

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:

CRC BUSINESS MEETING

WEDNESDAY, APRIL 27, 2022

9:35 a.m.

Reported by:

Peter Petty



APPEARANCESCOMMISSIONERS

Neal Fornaciari, Chair
Patricia Sinay, Vice-Chair
Linda Akutagawa, Commissioner
Jane Andersen, Commissioner
Alicia Fernández, Commissioner
Russell Yee, Commissioner
J. Kennedy, Commissioner
Antonio Le Mons, Commissioner
Derric Taylor, Commissioner
Pedro Toledo, Commissioner
Trena Turner, Commissioner
Angela Vázquez, Commissioner

STAFF

Alvaro Hernandez, Executive Director
Anthony Pane, Chief Counsel

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

PUBLIC COMMENT

None



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P R O C E E D I N G S

1
2 April 27, 2022

9:35 a.m.

3 CHAIR FORNACIARI: Well, welcome, California, to the
4 California Citizens Redistricting Commission's April
5 business meeting. I'm Commissioner Neil Fornaciari,
6 chair this month, and along with Commissioner Sinay, my
7 co-chair, we will be hosting this meeting. I will call
8 this meeting to order and ask Ravi to call the roll,
9 please.

10 MR. SINGH: Thank you, Chair. Commissioner Kennedy.

11 COMMISSIONER KENNEDY: Here.

12 MR. SINGH: Commissioner Le Mons.

13 COMMISSIONER LE MONS: Here.

14 MR. SINGH: Commissioner Sadhwani. Commissioner
15 Sinay.

16 VICE CHAIR SINAY: Here.

17 MR. SINGH: Commissioner Taylor.

18 COMMISSIONER TAYLOR: Present.

19 MR. SINGH: Commissioner Toledo.

20 COMMISSIONER TOLEDO: Here.

21 MR. SINGH: Commissioner Turner.

22 COMMISSIONER TURNER: Here.

23 MR. SINGH: Commissioner Vazquez.

24 COMMISSIONER VÁZQUEZ: Here.

25 MR. SINGH: Commissioner Yee.



1 COMMISSIONER YEE: Here.

2 MR. SINGH: Commissioner Ahmad.

3 Commissioner Akutagawa.

4 Commissioner Andersen.

5 COMMISSIONER ANDERSEN: Here.

6 MR. SINGH: Commissioner Fernandez.

7 COMMISSIONER FERNÁNDEZ: Presente.

8 MR. SINGH: And Commissioner Fornaciari.

9 CHAIR FORNACIARI: I am here.

10 MR. SINGH: Roll call is complete, Chair. You have
11 a quorum.

12 CHAIR FORNACIARI: Thank you, Ravi. Appreciate it.
13 So let's see. I'm going to start by going over the run
14 of show. We'll have director announcements, a few
15 subcommittee updates. We will be going to closed session
16 at 11:15. We hope to return at 11:45, but as those of
17 you who follow along know, you know, that's kind of a
18 moving target sometimes.

19 But we will have a lunch break from 11:45 -- or
20 12:45 to 1:45 and then wrap up by 3:15, 3:30 with public
21 comment. Based on the number of subcommittee review --
22 subcommittee reports, I expect we'll end early today,
23 hopefully, around lunch. We'll see, though.

24 And so I'll start with announcements. So this is a
25 bit of a change for us. This is the first meeting of the

1 Commission since the expiration of the executive order
2 exempting State bodies from Bagley-Keene. So what we've
3 done in response to that is we're hosting our meeting at
4 two publicly accessible locations, our office in
5 Sacramento and one in Anaheim. Both of those addresses
6 are listed on our website under the meeting announce --
7 under the meeting tab and also on the agenda.

8 So the public is welcome to join us. We have no
9 members of the public joining us here in Anaheim, but I
10 understand that we have a few members of the public
11 joining us in Sacramento, so welcome. Thanks for joining
12 us and thank you for following along.

13 But I just want to mention before we get started, as
14 we have done throughout the entire life of this
15 commission, we will allow -- or enable the public to call
16 and provide public input and public comment over the
17 phone just as we have throughout the whole time. So you
18 know, you're welcome to come in person to our meetings or
19 follow along via live feed and call in and provide your
20 public comments that way.

21 So with that, I want to thank everyone for joining
22 us. I have one announcement that I will be sharing, and
23 then I'll open it up to our colleagues. I put together a
24 op ed for New Mexico. Some of you know -- it will be
25 published in the Albuquerque Journal. We're just not



1 sure. I worked with some folks from Common Cause from
2 national -- the national Common Cause and the local New
3 Mexico Common Cause to put that together.

4 So as you may recall, I spoke with a task force
5 looking at forming an independent commission in New
6 Mexico back in November of 2020. In February, the
7 Legislature created an advisory commission, and that
8 advisory commission was responsible for holding public
9 meetings, getting public input, and generating three maps
10 for each of the four redistricting offices they were
11 responsible for: state legislatures, Congress, and the
12 state education board.

13 So they went through that. They had seven members
14 on their team, three former justices, or judges, one --
15 the chair was a former justice on the State Supreme
16 Court. Put in a lot of effort and work, presented their
17 maps to the Legislature, and the Legislature promptly
18 threw them out and drew their own maps to ensure that no
19 incumbents would have to run against each other.

20 So I sent in an op ed just encouraging the people of
21 New Mexico to push for an independent commission that
22 would be responsible for drawing the maps outside of the
23 legislature. So I will let you all know when that gets
24 published, but I wanted to open it up to see if there
25 were any other commissioners had announcements that they



1 would like to share.

2 Okay. I don't see any hands raised. Am I missing
3 anyone? No. Okay. Well, then we will move on to
4 director announcements.

5 MR. HERNANDEZ: Good morning and thank you, Chair
6 Fornaciari. Before I get started, I wanted to thank our
7 videography team, Kristian, Katy, Andrew, and Brian here
8 in Anaheim, and anyone I forgot. Thank you for all your
9 hard work in setting this up and making sure that we're
10 able to be available to the public. So thanks for all
11 your hard work.

