Thank you. So I see the
6 benefit in -- some of this is political -- you know, I
7 see the benefit as a buy-in -- you know, where we were
8 talking about buy-ins. So it is a buy-in of the
9 Legislature. I like what I've been hearing. I want to
10 make sure that we're not -- we don't define what we're
11 going to change or not because based on the fear of it
12 will or won't pass. We haven't let fear dictate us so
13 far, so you know, why start now. You know, something is
14 turned down, it's turned down. If someone wants to say
15 no, they say no. But we've stuck to what's best for
16 Californians, and I think that's the question we should
17 be asking ourselves, is is this better for the process
18 and for Californians, not will the parties or whatnot
19 approve it.

20 I would like to amend -- a friendly amendment to
21 what Commissioner Kennedy said. And the only part of
22 this whole process that's absolutely private is -- okay.
23 Let me put it this way. The only part of this whole
24 process that's not done is public is that striking, and
25 so I wouldn't want it in writing. I would actually want

1 them to do it in public. They hold the meeting with the
2 four people and they have to do the striking out just
3 like the other folks had to talk about us, and therefore,
4 someone could call in and say, wait, I don't, you know --
5 it would be just as fair for them to say, okay, these are
6 the two we want to strike. And someone else says, these
7 are the two. And then the public can call in and say,
8 no, you know, do you realize that of the eight you're
9 striking or the sixteen you're striking, 50 percent are
10 Latino and therefore the pool. You know, so I would like
11 to see that part done in public.

12 And Alicia I too was investigated before I was
13 chosen, someone let me know. And the main concern that
14 the democrats had of me was that I had a Republican
15 husband, which I thought was interesting because I
16 thought that was what helped me through the process.

17 COMMISSIONER YEE: Thank you. I'm going to have to
18 talk to my neighbors a little more to find out what they
19 were asked.

20 Commissioner Fornaciari?

21 VICE CHAIR FORNACIARI: I would really be interested
22 in hearing more about how your Republican husband helped
23 you through the process. It's just the wise Republican
24 male thought process; is that it?

25 COMMISSIONER SINAY: Is there a mute button

1 anywhere?

2 VICE CHAIR FORNACIARI: Well, great conversation. I
3 really appreciate this conversation. I'm glad I brought
4 this up. I love -- god, I just love this group and just
5 the thought processes that everyone comes up with and
6 how -- because I think that we -- I really love
7 Commissioner Sinay's idea, and I think that's awesome.
8 Everything else is done in public. Do it in public.

9 I have a process question, though, and I don't know
10 Commissioner Fernandez or Akutagawa, if you know the
11 answer. Do we make one big giant lump of legislation and
12 it's all thumbed up, thumbed down. Or do we make, like,
13 ten different things and they vote on each one. Do we
14 know? We don't know. Okay. I was just curious.

15 COMMISSIONER YEE: It might depend on the nature of
16 what we're proposing.

17 Commissioner Sinay?

18 COMMISSIONER SINAY: To answer the question about my
19 husband being a Republican, no not that -- not that he --
20 he himself helped me, but the fact that I was married to
21 a Republican helped the fact that I was bipartisan, or
22 I -- he won't ever say that I am bipartisan. But then --
23 or even that I'm even good at dealing with politics
24 across party lines. But then I have some experience
25 area.

1 COMMISSIONER YEE: Yeah. My family covers all three
2 categories.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: As does mine, Commissioner
5 Yee, so you can only imagine conversations.

6 I want to answer Commissioner Fornaciari. So I
7 think what Commissioner Akutagawa and I were initially
8 envisioning was hopefully on the 30th moving forward with
9 at least those areas that there's general consensus
10 because again we can bring forward -- we have another six
11 years that we can bring forward other legislative
12 changes, but we could at least push forward the ones that
13 there is general consensus. And again, once you submit
14 the language, the language doesn't say exactly the same
15 where the amendment is from when the bill is first
16 introduced to when, hopefully, it is enacted. It goes
17 through various amendments and changes. So it doesn't
18 preclude us from, in future meetings, saying, hey, I
19 think we came to an agreement on this. Let's add that
20 language, or let's make that change. But I think,
21 initially, it would be good to have a listing of those
22 with general consensus. And then we would bring back the
23 other items. And there will be some that may just fall
24 off the list because there isn't enough support for that.
25 So hopefully that answers your question.

1 COMMISSIONER YEE: Thank you.

2 Yeah. On whether or not the legislator should have
3 to do this openly with their strikes. I mean, I think
4 Commissioner Taylor is right, there is a, you know, a
5 cultural acceptance of strikes on jury selection, and you
6 know, that's the comparison that people will make.

7 And again, it's just hard to take back something
8 people already have, right. Clawing back is always
9 harder. And especially if you're asking the people who
10 do it, to do it, right, to call back their own rights --
11 their own privileges. So it's probably harder than it --
12 you know, the same is true for things that we did in
13 closed session, right. I mean, there should be people
14 who really didn't want us to do all the things we did in
15 closed session, so it's the same principle.

16 Commissioner Kennedy?

17 COMMISSIONER KENNEDY: Thank you Commissioner Yee.

18 Just to remind us that the code language requires
19 that the exact language of the amendments provided by the
20 commission is enacted as a statute approved by two thirds
21 vote of each house at the legislator and signed by the
22 governor. So it's not that they can go off and do
23 whatever they want to with our language without us
24 concurring before it's voted on. There is that
25 (indiscernible) -- we have a veto as much as the

1 legislator has a veto, essentially, over this process.

2 And that being the case, I've wondered occasionally
3 if it makes sense to maybe not present ten separate
4 pieces but two. One that we feel, you know, has strong
5 support on, you know, both the commission side and the
6 legislative side, as well as a, you know, it would be
7 nice if (indiscernible), you know, we concur on, but
8 we're not quite as certain whether it would gain two-
9 thirds vote in each house and be signed by the governor
10 because we certainly want to get through what we can get
11 through, but I think -- I always like to think that part
12 of the democratic processes is legislators voting things
13 up or down. And the idea of not presenting something
14 because it's going to be voted down allows those who
15 might vote it down to get by without quite as much
16 accountability.

17 So if there are things that the commission supports
18 that we are concerned might not pass, I would thing think
19 it might make sense for us to put those into a separate
20 piece of legislation that, you know, if it passes great,
21 but if it doesn't pass, then people -- the people of
22 California will at least know who voted for it and who
23 voted against it. Thank you.

24 COMMISSIONER YEE: Thank you, Commissioner Kennedy.

25 I'm wondering at this point whether we might focus

1 on number 8, 3, "Ensure delegated authorities are
2 placed." So this is a question of whether we might be
3 able to obtain the 2030 commission exemption from some,
4 or many, or all state contracting regulation in order to
5 expedite its work, given time-bound nature and huge
6 ramifications of our work.

7 As we have exemption from the civil service hiring
8 laws, could we get exemption from the contracting laws?
9 What would that take? You know, how possible is that?
10 How realistic is that, getting that exemption? Does
11 anyone else have that exemption? What would that look
12 like?

13 Any thoughts?

14 That's going to be huge -- it was a huge impediment.
15 I mean, that was why the VRA work was delayed, you know.
16 It was why -- you know, so many things took much longer
17 than we them to.

18 So the question of how to then perhaps pursue and
19 achieve freedom from some of the state contracting
20 regulations.

21 Commissioner Toledo?

22 COMMISSIONER TOLEDO: Yeah. I agree with you. It's
23 certainly the fiscal requirements and just being part of
24 the state system has created so many barriers for an
25 organization that has to get up and running from scratch

1 really quickly and being able to contract taking months.

2 I think part of this has to do with us not having
3 institutional long-term and continued institutional
4 support because it's the staff that generally are able to
5 process these in the moment and have the information and
6 are able to help push these through.

7 Now, I -- if there were some kind of exception to
8 get us out of the budgetary and fiscal requirement, I
9 think that would be a great way to help the next
10 commission be able to do its job without having to go
11 through the contracting and the financial approval and
12 such. I'm just not aware of anything like that.

13 I mean, I think what we've been told by staff and
14 legal has been that we have some of the least burdensome
15 requirements already and the many agencies have to go
16 through a much more rigorous process, so -- which is hard
17 to imagine coming from the private sector, but that's the
18 reality for many state agencies.

19 So I think, perhaps if there's a list of -- maybe
20 it's certain -- like, are legal contracts, if
21 streamlining those, if there was a way to work with the
22 legislature so that those are streamlined and not having
23 to go through the full budgetary and fiscal approval
24 process. I mean, at this point, we don't -- I mean, we
25 probably just don't know the state system enough to be

1 able to ask -- maybe, with the exception of maybe
2 Commissioner Fernandez and staff -- to ask -- figure out
3 what kind of waivers or exceptions we need.

4 COMMISSIONER YEE: Thank you. And as a reminder, I
5 think we ended up with about thirty-seven final contracts
6 with about \$10 million.

7 Commissioner Kennedy?

8 COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

9 And thank you, Commissioner Toledo, for that
10 perspective.

11 You know, I definitely agree. I don't know that --
12 I mean, I know that we needed more streamlining. I don't
13 know whether we were able to take advantage of everything
14 that might possibly be available out there, maybe even
15 hidden in a corner somewhere.

16 I was looking through state code and regulations
17 yesterday and looking at the provisions on the office of
18 the state auditor, it's very interesting that the state
19 auditor is exempted from a lot of things. And I do
20 wonder if there's a way -- you know, the Michigan
21 commission receives its support from the office of the
22 Michigan Secretary of State. I'm wondering the extent to
23 which, at least into the fully functional phase of what,
24 perhaps for some things even longer, if there's a way to
25 piggyback on to, you know, be partly dependent on an

1 independent agency without compromising the overall
2 independence of this commission. I'm looking for ways
3 out of the, you know, the burdensome constraints that
4 don't seem to recognize the unique nature of this body
5 and the time-bound nature of its work.

6 So whether it's through finding these exceptions,
7 exemption, special frameworks, whatever they're called,
8 wherever they are. And you know, if they're not out
9 there, and we believe strongly enough that they should
10 be, then, yeah, I believe we should approach the
11 legislator and say, for the proper and timely functioning
12 of future commissions, we believe these exceptions,
13 exemptions, or special frameworks are necessary. Thank
14 you.

15 COMMISSIONER YEE: Thank you.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Thank you.

18 And thank you, Commissioner Kennedy, for that
19 because when Commissioner Akutagawa and I met with the
20 legislative staff they -- we did bring this up because
21 this was one that there seemed to be general consensus.
22 And the staff we met with, they were not aware that there
23 were other agencies that had this -- or areas that had
24 these types of exemptions, and we didn't -- you know, we
25 mentioned the census, and we mentioned the state auditor.

1 And so what I would like to do, Chair Vasquez, I
2 would like to, if we can, direct our legal to research
3 delegated authority and exemption from contracting and
4 procurement to see which other agencies or the -- you
5 know, the -- in the code sections to see who else has
6 those types of exemptions. And I believe delegated
7 authority might be a little bit more cumbersome because I
8 think you actually have to have specific training. And
9 then individuals that you hire have to also have gone
10 through that training and have a certain designation.

11 So I'm thinking if we just have the outright
12 exemption from it, that would probably be a better out
13 instead of having to hire staff that meet the specific
14 criteria.

15 COMMISSIONER YEE: Uh-huh. Thank you.

16 Director Hernandez?

17 MR. HERNANDEZ: Yes. Thank you.

18 So in addition to the delegated authority, I think
19 one of the areas that we found most challenging, and I
20 think we've touched on it a little bit, is about the
21 institutional knowledge, not just from the commission's
22 perspective, but also from the other entities.

23 They were unaware of who we were in some instances.
24 It's like, who are you? Are you even a state entity was
25 the question we received on a number of occasions. And

1 educating them on what we do and how we do things and the
2 time frames in which we have to do the things is
3 something that really opened their eyes and really
4 allowed us to get things moving along, but it took a
5 while. Those were the biggest challenges that we
6 encountered.

7 I definitely think that the delegated authority is
8 going to be an option, but I also think having that
9 educational perspective with our other entities that we
10 work with to ensure that they know -- again, keep in
11 mind, this was the second iteration of the commission, so
12 not a lot was known about us. I think, now, moving
13 forward, there is some continuity. And hopefully, with
14 some of the recommendations that are being proposed, to
15 have staff earlier, and to do certain things to help
16 stand up or maintain the commission in working order
17 prior to the next commission will alleviate some of these
18 potential issues that we encountered this particular
19 cycle.

20 So I just wanted to share that and uplift that. You
21 know, in addition to the delegated authority, I think
22 there are other ways that we can help expedite the
23 processes.

24 COMMISSIONER YEE: Thank you, Director Hernandez.
25 Commissioner Kennedy?

1 COMMISSIONER KENNEDY: Thank you, Director Hernandez
2 for sharing that.

3 And I don't think I have to prompt long-term
4 planning to put it on their list, but just for public,
5 you know, it would seem that we can add to our list of
6 things to do in 2028 and 2029, is to go around and make
7 those contacts throughout state government and remind
8 people what the commission is, what the requirements are
9 going to be. You know, without tying the 2030
10 commissioner's hands, but making sure that what we call
11 an all-of-government approach is taken to this. You
12 know, we need everybody on board. We need resources
13 focused. We need attention focused.

14 And you know, we shouldn't wait for the 2030
15 commission to have to go around and educate the state
16 government as to who they are. We can do a lot in 2028
17 and 2029, to make sure that the Government is ready,
18 willing, able, and even eager to support the 2030
19 commission to a successful conclusion. Thank you.