12 Moving on, we'll talk about our staffing. Our data
13 manager, Toni Antonova, will be leaving the commission at
14 the end of this month. She's been part -- working part-
15 time and working on moving the database into an archive
16 format that will allow archiving the data and attachments
17 beyond the Airtable database. We still have the
18 Airtable, we're still working on it, but we're looking
19 beyond that, and so she's working on mapping that out for
20 us.

21 Paul Mitchell, who's our data analyst, is working on
22 how to archive the maps. As you all recall, we've been
23 using a map viewer, and so we're looking at ways and
24 options to maintain the map viewer as much as possible.
25 He and Martin Pineda will continue to work through this

1 process until June.

2 As far as personnel, we're nearing the end of June
3 fiscal year and the remaining executive level staff,
4 which is basically myself and our chief counsel, and the
5 administrative staff, which is Raul, Anessa, Terry,
6 Ravi, and Martin, will stay on until we close out all
7 activities, likely beyond June.

8 The remaining team will continue to provide support
9 to the commission and work on completing the financial
10 requirements and other state requirements for closing out
11 operations. This includes equipment and office
12 inventory, archiving the records and all things budgetary
13 and financial.

14 Lastly, the administrative staff will be working on
15 setting in place processes, contracts, and any other
16 information for the future out years of the 2020
17 Commission. For example, you know, what's going to be
18 our mailing address? You know, contacts for DGS, the
19 accounting, the budgets, and H.R. Contacts with the
20 State Comptroller's Office and other agency contacts that
21 may be needed through the course of the next eight years.

22 And also looking at what contracts we can get in
23 place for as long as we can. Most contracts do not
24 exceed a four-year time frame, so there will be a point
25 in time where the commission will have to revisit some of



1 these potential contracts.

2 The outcome of the BCP funding request will have an
3 impact on the staffing and the set up for our out years,
4 as you know. So based on our recent memo from --
5 separately, based on a memo from DGS, they will likely
6 not have year-end reports, that's fiscal year '21/'22,
7 until late July, early August. So realistically,
8 administrative staff may need a couple of months to
9 complete the financial reports, so they -- so I see them
10 onboard probably through the end of September, but any
11 delays can further the need of the staff beyond that
12 point. Any questions on that?

13 Okay. I'll continue. I wanted to report out about
14 the transcripts. We spoke to and are working with our
15 new vendor to see how we can update the missing
16 transcripts and the cost to do so. We need to update and
17 extend the contract since they have to do the count --
18 the transcripts from the meeting videos.

19 Typically, they have a court reporter that records
20 the meeting and takes some notes, and they use that to
21 build the transcripts, but these videos, they don't have
22 that, so we'll have to go back to -- they'll have to go
23 back through the videos to transcribe the entire meeting.
24 So we're looking at what the potential cost is going to
25 be and how we can get that done.



1 We did receive a media reporting request. The
2 request is from the Department of General Service, DGS,
3 to provide them with the required information on the
4 placement of marketing and outreach activities and
5 advertising materials and to identify the dollars
6 targeting specific ethnic and LGBTQIA communities. This
7 is an annual requirement due by April 30th of each year.
8 We received it last week.

9 And the information will be used to complete the DGS
10 annual report to be posted on their website on July of
11 each year. We did not have any advertising in 2021, so
12 that was good, but we did have outreach contracts in 2022
13 which we are working on getting the information from and
14 putting that together for them. Fredy provided much of
15 the general information, but we are reaching out for more
16 specific details from the vendors, if that's available.

17 I wanted to mention that we continue to receive map
18 requests. So individuals are reaching out to us at our
19 VotersFIRSTAct email asking for an enlarged map, asking
20 for details on the street name, neighborhoods, additional
21 information. In some cases, they're asking specifically
22 for ZIP codes in the districts, and we don't have the
23 tools to do any of that.

24 We don't capture -- we did not capture ZIP code
25 information, and we just don't have the capability of



1 zooming in to the street level. The map viewer goes as
2 far in as possible, but it's very -- you know, it is
3 limited based on what they're asking for. So it appears
4 that many of these folks have reached out to the
5 Secretary of State and the Secretary of State has
6 redirected them back to us. So I just wanted to uplift
7 these types of requests to be considered as part of the
8 line drawer lessons learned and see if there's anything
9 that can possibly be done for the next go around.

10 CHAIR FORNACIARI: I think Commissioner Kennedy has
11 a question maybe on your last.

12 COMMISSIONER KENNEDY: Two things. One, you
13 mentioned there was no advertising in 2021, but were you
14 referring to 2020?

15 MR. HERNANDEZ: Yes, I'm sorry. You are --

16 COMMISSIONER KENNEDY: Okay.

17 MR. HERNANDEZ: -- correct.

18 COMMISSIONER KENNEDY: Okay.

19 MR. HERNANDEZ: My years are a little bit off.

20 COMMISSIONER KENNEDY: Okay. Second point, on this
21 issue, particularly the ZIP codes by district, this may
22 be somewhere where we can contact the -- that Paul could
23 contact the postal service and say, okay, this is our map
24 viewer database. You have your maps. How can we
25 generate a list of ZIP codes by district by -- just by

1 combining the Commission's map with the postal service's
2 map? I think it's worth a try.

3 CHAIR FORNACIARI: And then Commissioner Sinay?

4 VICE CHAIR SINAY: Thank you, Chair. I think, on
5 the first -- on the report on the advertising and stuff,
6 let Commissioner Fornaciari and I know if we can be of
7 some support and assistance as part of the -- you know,
8 as the outreach subcommittee, and putting that report
9 together, just looking at it after you, you know, just to
10 see if there's anything that we remember.

11 And then the second, there are others out there in
12 the redistricting world who have created different types
13 of tools to be able to look at the redistricting, and by
14 ZIP code and stuff. I know the L.A. Times had done one
15 and others in California.

16 I know we don't want to endorse them because we
17 haven't checked them to see if they're actually accurate
18 or not, but that's another option is just to be able to
19 say, here's three resources but we haven't endorsed them,
20 you know, just so we have somewhere to send people. But
21 I definitely appreciate the director saying that we
22 should add it to the lessons learned.