20 COMMISSIONER YEE: Indeed. Thank you, Commissioner
21 Kennedy.

22 Commissioner Toledo?

23 COMMISSIONER TOLEDO: Yeah. Another area where we
24 experienced some issues was with the grant making
25 process. And whether we make grants or not is, I think,

1 not the question, Or whether the next commission even
2 wants to consider that.

3 But if memory serves me, we received money to be
4 able to do or to invest in community groups, but we're
5 not able to implement that because of the way that the
6 legislation was -- the way languages is in -- because of
7 the statutory language. And so perhaps, can we perhaps
8 modify the language that would allow future commissions
9 to make that decision on their own. That doesn't mean
10 that they would have to or that they would have to issue
11 grants, but would have the ability to do that, similar to
12 the first five and other commissions that, I believe, the
13 census that issue grants.

14 COMMISSIONER YEE: Thank you, Commissioner Toledo.

15 So counsel, as you investigate, you know,
16 possibilities and other agencies to have exemptions from
17 fiscal regulations to whatever degree, maybe you can look
18 into this as well. What would it take to secure grant
19 writing -- granting capability for the next Commission.

20 Director Kaplan?

21 MS. KAPLAN: I just wanted to highlight that we
22 did -- it was the commission did not have statutory
23 authority to distribute grants. It could've been
24 distributed through contract. And that's what the
25 commission has the ability to do.

1 And just to clarify, the census does include
2 contracts, not grants, just for that clarification.

3 So there was feedback, I think, provided by the
4 attorney general's office that can -- I think that's how
5 that was determined, that we didn't have the statutory
6 authority. I think that Alvaro probably has more of the
7 background --

8 COMMISSIONER YEE: So under --

9 MS. KAPLAN: -- in terms of grant making.

10 COMMISSIONER YEE: Yeah. Could you say more, then,
11 about how the census is able to do that, to distribute
12 money, you know, ahead of work instead of afterward.

13 MS. KAPLAN: So they -- it was not done ahead of
14 work. It was done -- so it was funded in arrears, so
15 contractors had to submit a contract monthly -- I think
16 it was, like, monthly invoices, or there was -- it was
17 outlined in the contract, the payment structure.

18 COMMISSIONER YEE: Uh-huh.

19 MS. KAPLAN: So there had to be particular -- it was
20 also (audio interference), so there was a particular
21 deliverables that were tied to the funding.

22 COMMISSIONER YEE: I see. Wow. So their hands were
23 tied too. Wow. Okay.

24 MS. KAPLAN: I'm not -- Yeah. And I think that may
25 be helpful with further investigation. There was

1 research that we did, in terms of grant making, but
2 there's also, I believe, limitations on how much upfront
3 funding could be provided as well.

4 COMMISSIONER YEE: Uh-huh. Right. Okay. So we'll
5 have more research on that.

6 Other thoughts on this or anything else?

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Yes. I'm sorry. I'm just
9 trying to go down this list. So establish reasonable
10 exceptions to Bagley-Keene.

11 Can I just get a little bit more information on what
12 that one means, please?

13 COMMISSIONER YEE: So I think that had to do with,
14 you know, what we've already discussed about permanent
15 provisions for hybrid meetings, but other things --

16 COMMISSIONER FERNANDEZ: That's -- so would it
17 not -- it wouldn't necessarily -- I know we had it on the
18 list, but it wasn't necessarily, like, something that we
19 would be -- we would just be supporting, right? I just
20 wanted to make sure it wasn't something that we would
21 somehow change our language because I don't think we can.

22 COMMISSIONER YEE: In terms of we -- you know, it's
23 not our -- we can't --

24 COMMISSIONER FERNANDEZ: Right.

25 COMMISSIONER YEE: -- we can't modify Bagley-Keene.

1 COMMISSIONER FERNANDEZ: Right. Right. Okay. I
2 just wanted to make sure that we didn't need to add it to
3 our other list. Thank you.

4 COMMISSIONER YEE: Okay.

5 Commissioners Kennedy and Toledo, maybe you can help
6 us.

7 COMMISSIONER KENNEDY: Yeah. Well, we can't modify
8 Bagley-Keene, but if you readthrough Bagley-Keene, there
9 are all sorts of bodies in the state that do have
10 exceptions to this provision or that provision. And so
11 the intent was, you know, are there areas where we fill
12 that some reasonable exceptions to Bagley-Keene are
13 necessary to ensure the success of future commissions.
14 The answer could be, yes or no. It's just -- it's there
15 as a discussion prompt. And if we do believe that there
16 are some reasonable exceptions, you know, we can cite the
17 fact that there are other bodies that have certain
18 exceptions for certain things in certain situations, and
19 make the argument that, you know, for this reason, that
20 reason, the other reason, we would need some, you know,
21 few reasonable exceptions to Bagley-Keene to ensure the
22 success of future commissions. Thank you.

23 COMMISSIONER YEE: Commissioner Toledo?

24 COMMISSIONER TOLEDO: Yeah. I would add, I think
25 there are other efforts underway. I think Little Hoover

1 commissioners has been exploring and then continues to
2 explore modernizing Bagley-Keene. Given that so much has
3 changed -- so much is changing with technology and just
4 how -- well, so much is changing. And so -- especially
5 during COVID, there were a lot of instructions that were
6 needed to be made to be able to have a transparent
7 government process.

8 And so if we have specifics, I think it would be
9 good to compile those and share those with entities that
10 are needing this work. And Little Hoover -- I believe is
11 leading -- Little Hoover commissioners leading the
12 modernization of Bagley-Keene. Although, I know that
13 there's -- there's always obstacles with any major
14 change, any modernization.

15 But certainly, if there's any information or
16 anything that we can contribute to that effort, I think
17 that would be -- especially around being able to
18 participate remotely and in this process. I think that
19 would be helpful to just push these advocacy efforts
20 forward.

21 COMMISSIONER YEE: Uh-huh. Any further thoughts on
22 that or any of the other legislative areas?

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: I'm just going to ask a
25 process question again. So all of the items that are on

1 this list, if we don't discuss it over if we do discuss
2 it, are we still going to bring it forward on the 30th
3 again? I just -- you know, just to determine what to
4 consolidate.

5 Like, for example, we haven't really talked about
6 any changes to the size or composition of applicant
7 review panel, or defining the commission role and process
8 of removal. So I'm just -- I'm trying to think of what
9 to build for the next meeting. Thank you.

10 COMMISSIONER YEE: Yeah. Yeah. That's up to us. I
11 was just -- you know, in my mind, everything is still
12 game up to when we decide on all this and take a vote on
13 it On March 30th. You know, whether or not we discuss it
14 today, I guess, the question -- process question
15 properly, as Commissioner Fernandez brings up, is how do
16 we get to that point in our efficient and coherent way.