23 MR. HERNANDEZ: Yes, I will definitely see what we
24 can do in regards to the ZIP codes. And then also, if
25 there are other groups that have done report, it would be

1 great to maybe have a list of them and maybe use them as
2 a reference only, not to endorse them or anything like
3 that, but as a reference for individuals. And as far as
4 the reporting for the media, I will definitely make sure
5 we send out a draft to the outreach subcommittee for
6 review.

7 Okay. I also wanted to mention that we reached out
8 to the state archives and are planning our next steps,
9 which is when and how to transfer the communication,
10 outreach, and website files. So we'll be continuing
11 those conversations with them.

12 In regards to the website, I will be setting up a
13 meeting with the website subcommittee to discuss options
14 available and what we are required -- what would be
15 required of those options for the 2020 website. And keep
16 in mind, some of this may be impacted by our BCP request.
17 And BCP stands for budget change proposal. That's a
18 request, and it will be included funding for the website
19 on there as well.

20 And that's a perfect leading -- lead-in to my budget
21 information unless there's any questions.

22 CHAIR FORNACIARI: Commissioner Andersen?

23 MR. HERNANDEZ: Oh.

24 COMMISSIONER ANDERSEN: Yes. I have a question
25 about the -- transferring the files. The archives, I

1 believe, only keep things for seven years and we need
2 longer than that. Oh, I'm seeing Commissioner Kennedy
3 shake his head. So we have already addressed that as an
4 issue?

5 COMMISSIONER KENNEDY: Chair, if I can. I have also
6 spoken with the state archives and they're getting back
7 to me at some point. But you know, we've made it clear
8 to them that this is information of permanent record
9 value. They have information about the state going back
10 to the founding of the state, so I think that, you know,
11 they do understand the concept of permanent record value
12 and the importance of maintaining what we give them.

13 COMMISSIONER ANDERSEN: Great. Okay. So we just
14 have to make sure that our information gets categorized
15 in the right category.

16 COMMISSIONER KENNEDY: Right.

17 COMMISSIONER ANDERSEN: Thank you.

18 MR. HERNANDEZ: Okay. So we'll go ahead and talk
19 about the expenditures. We're continuing to work closely
20 with the DGS accounting and budgets to reconcile
21 information and our expenditures. We just recently
22 received an additional invoice from our legal services,
23 our legal team, that we've updated. I did not post a new
24 updated one. I want to make sure that I have a chance to
25 review that further and update the information and work

1 with the subcommittees to provide that information for
2 the next meeting.

3 One of the issues has been how we categorize the
4 expenditures and how DGS reports, or State Comptroller,
5 categorizes those same expenditures. As has been the
6 case with the commission, we are different from other
7 agencies. We don't really fall into a specific grouping,
8 and thus, the coding of expenditures does not fall in the
9 typical categories that they have available or that
10 they've used, and FI\$Cal doesn't allow for many changes.

11 So we're a square peg, again, in a round hole. So
12 our budget staff and I met with the newly created audit
13 subcommittee and provided them information for their
14 review, and I will defer to them to provide additional
15 information from that meeting.

16 Regarding contracts, we are reviewing all our CRC
17 contracts to close them out as complete and identify any
18 encumbered amounts to release those funds. Those funds
19 can then be used for other expenditures, so we're working
20 through all the contracts that we have, many of which are
21 completed. We just have to close them out formally.

22 Moving on to TECs, we received a handful of TEC
23 payments the week of the 15th and sent them out. We're
24 anticipating more payments to be issued out by mid-May.
25 TECs have been processed on our end and entered into



1 FI\$Cal and are either with DGS or the SEOQ (ph.) for
2 review and processing. You should have all received a
3 summary of your TECs and an indicator if they've been
4 paid out. So please let Wanda know if there are any
5 discrepancies.

6 Also, if you have any outstanding CRC expenditures
7 you have not submitted, please get them in before June.
8 There usually is a moratorium on processing any payments
9 to the -- due to the end of the year activities, fiscal
10 year activities. So the sooner you get them in, the
11 better. Otherwise, there'll be a delay in the payment.
12 A delay beyond the normal delay. Let's put it that way.

13 In regards to the budget change proposal, we have
14 not heard back from the DGS or JOBC. That is where we
15 stand with that. I believe that is all the information I
16 have to report out unless there's any specific questions
17 that anyone may have, I'm available to answer those.

18 CHAIR FORNACIARI: A couple comments. Thanks to
19 Raul and Wanda for sending out those emails about our
20 expense reports. And yeah, take a look at them, make
21 sure they've got them correct, and let them know if
22 there's any discrepancies. So thanks for that.

23 And yes, I neglected to thank you and your team,
24 Director Hernandez, for putting these meetings together
25 and all the logistics of -- and overhead and work to put

1 these together. So thank you so much for helping us
2 comply with the changing requirements for the commission.

3 And so, at that, are there any other questions for
4 Director Hernandez? Okay.

5 Chief Counsel Pane, did you have an update?

6 MR. PANE: Thank you, Chair. For legal updates, I
7 don't have any. There are no new lawsuits and nothing
8 else. I'm happy to answer any questions from any
9 commissioners, of course.

10 CHAIR FORNACIARI: Any questions for Chief Counsel?
11 Doesn't look like it. I think I heard that Katy was with
12 us. So Katy, if you could ask for public comment on
13 agenda item 602, please.

14 MR. SINGH: Chair Fornaciari, this is Ravi. Can you
15 give us one minute? I'm going to grab Kristian. Katy is
16 not present.

17 MR. MANOFF: So sorry, Chair. In order to maximize
18 transparency and public participation in our process, the
19 commissioners will be taking public comment by phone and
20 in person. To call in, dial the telephone number
21 provided on the livestream feed. It is 877-853-5247.

22 When prompted, enter the meeting ID number provided on
23 the livestream feed. It is 89713121409 for this meeting.

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



1 queue. To indicate you wish to comment, please press
2 star nine. This will raise your hand for the moderator.
3 When it's your turn to speak, you'll hear a message that
4 says the host would like you to talk. Press star six to
5 speak.

6 If you'd like to give your name, please state and
7 spell it for the record. You're not required to provide
8 your name to give public comment. Please make sure and
9 mute your computer or livestream audio to prevent any
10 feedback or distortion during your call. Once you're
11 waiting in the queue, be alert for when it is your turn
12 to speak, and again, please turn down the livestream
13 volume.

14 And to those calling in, if you would like to give
15 comments on this item, please press star nine. And if
16 there are any members of the public that are in person
17 that wish to give comments, please let us know in the
18 room. I understand here in Sacramento there is nobody
19 waiting to give comments.

20 And with that, we have no one in the queue, Chair.

21 CHAIR FORNACIARI: Okay. Thank you, Kristian. We
22 will have more opportunity for public comment as we go
23 forward. So we will jump into agenda item number 3,
24 subcommittee updates and announcements.

25 I'm just going to go through the five that we know



1 of, that we've heard from the subcommittees, and then
2 open it up to the other subcommittees if they have
3 anything that's come up. So we're going to start with a
4 report out from the audit subcommittee.

5 COMMISSIONER TAYLOR: Good morning, everyone. I
6 hope everyone is well. The audit subcommittee has had
7 the opportunity to meet and subsequently request
8 information from staff. Staff has provided that
9 information to the subcommittee. We are now interpreting
10 and scheduling a meeting to discuss our findings with
11 staff, and we hope that we will be able to have an
12 opinion or a recommendation at the next business meeting.
13 Relatively simple. You know I like to keep it simple.

14 CHAIR FORNACIARI: Okay. Great. Are there any
15 questions for the subcommittee?

16 Commissioner Fernandez.

17 COMMISSIONER FERNÁNDEZ: Thank you, Chair. And
18 thank you, Commissioner Taylor. I think you're the one.
19 I can't see your lips move because you've got your mask
20 on, but I think it was you. Just so are -- is the
21 subcommittee of yourself and Commissioner Le Mons, are
22 you two the ones reviewing the reports, or did we
23 actually contract out for that?

24 COMMISSIONER TAYLOR: No, no. It is us, so it's in-
25 house. And again, it's just a look at our processes and



1 how we're coming about these figures and if there's a
2 more efficient way or if there's a gap or something amiss
3 in the process.

4 COMMISSIONER FERNÁNDEZ: Thank you.

5 COMMISSIONER TAYLOR: You're welcome.

6 CHAIR FORNACIARI: Okay. Next up is the finance and
7 administration subcommittee. We wanted to respond to
8 some questions that came up about jobs in -- in the job
9 structure in the commission, and so this was questions
10 during the lessons learned exercise.

11 And so the job structure and whether or not we need
12 to add jobs for the next commission. So we put two --
13 included two attachments in the handouts. Let me see.
14 One is the CRC job classifications and one is CRC
15 positions. And so there's a long story and a short
16 story, so I'm going to I'm going to try to give the short
17 story and see how that goes. And if there's questions, I
18 will -- Commissioner Fernandez and I will try to provide
19 clarification.

20 So I think, as we all know, the Commission is exempt
21 from civil service requirements, so we can, you know,
22 hire and we can add jobs as needed. Where the challenge
23 comes in is the CRC job classifications. If we need to
24 add a job class classification, that gets more complex
25 and takes more time.



1 And so what Raul had done when he was working with
2 the state auditor to set things up was add a number of
3 job classifications to the CRC. And then, as you know,
4 when we decided to create a -- this deputy executive
5 director position that we added a new job classification
6 that took quite some time.

7 But you know, we reviewed this with Raul and
8 Director Hernandez in detail, and we have a number of job
9 classifications that are allocated to the CRC, and those
10 will remain in the future. You can see there's a wide
11 range of jobs and salary ranges. So you can -- and then
12 if you go to the next page of the positions, you know, a
13 number of positions that are jobs.

14 But just to keep it simple, and the bottom line is
15 we kind of feel like we have enough job classifications.
16 We have a wide range of job classifications that we can
17 put -- that the next commission can put a number of folks
18 in, and with a wide range of salaries available. And
19 then as far as the positions go, it's a much simpler
20 process to add positions. These positions that we have
21 will stay, but the next Commission can add or change
22 different job positions.

23 So Commissioner Kennedy.

24 COMMISSIONER KENNEDY: Thank you, Chair. You know,
25 when we were discussing this last, my point was we need



1 to save the 2030 Commission any possible time that they
2 might have to invest in any of this and that having
3 classifications available to them did not obligate them
4 to fill any of those. So I just -- I want to make sure
5 that we are doing our best to ensure that they don't have
6 to spend time establishing positions because they're
7 probably not going to have that time available to them.
8 Thanks.

9 CHAIR FORNACIARI: Yeah, yeah. And I mean, I think,
10 you know, based on the conversation that we had with Raul
11 and his experience with the state service and, you know,
12 how we could -- how they could manage putting jobs into
13 these job -- or into these classifications, we kind of
14 felt they were covered, but maybe -- I mean, maybe we'll
15 take an opportunity to -- when we get the lessons
16 learned -- the thoughts we have about the job structure,
17 we can go back and review these classifications and make
18 sure we're comfortable before -- you know, before we give
19 up on this.

20 COMMISSIONER KENNEDY: Great.

21 CHAIR FORNACIARI: Does that sound okay?

22 Commissioner Sinay?

23 VICE CHAIR SINAY: You're not used to using my last
24 name, huh? So I think when I wrote this, I guess my big
25 concern -- and I know it's addressed later, but when I

1 was looking at the different classifications and the
2 different handouts that were given to us was just that we
3 included the communication director, but then the
4 outreach director was kind of a note later kind of
5 saying, oh, it falls under this classification. But I
6 think, you know, we did -- the outreach director and the
7 communications director did very different things.