17 I mean, I'm thinking -- I'm just speaking as an
18 individual, Commissioner -- you know, to show up on the
19 30th with my shortlist of things I really think we ought
20 to pursue, and you know, gather those shortlists from
21 everyone and see what we have.

22 Commissioner Toledo?

23 COMMISSIONER TOLEDO: I think you're right. To
24 thinking along Commissioner Fernandez -- what Fernandez
25 was talking about, just in terms of prioritization, there

1 seems to be -- there's so much. And we still have to
2 discuss many of these things some more. But just
3 thinking about how we're going to prioritize and be able
4 to get to our -- and get consensus on some of these, or
5 at least be able to vote some of these -- vote on a slate
6 of potential changes.

7 So I'm just curious about the prioritization process
8 to get there. And maybe that's just something for the
9 next meeting, but just curious and wanted to throw it out
10 there.

11 COMMISSIONER YEE: Yeah. We did not plan on
12 anything trying to vote or prior, you know -- or striking
13 items or, you know -- this was just the time to discuss
14 them and get further thoughts on them.

15 Commissioner Kennedy?

16 COMMISSIONER KENNEDY: Yeah. I liked Commissioner
17 Toledo's use of the word slate. I mean, it -- or was it
18 yours? The concept of slate took me back to July of
19 2020, with the first eight of us considering slates of
20 six to fill out a commission, and I'm recalling that that
21 was not a discussion that was resolved in the course of
22 one day. So the idea that we're all going to come in
23 with our slates, and we're going to be able to reconcile
24 everything and reach agreement in the course of one day
25 to me seems a bit optimistic.

1 And you know, it's not to throw a wrench in the
2 works. It's just to be realistic about this, and you
3 know, this goes back to the idea of, I don't know, having
4 a longer period after the final maps during which, you
5 know, amendments to government code aren't considered,
6 just to give adequate time for both thought and the
7 process of coming up with a coherent consensus slate of
8 proposals to submit to the legislature.

9 I'm feeling -- and I agree with Commissioner
10 Fernandez. We've got, you know, six more years during
11 which we can do this. We could approach the legislature
12 with a new package every year, theoretically. I don't
13 know if they want to hear from us every year on this, but
14 we could. And you know, maybe that is the approach we
15 take. We find a very small number of issues on which we
16 are all in agreement and able to reach conclusion on the
17 30th. That's this year's package. Then, you know, soon
18 after we start working on what's next year's package and
19 so on until we exhaust our list.

20 But yeah, if we think in terms of slates and we
21 think in terms of the process that we went through to
22 select the final six, we're not going to finish this in
23 the course of one day. Thanks.

24 COMMISSIONER YEE: Thank you. You know, a long-term
25 finding subcommittee, I'm wondering, you know, from that

1 initial conversation you had with the liaisons and the
2 legislature. I mean, you know, whatever sketchy question
3 you got. You know, what scope are we looking at? You
4 know, how many items might be a target, you know?

5 COMMISSIONER FERNANDEZ: I don't think there's a
6 target item. I think it's -- as long as it's relating to
7 our specific code sections. They do understand that some
8 of them may overlap into others, like the state auditors,
9 it might be their realm, or it might be the elections
10 realm. I don't think there's a specific number, in terms
11 of changes to our language. I think it's just us -- and
12 as long as we don't revamp the whole thing -- as long as
13 it's us coming up with a list.

14 And then maybe -- so just listening to everyone --
15 maybe what Commissioner Akutagawa and I can do prior to
16 the next meeting is maybe group it in -- based on the
17 conversations and with the feedback -- maybe group it as
18 to, we think these are general consensus, versus further
19 conversation that maybe can be for either this process as
20 well, you know, if we can get to an agreement later, or
21 future processes. I -- because there's just too many
22 items for us to take -- there's too many items for us to
23 come to consensus with at this point, and I really don't
24 know how we're going to do it on the 30th to try to get
25 to a list, so I think we'll go back and try to come up

1 with a list.

2 COMMISSIONER YEE: Yeah. That's a process question,
3 so, I mean, long-term findings to do that. I mean, we've
4 all been in this discussion together so long-term
5 findings to try to distill the hot list, the short list,
6 or this lessons learned. Try to do that. That would be
7 duplicative, so -- I'm think, long-term findings since
8 you're the ones that are going to carry it going forward,
9 so -- but we can discuss that further.

10 Commissioner Toledo?

11 COMMISSIONER TOLEDO: Yeah. Just in terms of -- and
12 I missed the -- and I'm supportive of the process --
13 thinking through the process a little bit more. But in
14 terms of an exception that that would be helpful for
15 the -- for legal counsel, one thing that we experienced
16 and that did cause some delays was just getting approval
17 from the AGs office to select outside counsel. And so if
18 we can get an exception for that. So not having to go
19 through the AGs office and securing their approval prior
20 to selecting our outside counsel. If we can add that to
21 that list of items to explore.

22 COMMISSIONER YEE: Okay. Good.

23 Can you remind us exactly how that worked out in our
24 case?

25 COMMISSIONER TOLEDO: We did secure AG approval, but

1 it did take a while. So we did reach out to the AGs
2 office. They -- we provided them with -- legal provided
3 with information about our statute, about our, you
4 know -- our information about the commission, and they
5 were able to provide us an approval letter, if I remember
6 correctly. And certainly, Executive Directive Hernandez
7 helped in that process as well.

8 COMMISSIONER YEE: That was to hire VRA counsel --
9 outside counsel --

10 COMMISSIONER TOLEDO: That was to hire any of our
11 counsel -- any general counsel -- and outside legal
12 counsel.

13 COMMISSIONER YEE: Okay.

14 COMMISSIONER TOLEDO: So that was for Strumwasser
15 and also for --

16 COMMISSIONER YEE: Yeah.

17 COMMISSIONER TOLEDO: Yeah.

18 COMMISSIONER YEE: Okay. Very good.

19 Anything else? Any legislative items? If not, I'll
20 turn it back to the chair and then after our break, we'll
21 wrap up with a dive into regulatory items, the last part
22 of the list.

23 And Commissioner Kennedy will be leading that
24 discussion.

25 So I'm not seeing Commissioner Vazquez. Maybe Vice

1 Chair Fornaciari or -- take the reins?

2 VICE CHAIR FORNACIARI: Sure.

3 CHAIR VAZQUEZ: Sorry about that.

4 COMMISSIONER YEE: There she is. Oh, there she is.

5 All good.

6 CHAIR VAZQUEZ: Sorry about that. I was dealing
7 with a dog issue. I meant to --

8 COMMISSIONER YEE: So yeah. So we're thinking we
9 might be able to start brief a little early.

10 CHAIR VAZQUEZ: Sounds great.

11 COMMISSIONER YEE: After that, we'll go to
12 regulatory items and Commissioner Kennedy will lead that.

13 CHAIR VAZQUEZ: Sounds great. All right. So you
14 know, I think it's looking like -- well, I guess, what is
15 the process for wrapping early? Do we feel committed to
16 a 4 o'clock end time in public comment? My debate is --
17 I'm thinking about having a fifteen-minute break,
18 convening earlier than what had originally stated and
19 potentially wrapping early for the day on a Friday. Does
20 that sound great? Okay.

21 All right. So I have 2:51. Let's take a full 15
22 minute break, so we'll reconvene at 3:06. Did I math
23 right? Yes. Okay. 3:06. All right, everyone. Thanks.

24 MR. MANOFF: Thank you so much, Chair.

25 We'll see everybody at 3:06.

1 (Whereupon, a recess was held from 2:52 p.m.
2 until 3:06 p.m.)

3 CHAIR VAZQUEZ: All right, everyone, welcome back.
4 We are headed toward the conclusion of our lessons-
5 learned conversation.

6 So Commissioner Kennedy, I think we're on to
7 regulatory.

8 COMMISSIONER KENNEDY: We are. Thank you. And I
9 will clarify that we're coming to the close of our
10 lessons-learned discussion for this week. We do
11 anticipate having our mappers, and statewide database,
12 and perhaps our data management team speaking to us on
13 the 30th, if we can squeeze all of that in. So we
14 anticipate having further lessons-learned discussions.
15 But I think we've made really good progress in covering a
16 lot of ground between last week and this week.

17 So under regulatory -- and this is essentially still
18 in process because I'm reading through all of the
19 regulations that we received in our briefing books.

20 The outstanding issue of who can issue regulations
21 related to the commission. We know that there are
22 regulations related to the selection process that were
23 issued through the auditor's office.

24 One thing to keep in mind about regulations is, even
25 the regulatory process has certain statutory

1 requirements. Issuance of regulations can take a
2 significant amount of time. And are there things that we
3 can handle through policies and procedures on one hand,
4 or in a one off through the process that we're actually
5 going through and then submitting proposed legislative
6 changes to the legislature and not go the regulatory
7 route. So that's something to keep in mind.

8 CCR60863 is on the filling vacancies. That might be
9 a place where concepts of substantial neglect, gross
10 misconduct, inability to discharge, written notice,
11 opportunity for response, and appropriate administrative
12 agency could be clarified. Those terms are in the
13 government code language about vacancies, but not
14 necessarily defined adequately for purposes of moving
15 forward.

16 Second, clarifying and needing help for the purpose
17 of receiving public input testimony, or at least if
18 you're able to clarify the distinction between public
19 input and public comment. This has to do with the
20 difference between a standard ten-day notice requirement
21 under Bagley-Keene, versus a fourteen-day notice when a
22 meeting is held for the purpose of receiving public input
23 testimony. And at one point, we were advised that
24 because all of our meetings included the opportunity for
25 public comment and any of the public comment could

1 theoretically involve input towards our mapping, that
2 we -- in order to be safe, we will need to consider all
3 of our meetings to be meetings held for the purpose of
4 receiving public input testimony.

5 You all will recall that I pushed back very
6 consistently against that, wanting there to be a clear
7 distinction between public input and public comment. But
8 to my mind at least, we definitely need clarification of
9 those terms, at the least.

10 Government Code 8253, section A, subsection 2 talks
11 about records of the commission pertaining to
12 redistricting. We need to make sure that we all have a
13 clear understanding of that, as well as the mention of
14 data considered by the commission. Basically says, all
15 data considered by the commission shall be public record.
16 And we need to make sure that we are in compliance with
17 that.

18 We dealt extensively early on with this matter of,
19 what does "redistricting matters" mean, and what does
20 "outside of the public hearing" mean. You know, what if
21 someone emailed a commissioner directly? We know that
22 that was happening pretty frequently late in the process.
23 I had -- well, it happened late in the process, and all
24 of those were forwarded and eventually posted, but is
25 that fully compliant with the government code.

1 Number 6, clarify that the chair and vice chair can
2 rotate. It seems like a minor matter. In my mind, it's
3 just good to clarify that they can rotate.

4 Number 7, clarify fully functional.

5 Number 8, clarify nonretaliation clause. That's the
6 clause in the government code that says, no employer
7 shall retaliate against anyone for attendance at a
8 commission meeting -- talking about the commissioners
9 basically being involved with commissioner duties.

10 Unfortunately, there's no penalty established if
11 someone's employer were to retaliate against an employee
12 who is also a member of the commission. So do we want to
13 propose clarification of that clause, establishment of
14 penalties if there were to be an instance where someone's
15 employer were to retaliate against them or take action
16 against them for taking part in the activities of the
17 commission.

18 Number 9, clarifying the purpose of the three-
19 comment period. As colleagues have said, you know, if
20 the purpose of the comment period is to motivate the
21 commission to make further changes, does that then
22 require a further three-day comment period. Some of
23 that, I think, could be cleaned up.

24 Government Code 8253(b) talks about the dissolution
25 of a commission. So we just need to make sure that

1 everyone is clear on what that is and the implications.

2 In 8253.6(b) talks about procurement and contracting
3 authority. We've talked about getting exemptions,
4 exceptions, special frameworks. Perhaps that could be a
5 proposed amendment to this mention of procurement and
6 contracting authority in 8253.6(b).

7 Conforming changes to CCR60803. Talking about the
8 application here in the application process.

9 Number 13, reviewing CCR60827, relevant analytical
10 skills. Some folks had mentioned that there may be
11 skillsets emerging as a result of technological evolution
12 that should be added to the list of relevant analytical
13 skills that are considered during the application and
14 review process for future commissions. So that might be
15 something to consider.

16 CCR6032 already references the Voters First Act, but
17 it doesn't reference the Voters First Act for congress.
18 I was just wondering if that is something that needed to
19 be added to that.

20 15, we went through this, of the first eight being
21 told that the only thing that we could do was receive
22 training and select the final six commissioners,
23 restraining us from making any public statements. Is it
24 worthwhile make any proposals to enable the first batch
25 of commissioners -- the randomly selected commissioners

1 to make statements on their own behalf, recognizing that
2 there isn't a full commission in place, nonetheless,
3 enabling the first eight to make statements on behalf of
4 the first eight.

5 And finally, talking about the continuity of
6 policies and procedures, from one cohort of commissioners
7 to another, particularly to facilitate timely payments
8 and reimbursements to new commissioners, keeping in mind
9 that new commissioner would be able to make any changes
10 to those policies and procedures as and when they see
11 fit. But we did have the experience of timely payments
12 and reimbursements being delayed because we were told
13 that there were no policies and procedures in place.

14 So that's a review of the items that I've come
15 across so far. Happy to add any that other colleagues
16 have come across or would like to propose for this. And
17 opening up the discussion.