8 So I guess the second piece is, are we going to --
9 we are going to create job descriptions that kind of back
10 these up so people know what they mean. But they also
11 need, besides the long job descriptions, just kind of a
12 short summary so they can decide which jobs -- which
13 positions they would like or wouldn't like.

14 But again, I was just afraid that the way this is
15 set up, executive team is shorter -- is smaller than the
16 executive team that we did hire, even though there is a
17 footnote saying there was a -- you know, that the
18 outreach director could sit in.

19 CHAIR FORNACIARI: Okay. Thank you. Yeah. I mean,
20 we definitely -- we have more work to do on this, but we
21 just wanted to kind of let you know how -- about the
22 positions that we have at this point and how the process
23 works. I don't know if you had anything to add,
24 Commissioner Fernandez.

25 COMMISSIONER FERNÁNDEZ: And if you look at the CRC

1 position, that's just the actual, like, I guess, state
2 service classification. It's not necessarily the working
3 title, so I just want to make sure that everyone's aware
4 of that. And like, for example, the executive director,
5 it could be -- that's the official title. You could
6 actually -- it could be an outreach director. It could
7 be a communications director. It could be whatever.

8 We were just -- I think the meeting was really good
9 with Raul because we thought that anytime we wanted to
10 increase, like, the analysts, we had to go back through
11 the whole process. But once you have the position
12 established, it's easier to just add an additional one.
13 Thank you.

14 CHAIR FORNACIARI: Commissioner Le Mons?

15 COMMISSIONER LE MONS: Maybe just simply adding --

16 UNIDENTIFIED SPEAKER: We can't hear you,
17 Commissioner Le Mons.

18 COMMISSIONER LE MONS: Okay. Better? Can you hear
19 me now? Yes?

20 CHAIR FORNACIARI: Yes.

21 UNIDENTIFIED SPEAKER: Yes.

22 COMMISSIONER LE MONS: Thank you. So what I was
23 saying is maybe what we could do is just -- based upon
24 what Commissioner Fernandez just said, maybe we could add
25 examples like she just gave to those categories, and

1 hopefully, that would maybe address what Commissioner
2 Sinay raised. So while it may not be a position that's
3 identified specifically, what we understand is that the
4 classification allows for these types of jobs -- these
5 types of positions under that classification. Thank you.

6 CHAIR FORNACIARI: Okay. Any other questions on
7 that? Redistricting and engagement subcommittee? Or
8 does this --

9 VICE CHAIR SINAY: Oh.

10 CHAIR FORNACIARI: -- one, I'm supposed to --

11 VICE CHAIR SINAY: Yeah. Oh, that's --

12 CHAIR FORNACIARI: Go ahead.

13 VICE CHAIR SINAY: Yeah. You confused me for a
14 second because you starting talking. I was like, wait,
15 are we doing outreach?

16 So anyway, we are continuing our every other week
17 calls with Common Cause national and League of Women
18 Voters just discussing opportunities, and as we identify
19 them, we're connecting them -- discussing opportunities
20 to promote independent redistricting commissions or share
21 the work that we've done both in California and
22 nationally.

23 And as opportunities come up, we connect to
24 commissioners, and that's how we were able to connect
25 Commissioner Fornaciari with New Mexico. And we had --



1 we invited Commissioner Fornaciari to work with Common
2 Cause because he had, way back when, if you remember, he
3 had actually spoken to the New Mexico -- had spoken to
4 the New Mexico group to kind of talk about our
5 experience.

6 It's kind of funny when you think about talking
7 about our experience way back then because I think we
8 were it -- we had only been seated for three months, but
9 hey, you know, we were three months ahead of them. So
10 anyway, thank you again. So we do -- you know, we had a,
11 like -- at first, there was a flurry of opportunities and
12 then you -- what Common Cause does, just so that you all
13 understand, is they go to their local chapters and talk
14 to their local chapters.

15 And nationally, we brainstorm, then they talk to
16 their local groups, and then connect -- if they, the
17 local group, says, yeah, that would be helpful, then we
18 connect them with one of you all and they work together.
19 We do have a template. And I would say it's a template
20 of an op ed you can use and you can create, you know,
21 build from there, especially if they want to hear your
22 stories.

23 And we are trying as much as we can to have two
24 commissioners from different parties and different parts
25 of California write it, but it doesn't always happen.



1 We're all really busy and life is just -- you know, we
2 have a life, and Common Cause understands that. So I
3 want to thank everybody for just -- sometimes you'll have
4 a couple weeks to write it, and some days you may say,
5 hey, let's go by tomorrow. We're trying not to have the,
6 hey, let's do it by tomorrow.

7 The other update is we're still working on the
8 proposals and the concept paper for a conference with --
9 for all commissioners of independent redistricting
10 commissions from throughout the United States, state
11 commissioners. On the local level, it's another kind of
12 conversation, so we want to just focus on state
13 independent redistricting commissioners.

14 So we're working on those things and we'll keep
15 updating you as it comes along. And then, Commissioner
16 Yee had a conversation we would like to have with all of
17 you.

18 COMMISSIONER YEE: Yes. Thank you, Commissioner
19 Sinay.

20 So in a different matter, as we get random speaker
21 requests from around the state, sometimes those requests
22 ask for someone to come and explain lines, you know,
23 explain our line-drawing decisions, and this raises the
24 question of whether we should be out there doing that.

25 Chief Counsel Pane forwarded such a request, and it



1 seemed like it would be worth a commission discussion
2 with do we need a policy around this or at least a common
3 understanding? Are there any considerations? So I don't
4 know. Chief Counsel Pane, if you're available, if you
5 want to add anything to that question.

6 MR. PANE: Thank you, Commissioner. No. And as the
7 commission might recall, we did get a previous request to
8 do something along these lines a little bit closer to
9 when the commission has finalized the lines. And I
10 believe that was with the Board of Equalization, and I
11 believe, at that time, the commission had decided to not
12 send either Commission or staff to provide any sort of
13 conclusions or opinions on that.

14 But as they come up, that's something that the
15 commission could -- you know, could decide on unless
16 they -- unless you all create sort of a blanket policy.
17 But until we have such a policy, we need to address them
18 case-by-case.