18 Commissioner Sinay?

19 COMMISSIONER SINAY: Commissioner Kennedy, I found
20 your happy place. I wanted to say that you for taking
21 the time, you know, to look at this and cross-examine and
22 all that. We definitely found where your analytical
23 skills work best -- not bet, but work well, so thank you.

24 COMMISSIONER KENNEDY: Thank you.

25 Commissioner Fornaciari?



1 VICE CHAIR FORNACIARI: So I'm sorry if you already
2 said this and I missed it, but who made these regulations
3 to begin with? The legislature?

4 COMMISSIONER KENNEDY: The existing regulations,
5 CCR608, blah, blah, my understanding is those were put in
6 place by the auditor's office. They have statutory
7 authority, I guess, to issue regulations and went through
8 that process.

9 And in fact, that's how I came across all of the
10 exceptions that the state auditor's office has in
11 relation to state processes because the authority
12 cited -- each of these CCR sections cite as authority,
13 Government Code section 8546. And that's where the
14 authorities of the auditor's office are enumerated,
15 including their exceptions and exemptions from state
16 processes and procedures that are otherwise in
17 (indiscernible).

18 VICE CHAIR FORNACIARI: Oh, I guess, conceive -- and
19 I'm sure you said this, but I just want to make sure --
20 conceivably, we could ask for our own authority to write
21 our own regulatory authority?

22 COMMISSIONER KENNEDY: That is my understanding.
23 Tim can tell us otherwise.

24 The one caution that I shared was, you know, making
25 procedures is not as easy for a body such as this as

1 making policies and procedures. So you know, while there
2 are issues that -- you know, we've said that regulations
3 exist to fill gaps in the legislation, you know, you kind
4 of have the option, you can seek regulatory authority and
5 live with the consequences of having regulatory
6 authority, which is that you don't necessarily -- you
7 aren't necessarily able to establish things in policy if
8 you have the authority to establish them by regulation.
9 Or you could seek to establish it through legislation and
10 not bother seeking regulatory authority. So there are
11 various options. So if you have anything to --

12 MR. TREICHEL: And so I ask -- just to clarify, and
13 I agree, I believe the commission, having been created by
14 a constitutional amendment and also legislation has
15 authority, I believe that. I haven't done the research,
16 and I'm sure Anthony knows. But if it doesn't have the
17 authority to promulgate regulations, the state auditor's
18 office does, obviously, as we've already stated. And it
19 might be a matter of asking the auditor to promulgate
20 regulations and to go through that process.

21 And also, just to reiterate, the regulatory process
22 is designed to fill in the gaps of legislation. It has
23 to be -- regulations have to be within the scope of the
24 authority of the legislation or the constitutional
25 measure. But it's a much easier process and much more

1 better controlled and managed process to do regulations
2 than to go -- to stick with legislation because as you
3 all know, you have the risk of losing control of your
4 legislation and getting an outcome that you really don't
5 desire.

6 So that's my two cents worth. And I'm sure,
7 Anthony, when he returns, will have a more --

8 COMMISSIONER KENNEDY: Yeah. We have a little bit
9 less exposure to legislation escaping our control because
10 the legislature cannot change government code chapter
11 related to the commission without the commission
12 concurrence. So that is an advantage that we already
13 have over some other entities.

14 MR. TREICHEL: Certainly. And thank you for that
15 clarification.

16 COMMISSIONER KENNEDY: Sure.

17 Commissioner Fornaciari, did you have anything
18 further?

19 VICE CHAIR FORNACIARI: Well, I was going to ask if
20 we could ask the auditor to change it, but I think Tim
21 said we couldn't, so --

22 COMMISSIONER KENNEDY: Certainly, anything that's
23 already on the books, as far as regulation, the problem
24 that I have seen is that with the possible exception at
25 the very end of that section 60863 on commission

1 vacancies, the regulations issued by the state auditor
2 deal pretty much exclusively with the application and
3 selection process, and don't deal with the commission
4 once it's functioning.

5 The regulations are where we could go because
6 section 60861 is entitled, "Assisting the Commission to
7 Become Functional". So if we wanted to further define
8 fully functional, that would certainly be the place to do
9 it, working with the auditor's office to put out a
10 proposed revision to CCR section 60861, assisting the
11 commission to become functional, and define that term in
12 a way that we feel is necessary for the proper and timely
13 functioning of the commission. Once it gets into the
14 actual functioning of the commission -- I don't know.
15 And yeah. We might have to ask Anthony on that.

16 Commissioner Vazquez?

17 CHAIR VAZQUEZ: Yeah. I guess I mostly have a
18 question about process, because I think -- I think these
19 are important pieces to clarify and I -- I do think we
20 should have a say in how these are clarified and defined.
21 Our only feasible options to get regulatory -- well, I
22 guess -- I feel like I've only heard about the option of
23 getting regulatory authority so that we could make these
24 changes ourselves. But in the absence of that, I mean,
25 do we go to the auditor's office and be like, hey this

1 doesn't work. Here's why. And hope, via their goodwill,
2 they change those regulations?

3 COMMISSIONER KENNEDY: I mean my -- my sense on
4 that, for example, when we were talking about Number 5;
5 clarifying redistricting maps. We essentially sought to
6 clarify redistricting matters through a policy decision.
7 Policy decisions are easier than instituting regulations,
8 but they don't have the force of regulations. So they're
9 not quite as strong. So presumably, a lot of this could
10 be clarified through commission policy, but it wouldn't
11 have the force of regulation. And so the question then
12 is, do we need it have the force of regulation. Is it
13 worth going through that process in order to have
14 something that has the force of regulations?

15 COMMISSIONER YEE: Commissioner Fornaciari?

16 VICE CHAIR FORNACIARI: So -- I'm sorry. What is
17 that process?

18 COMMISSIONER KENNEDY: Proposed regulations have to
19 be publicized for X number of days. There have to be X
20 number of hearings. I could probably come with a link, a
21 weblink, for you, in fairly short order. But there is a
22 standard process, probably set out in the state
23 administrative code. For promulgation of regulations.
24 Tim, do you have anything --

25 MR. TREICHEL: If --

1 COMMISSIONER KENNEDY: -- to add on that?

2 MR. TREICHEL: If I may? The board that I once
3 worked for promulgated a number of regulations. The
4 process that they used somewhere around the state is,
5 they would do an interested parties process, which was a
6 pre-regulatory, to solicit input for regulations on a
7 topic. And then in that process develop language for the
8 proposed regulation and then -- and then start the
9 official regulatory process, which is -- is defined, as
10 the commissioner noted. And there's certain requirements
11 for public notice, forty-five day notice, and then if
12 it -- if the regulation's amended, et cetera. So there's
13 notice, and then, ultimately, if the regulation is passed
14 by the -- by the body -- by the board -- by the
15 Commission, it would then be sent to -- admission of law
16 for evaluation against the statute that was the
17 authority.

18 And then once it passes administrative -- OAL, it
19 would then become a regulation after a certain period of
20 time with the Secretary of State. So there is a defined
21 process for regulations. But it all starts with -- it
22 all starts -- should start with the Commission deciding
23 and voting on what language that they want -- want to
24 create in -- what kind of regulation they want to create.
25 So think of yourselves as creating regulation. And that

1 process is predefined. You don't have to have an
2 adjustive parties process, but it is something that I'm
3 familiar with and it -- it helps get to the -- get to the
4 ultimate desired language. And then it goes through. So
5 the idea is the Commission creates the regulation and
6 then passes it through the process that has consisted
7 throughout this state for promulgating regulation.

8 COMMISSIONER KENNEDY: Commissioner Fornaciari?

9 VICE CHAIR FORNACIARI: That was good. Let's go. I
10 mean we have plenty of interested parties who are here to
11 provide feedback and guidance. But I think -- I'd be
12 supportive of -- of this commission sort of managing its
13 destiny along these lines where we can, in providing the
14 clarity. And then if the -- if the next Commission had a
15 different perspective on it, then they could work to --
16 to change it themselves.

17 COMMISSIONER KENNEDY: Very good. Thank you.

18 Fellow colleagues, thoughts on these -- the listed items
19 or any other? As I say, I haven't finished going through
20 all of the existing CCR provisions related to the
21 selection application, selection processes. Are there
22 areas of government code that you feel require further
23 clarification?

24 Commissioner Vazquez?

25 CHAIR VAZQUEZ: Yeah. I think, actually, I'm -- I'm

1 wondering if maybe the -- maybe a good objective for this
2 piece of the conversation is to get general consensus
3 that we want to make an effort toward regulatory changes,
4 and maybe through this interested party process. And
5 then we can have a specific discussion, maybe with a
6 vote, about what specifically we wanted to pursue?

7 COMMISSIONER KENNEDY: Yeah. I mean this one is
8 certainly -- or at least in -- at this level of detail,
9 is not something that we want or need to finish by the
10 end of this month. This is something that we could do
11 over the course of the next five or six years.
12 Thankfully, I don't think we're going to encounter
13 situations where we need the clarity during that period.
14 But certainly, the 2030 Commission is likely to need it.
15 So yeah. I would be happy with that.

16 CHAIR VAZQUEZ: Well, seeing no opposition for a
17 general consensus that we want to pursue -- some of these
18 changes -- yeah. I think we are -- it looks like we are
19 good on this item, or this portion of our conversation.

20 COMMISSIONER KENNEDY: Commissioner Yee?

21 COMMISSIONER YEE: Yeah. Just to clarify with me
22 for it, then. As mentioned earlier, long term planning.
23 We'll focus on choosing a short list of legislative and
24 potentially constitutional changes to push forward with
25 in our current conversations -- and that's at their

1 discretion what they think is ready and what there seems
2 to be consensus around. Meanwhile, Lessons Learned will
3 continue to document all these items as a log or list.
4 Document some of the discussions we've had, pros and cons
5 for these items, for the -- the lesson learned report,
6 which will be a -- a fuller -- a fuller document. That
7 doesn't necessarily limit itself to things that we're
8 ready to move on, or will ever move on. They're just
9 things we're thinking about.

10 COMMISSIONER KENNEDY: Yeah. Many -- many of the
11 items in the Lessons Learned report will just be friendly
12 advise to the 2030 Commission that they're free to accept
13 or ignore. Doesn't need to go beyond that. So that's --
14 that's a good distinction as far as how we're proceeding
15 with regulatory, how we're proceeding with legislative,
16 and how we might eventually proceed as far as
17 constitutional changes.

18 Chair, over to you.

19 CHAIR VAZQUEZ: Okay. Well, I think -- given that
20 we will be re-upping the conversation about Lessons
21 Learned at our next meeting on the 30th, I think we are
22 good to wrap up this conversation and our -- our Lessons
23 Learned conversation for this particular meeting.

24 Before we -- well, maybe let's do this. I think we
25 should read the instructions for public comment, and then

1 I can open it up to any additional final thoughts on
2 today.

3 PUBLIC COMMENT MODERATOR: You've got it Chair. The
4 Commission will now take general public comment for items
5 not on the agenda. To give comment, please call 877-853-
6 5247 and enter meeting ID number 87992576958. Once
7 you've dialed in, please press star, nine to enter the
8 comment queue. The full call-in instructions are read at
9 the beginning of the meeting, and are provided on the
10 stream landing page. And again, this is for items on the
11 agenda or not on the agenda, general public comment. And
12 it looks like we do have a caller. Just a moment.

13 Caller with the last four digits 6252, if you could
14 please follow the prompts to unmute. The floor is yours.

15 MS. HUTCHINSON: Thank you very much. This is Helen
16 Hutchinson. I'm with the League of Women Voters of
17 California. And I just had two really quick comments.
18 The -- the first is that, I know that you have a spot-
19 bill waiting for this year, but you don't need to fill
20 rushed. There are multiple years in which you can
21 introduce legislation, so please don't feel rushed.

22 And the second is, I suggest that you talk to the
23 last Commission about the legislative process before you
24 really get any deeper into it. They -- I don't know what
25 their experience was, but I think that you will feel

1 better informed if you know what they -- what they did
2 and how it went forward. Thank you very much.

3 PUBLIC COMMENT MODERATOR: Thank you.

4 Next up we have caller 2829. If you could please
5 follow the prompts to unmute. The floor is yours.

6 MS. WESTA-LUSK: Yes. Good afternoon,
7 commissioners. This is Renee Westa-Lusk. I just have
8 some questions, mostly. When you say the 2020 CRC
9 website will be archived, does that mean it will be
10 available to public access through 2031, or until the new
11 CRC takes over in 2030 or 2031? My first question.

12 I wanted to say that I don't agree with expanding
13 the CRC's existing -- I did some statistics and it -- it
14 will lessen -- statistics wise, it'll lessen
15 representation of the two major parties combined.

16 And my third question is, I -- are -- I -- actually,
17 opinion is, I -- I want to say, yes. I am in agreement
18 with you expanding the length of time the commissioners
19 should be spending redistricting. I think the process
20 should start no later than the end of January 2030, or if
21 you want start it -- the commissioner should be seated by
22 December of 2019. I think it should more of a -- at
23 least a one-and-a-half to two-year process so that
24 they're -- the staff and the commissioners are not worked
25 to death at the end, and we get better maps out of it.

1 I also wanted to know if more of today's handouts
2 are going to be posted on the website, because not all
3 the handouts were there. And the future meetings, will
4 they be live streamed? Because that's different than --
5 than doing virtual. Would they be live streamed so
6 people from long distances can watch them, or will people
7 have to go in person? And was it -- I just wanted to
8 know, was it against any kind of legal code for the
9 commissioners to look at or examine the 2010 VRA
10 districts that were drawn, so they would have had a
11 starting point of where new VRA districts needed to be
12 drawn?