19 COMMISSIONER YEE: And are there any particular
20 considerations that come to mind?

21 MR. PANE: Well, again, just to be careful. If the
22 commission decides they wish to send someone, either
23 commissioner or staff, to respond to any of these kinds
24 of inquiries, we just need to be mindful that, you know,
25 there's always potential risk in anything we say as sort

1 of how we drew the lines and making sure that that's
2 consistent with what has been our testimony in the past.
3 So just want to be careful of that, as always.

4 COMMISSIONER YEE: Thank you. So redistricting
5 engagement doesn't have any recommendation. We just open
6 the question to our -- the Commission's consideration.

7 VICE CHAIR SINAY: Just add one thing, Commissioner
8 Yee. We have been asked -- you know, all of us have --
9 not all of us, but many of us have participated, and I
10 know when Commissioner Fernandez and I were asked by
11 California Women Lead, we knew that that was a potential
12 that someone would ask about specific lines. I know when
13 Commissioner Sadhwani spoke, she was asked about specific
14 lines.

15 The way that Commissioner Fernandez and I dealt with
16 that ahead of time was we invited Common Cause to do
17 that, to answer those questions. And I think it is a
18 nice practice to invite a local group -- League of Women
19 Voters, Common Cause -- to actually talk about the
20 specifics because --

21 And then also when people ask very, very specific
22 questions, we have a report that has that information for
23 each of the areas. But I just -- I wanted just to bring
24 up that there is an alternative which isn't just us
25 presenting but us presenting with someone else.

1 CHAIR FORNACIARI: Commissioner Turner?

2 COMMISSIONER TURNER: Oh. I didn't hear you. Yes.
3 Thank you, Chair. I don't think we should be responding
4 to that as individuals at all. We do have a report. We
5 have our -- you know, we have guidelines that we followed
6 while we were drawing the lines. There was a lot of
7 hearty debate, discussion, input from a lot of
8 individuals, and I think the culmination of all of the
9 conversation following the guidelines is what drew us to
10 draw the lines.

11 We do have access to video and transcripts now if
12 people want to go back and look at it. I think that for
13 one person, you would tend to remember the piece parts
14 that you weighed in on. I just think that it would be
15 safer and perhaps a policy that states this is what we
16 took into account, into consideration, and these -- this
17 is how lines were drawn. Thank you.

18 CHAIR FORNACIARI: Commissioner Le Mons?

19 COMMISSIONER LE MONS: I echo what Commissioner
20 Turner just said, so I won't repeat it.

21 CHAIR FORNACIARI: Yeah. My only thought, I concur
22 about the specifics. I was just wondering if it would be
23 worth adding a slide to our -- to the most current set of
24 slides that we have that sort of generically describes,
25 you know, how we came to these decisions, you know,



1 balancing the requirements, you know, the public input,
2 in that and keep it fairly kind of generic.

3 Commissioner Le Mons?

4 COMMISSIONER LE MONS: Yeah. I support the addition
5 of the slide, but I think that's a separate issue. I
6 think this is about specific questions and a level of
7 specificity, and I think we should get really clear as a
8 commission on how we deal with that because I think the
9 slide can also open a door to this issue. And if we
10 create a lot of wiggle room -- if that's what we decide
11 we want to do, great, but my recommendation would not be.
12 I think this needs to be buttoned up pretty tightly.

13 CHAIR FORNACIARI: Okay. Commissioner Sinay?

14 VICE CHAIR SINAY: I completely agree, and I know
15 that different people have handled it differently
16 depending on what presentation, you know, because we
17 haven't had a policy. So I think this is a really good
18 conversation, having a policy, and making sure that those
19 who aren't here also, you know, are aware of the
20 conversation we've had and the policy. And Commissioner
21 Yee and I can work with legal counsel to create that.

22 A question I have is, you know, when discussing VRA
23 districts, you know, because sometimes that comes up, you
24 know, is this -- it's still hard in the conversations to
25 talk about VRA districts and majority/minority districts,

1 and I think we've gotten the language down right. You
2 know, the slides were still -- the first time I did them,
3 I was like, wait, we still need to clarify that a little
4 bit more.

5 But so I think I'm talking in a circle and just want
6 to make sure -- I guess my point was just to -- that we
7 will also look at the slides to make sure we're being
8 very clear about that piece, the majority/minority
9 districts -- minority/majority, I really don't like that
10 term and wish we had a better term. And the VRA
11 districts so that we all remember what we can and what
12 we -- what we can and what we should not be saying in
13 public.

14 CHAIR FORNACIARI: Okay. So yeah. Thank you. So
15 you'll take a cut at putting together some guidelines on
16 that policy for us. Thank you. Any other comments?

17 I did want to make one comment about the op ed, or
18 just a lesson learned. Make sure you find out what the
19 word limit is before you get started because I wrote one
20 and then I found out it was 600 words and then I found
21 out it was 500 words. So find that out first, and
22 that'll save editing and re-editing.

23 So let's see. I think our -- is the long-term
24 planning committee -- are you all ready to go? You want
25 me to go to legal affairs first, or? Okay? Long-term --

1 COMMISSIONER FERNÁNDEZ: I think we're okay --

2 CHAIR FORNACIARI: -- planning.

3 COMMISSIONER FERNÁNDEZ: Are we okay to go,
4 Commissioner Akutagawa? Yeah. I think we're -- I think
5 we're good, Chair.

6 CHAIR FORNACIARI: Okay. Carry on.

7 COMMISSIONER FERNÁNDEZ: Oh. Okay. I guess I'll
8 just start it a little bit. Oh, before we go -- Chair
9 Fornaciari, did you want a motion on our policy for the,
10 you know, drawing the districts or talking about how we
11 drew the districts, or are we just kind of moving forward
12 with we've discussed it and that's what we're --

13 CHAIR FORNACIARI: Well, when they bring it back,
14 we'll --

15 COMMISSIONER FERNÁNDEZ: Okay. All right.

16 CHAIR FORNACIARI: -- we'll make a motion --

17 COMMISSIONER FERNÁNDEZ: Sorry. I missed that.

18 CHAIR FORNACIARI: -- to adopt it.

19 COMMISSIONER FERNÁNDEZ: I apologize. I'm trying to
20 listen in to the legislative committee at the same time,
21 so I apologize. So we provided three document -- three
22 documents as handouts. One is the updated potential
23 legislative changes listing. And so what we plan to do
24 is if there's changes from one meeting to the next, we'll
25 update it to show what has been approved and what the

1 status is and if it's associated with a specific bill and
2 what the status of that bill is. So that's the first
3 document.