13 Also -- Lessons Learned from 2010 Commission, did
14 you have access to those earlier, in the year of 2021, or
15 did you just recently have access to those Lessons
16 Learned from the 2010 Commission?

17 And then I also wanted to know why the state
18 government can't provide contracting services permanently
19 for the CRC from day 1. So CRC Commissioners don't have
20 to take this huge responsibility on such a short period
21 of time where you're actually actively needing to
22 contract.

23 And I -- another conclusion -- I just want to say, I
24 noticed a lot of the 2010 Lessons Learned are some of the
25 same Lessons Learned that you have all brought forth in

1 the 2020 CRC.

2 And those are all my statements and questions.

3 Thank you for listening and for all your hard work.

4 CHAIR VAZQUEZ: Thanks so much. I think there are a
5 few questions in there -- I can't answer any of your
6 questions. But I think there were a couple, particularly
7 around archiving the website and contracting, that maybe
8 our long-term planning folks maybe have answers to? And
9 I -- I think also maybe you -- Ms. Westa-Lucks -- Lusk,
10 you may be identifying things that we haven't yet thought
11 of, so we may not have answers to all of your questions.
12 Are there any commissioners or staff who can maybe
13 address our callers questions?

14 Commissioner Fornaciari? Commissioner Fernandez?

15 All right. Let's go down the queue.

16 VICE CHAIR FORNACIARI: I -- with regard to the
17 meetings, as far as I know our intent is to livestream
18 the meetings, just like we're livestreaming them now,
19 take public comment in person, and in -- in the same way
20 we're taking it now, so that folks throughout the state
21 can participate just as they have been the entire time.
22 So you don't have to travel half-way across state to join
23 us in our meetings. As far as the rest of the questions
24 go, I'm not sure I'm the right person to answer (audio
25 interference).

1 CHAIR VAZQUEZ: (Audio interference). answer that
2 questions. So Commissioner Fornaciari or Commissioner
3 Fernandez?

4 COMMISSIONER FERNANDEZ: Thank you. I think we're
5 just going to parse out all of your questions. I'll try
6 to address the "why can't the state government provide
7 contracting services". You can, actually, have
8 interagency -- interagency agreements with other
9 government entities to provide those services. But I
10 will say, based on my experience of having those
11 interagency agreements, you tend to still be the last in
12 line, because they tend to take care of their own
13 department's contracts prior to getting to yours. And
14 the reason it's beneficial for us to do it ourselves
15 would be at least we would get them done faster,
16 hopefully, and get them processed. So that's a reason
17 for that. Thank you.

18 CHAIR VAZQUEZ: All right. Thank you.
19 Commissioner Kennedy?

20 COMMISSIONER KENNEDY: Thank you, Chair. On the --
21 on the issue of the website -- speaking for the website
22 subcommittee, I think it's certainly our intent that the
23 website remain available to the public for -- for as long
24 as possible. There are budget issues involved that we've
25 been looking into -- there are also some technological

1 issues. We are looking at the possibility of rebuilding
2 the website so that the State Department of Technology
3 can maintain it. We're currently using a platform that
4 they do not support. So we are -- we are looking at what
5 all will be required -- what level of effort will be
6 required to rebuild that website on a platform that the
7 California Department of Technology is able to support.

8 And as in the past, I continue to press for
9 everything, both 2020 materials as well as 2010 materials
10 to be as available as possible, as widely as possible.

11 And I'm working with state archives to get from them a
12 listing of their holdings as well as instructions on how
13 the public can access all of those materials; at which
14 point we will post those instructions on our website.

15 Thank you.

16 Oh, Sorry. On the -- on the issue of the 2010
17 Lessons Learned, that is a document that has been around
18 since, I believe, 2016. I believe I managed to locate it
19 during the application phase, and I believe we've --
20 we've shared it among commissioners. And it would have
21 been posted on the website at some point during the
22 process. But it has been available. We weren't handed
23 copies of it when we took office, and we have said that
24 we want to make sure that our Lessons Learned report
25 is -- gets into the hands of the 2030 Commission as

1 quickly as possible. Hopefully as part of a briefing
2 binder that they are given. But that's -- that's the
3 answer on the 2010 Lessons Learned. Thank you.

4 CHAIR VAZQUEZ: Thanks. Commissioner Fornaciari?

5 VICE CHAIR FORNACIARI: Yeah. I think that's a good
6 lesson learned, because finding those documents from the
7 commission, he had to go -- from the last commission. He
8 had to go find the meeting where they -- where they
9 talked about that document, I think. And it was really
10 hard to find. And our stuffs really hard to find, too.
11 So we're going to try to do better in enabling the public
12 to find our stuff, and that's good lesson learned going
13 forward.

14 Yes. Question about the VRA districts. I think --
15 I don't think there was anything that precluded us from
16 starting there, but -- I mean the population of
17 California changed so dramatically over those ten years.
18 I think we as a group just felt like we needed to start
19 fresh.

20 CHAIR VAZQUEZ: Great. Thanks so much. Are there
21 any other callers?

22 PUBLIC COMMENT MODERATOR: There are no more callers
23 in queue, Chair.

24 CHAIR VAZQUEZ: All right. Final call for closing
25 thoughts on our -- on this week's Lessons Learned

1 conversations.

2 Commissioner Kennedy?

3 COMMISSIONER KENNEDY: I want to thank all of you.
4 This has been a great exercise, I think. I've come to
5 admire all of you that much more as a result of this.
6 You've really embraced this process and participated in
7 the spirit that I had hoped that you would participate
8 in. So again, my thanks for -- for going through this
9 exercise.

10 CHAIR VAZQUEZ: Commissioner Yee?

11 COMMISSIONER YEE: My thanks, likewise, to everyone.
12 If they're going this exercise and continuing to keep
13 your thoughts percolating on all these matters. And
14 special thanks to my colleague, Commissioner Kennedy, who
15 did so much of the heavy lifting for this. And it's
16 always a pleasure to work with someone who is in his
17 happy space.

18 CHAIR VAZQUEZ: Great. Okay. (Audio interference)
19 or comments, I am adjourning this meeting. We will see
20 everyone on the 30th.

21 (Whereupon, the Business Meeting/Lessons
22 Learned meeting adjourned at 3:49 p.m.)

23

24

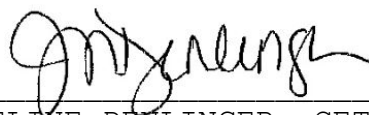
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under 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 8th day of April, 2022.



JACQUELINE DENLINGER, CET-797

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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.

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



LORI RAHTES, CDLT-108

April 8, 2022