4 And the other, I think, two documents, or maybe it
5 was just one document, is the actual Assembly Bill 1848
6 language that is by Assembly Member Bryan, and this will
7 be the bill that will contain any amendments that we are
8 proposing to the government code sections.

9 And right now, it's going to -- it's supposed to be
10 heard today in committee, and it only includes the
11 election code language because we are still working on
12 the language regarding to the grant, being able to issue
13 grants and exempting the commission from state
14 procurement and contracting regulations, and also the
15 three-day public notice. And once we have that -- the
16 language somewhat drafted, then at that point it would be
17 amended into Assembly Bill 1848, and again, we would
18 bring that back to the commission.

19 And in terms of next steps, what we would like to do
20 is, as time allows, continue to look at those items in
21 Section C in terms of if there's additional potential
22 changes that we can move forward with if there is
23 agreement within the commission.

24 Commissioner Akutagawa, did the -- did I forget
25 something?

1 COMMISSIONER AKUTAGAWA: I forget to press the
2 button. Sorry. No, I think you captured everything. I
3 think, did you want to bring up the federal incarcerated
4 population part?

5 COMMISSIONER FERNÁNDEZ: Oh, yeah. So in terms of
6 the AB 1848, there is language in there regarding the
7 federally incarcerated population, and if they're --
8 depending on what is the end result of the federally
9 incarcerated population subcommittee, that language can
10 also be amended in the future. We did not want to make
11 any assumptions at this point of what we could or would
12 have. But again, we can make those changes later.

13 But again, I -- did we remember to provide the
14 legislative calendar? We might not have. We'll forward
15 that to everyone. But by the end of August, that's when
16 everything would be approved. So really, it's only
17 within the next few months that we have a chance to make
18 amendments to the bill. So hopefully, we have -- if we
19 don't have any information regarding the federally
20 incarcerated population, of course, we could do -- we
21 could try to go through this process in future
22 legislative processes.

23 CHAIR FORNACIARI: Okay. Is that it?

24 COMMISSIONER FERNÁNDEZ: Okay. Yes, that was it.
25 And I didn't know if we -- you wanted us to go into --

1 start going into C or, you know, what --

2 CHAIR FORNACIARI: Into what?

3 COMMISSIONER AKUTAGAWA: We have other items that
4 were still pending discussion, mainly because we've run
5 out of time. I think --

6 CHAIR FORNACIARI: Oh. Okay.

7 COMMISSIONER FERNÁNDEZ: -- the question is, is
8 there an interest today to have a conversation and tick
9 off each one, little by little?

10 CHAIR FORNACIARI: Okay. Sure, we can do that. I
11 see there's a question from Commissioner Andersen.

12 COMMISSIONER ANDERSEN: Yeah. Thank you, Chair.
13 Yes, I appreciate -- thank you very much for the
14 subcommittee for putting together the wording and getting
15 us this information. What I would like to see, if at all
16 possible, is get a copy of this to the commissioners
17 ahead of time in case we want to, like, you know, little
18 edits and things like that because I know how hard it is
19 to then go back.

20 And that way, you know -- because there are a couple
21 of items here that I thought it would say one thing, but
22 it doesn't quite say that. So in the future, if -- you
23 know, moving forward, if we could -- whichever item we
24 actually put and write up some language, if that could go
25 out and then, you know, again, avoiding serial meetings,

1 you know, send it all back to one source so it gets added
2 or not added. If we could just please allow time for
3 that, please. Thank you.

4 COMMISSIONER AKUTAGAWA: Can I just ask a
5 clarification question?

6 Commissioner Andersen, are you talking about
7 language that is on the sheet that lists the various
8 buckets of potential changes? Because we did not --

9 COMMISSIONER ANDERSEN: No.

10 COMMISSIONER AKUTAGAWA: -- make any changes to the
11 language other than what we've noted as a change.
12 Everything else was as it was presented and approved the
13 last time.

14 COMMISSIONER ANDERSEN: I'm referring to the bill
15 language, yeah.

16 COMMISSIONER AKUTAGAWA: Oh. Are you talking
17 about --

18 COMMISSIONER ANDERSEN: So I'm -- yeah.

19 COMMISSIONER AKUTAGAWA: -- the AB --

20 COMMISSIONER ANDERSEN: I'm actually talking about
21 the specific bill language to let -- yeah. The bill
22 language that gets written up. If we get -- if the
23 commissioners could get copies of that so we could, you
24 know, make a, you know, hey, if you change this to unless
25 then it'll mean exactly what we were -- what the intent

1 was at the meeting.

2 COMMISSIONER AKUTAGAWA: I think on that particular
3 one that if I could respond, and I'm going to invite
4 Anthony if he's available to, or Commissioner Fernandez,
5 the way the bill stands as it is right now, is very, very
6 draft. And so that's why we didn't want to be
7 wordsmithing anything just yet.

8 There's going to be -- and we expect that there's
9 going to be multiple changes that will be ongoing, and so
10 we thought it would be in all of our best interests to
11 wait until it's a near-final to be able to weigh in on
12 any kind of language changes that we may have, especially
13 because there's going to be a constant back and forth in
14 terms of additional changes. So that was our thought.
15 If the request is to do something different, then --

16 COMMISSIONER ANDERSEN: Yeah. I sort of might be
17 making that request because there are it looks -- I
18 understand the wordsmithing, and I totally agree with
19 what you're saying. But there are two different concepts
20 that a few words can make it allowable or not allowable.
21 And so those items that I'd like us to be able to pick
22 up.

23 But again, I appreciate that this is -- you know,
24 this is our first attempt at this. I think it's an
25 excellent, you know, moving forward. Now, let's improve

1 it. So I really appreciate the subcommittee's work.

2 Thank you.

3 COMMISSIONER AKUTAGAWA: I think then, in that case,
4 if you could direct any edits or suggested language
5 changes that you're concerned about to Anthony so that
6 then he can ensure that that distribution gets to -- and
7 that could also be, if appropriate, get passed on to the
8 legislative staff.

9 COMMISSIONER ANDERSEN: Perfect. Thank you very
10 much.

11 COMMISSIONER AKUTAGAWA: I may be speaking -- yeah.
12 I may be misspeaking, so please correct me.

13 COMMISSIONER ANDERSEN: Thank you.

14 VICE CHAIR SINAY: Can I just ask those who are in
15 Anaheim, can you make sure you're talking really close to
16 the mic because it's really hard to hear you? Thank you.

17 CHAIR FORNACIARI: So Commissioner Andersen, you
18 still have your hand up. Did you have anything?
19 Commissioner --

20 COMMISSIONER ANDERSEN: Just hadn't got --

21 CHAIR FORNACIARI: -- Akutagawa?

22 COMMISSIONER ANDERSEN: -- got there yet.

23 CHAIR FORNACIARI: Do you have something else?

24 Commissioner Akutagawa, your hand's up. Okay.

25 COMMISSIONER AKUTAGAWA: Oh. Sorry.



1 CHAIR FORNACIARI: Let's see. So I'm going to
2 apologize to Commissioner Fernandez because I was doing
3 my chair stuff and I wasn't really paying attention to
4 what you were saying. Shocking, sorry. So you want to
5 review the list of -- you want to review this list of
6 potential legislative changes; is that what you said?
7 I'm sorry.

8 COMMISSIONER FERNÁNDEZ: I'm crying right now
9 because I'm really hurt. No. Sorry. It's the first
10 time in a month, so I guess I'm missing everyone. So
11 what Commissioner Akutagawa and I, we were saying, if
12 time allows, the items in the handout that is labeled
13 potential legislative changes, 4/27/2020, in Section C,
14 those are items that have been brought up. They require
15 further discussion, and if some point, we reached
16 agreement, then we could move those to the spreadsheet A
17 and then forward that language to be included into the
18 bill. Does that make sense, Chair?

19 CHAIR FORNACIARI: Um-hum.

20 COMMISSIONER FERNÁNDEZ: Okay.

21 CHAIR FORNACIARI: Okay. Commissioner Sinay has her
22 hand up.

23 VICE CHAIR SINAY: This is more of a general
24 question, but when you go to the handout section on our
25 website, this time there's time slots on that section.

1 And I was just trying to figure out what those times
2 meant. Was that the time that they uploaded or the time
3 that -- okay. Because we've never had that before and
4 it didn't quite explain it. So as someone reading it, my
5 first thought was that that's when we were going to
6 discuss it. And so I just wanted to bring that up, but
7 thank you for clarifying.

8 CHAIR FORNACIARI: Yeah. That's the time it was
9 uploaded, the date and time.

10 VICE CHAIR SINAY: Um-hum. Thank you. Yeah.

11 CHAIR FORNACIARI: Okay. Well, I mean, we have
12 time.

13 VICE CHAIR SINAY: Okay.

14 CHAIR FORNACIARI: We only have one more --

15 VICE CHAIR SINAY: Yeah.

16 CHAIR FORNACIARI: -- update and a couple of other
17 things to do. We have a hard -- we have a break at 11,
18 and then closed session, 11:15, so carry on.

19 VICE CHAIR SINAY: Okay. So okay. I got caught off
20 guard because I'm thinking some of these area -- some of
21 these might be a little bit easier to discuss and maybe
22 move forward to -- with versus not. So I will -- we'll
23 start with C-1 if that -- what do you think, Commissioner
24 Akutagawa?

25 COMMISSIONER AKUTAGAWA: Yeah. I was just

1 thinking --

2 VICE CHAIR SINAY: Actually, could we --

3 COMMISSIONER AKUTAGAWA: -- I think that might be --

4 VICE CHAIR SINAY: Chair?

5 COMMISSIONER AKUTAGAWA: -- the easiest way, if
6 that's okay.

7 CHAIR FORNACIARI: Just saying, Commissioner
8 Andersen, any questions?

9 COMMISSIONER ANDERSEN: Yeah. Yes, I do. Thank
10 you, Chair. Before we jump into the next section, could
11 you sort of walk us through -- you know, I would like the
12 public to make sure we understand that this -- what's
13 happening with the assembly bill right now.

14 COMMISSIONER FERNÁNDEZ: Oh. Okay. So what's
15 happening with the assembly bill right now, hot off the
16 presses, is I'm actually waiting to be called in so I
17 could provide testimony because it's being heard today.
18 So it has to be heard before the end of the month or else
19 it loses -- it can't be included in the cycle.

20 And so once it's introduced, and then at that point,
21 it's an official bill and we can start to -- it's
22 included in this legislative session and we can make
23 amendments as we move forward. Is that what you're
24 asking? And quite a bit of this language is not language
25 that we put in. It's language that someone else put in.

1 The piece that -- the 21003, probably D or so, that's the
2 language that we wanted to amend.

3 Again, the elections code language, and Anthony, you
4 can correct me if I'm wrong, that's not necessarily under
5 our control in terms of being able to -- we can ask for
6 amendments and we can ask for changes to be made, but
7 once it gets to our specific commission code --
8 government code sections, then that's something that we
9 can specifically request, and that's something that will
10 come back and obtain approval from the Commission to move
11 forward with. Did that answer your question,
12 Commissioner Andersen?

13 COMMISSIONER ANDERSEN: Yeah. Thank you. I was
14 just giving you an update because, you know, I saw the
15 line. It's being heard right now, so I thought the
16 public should understand that. And kudos to us for the
17 subcommittee for getting it to that point. Thank you.

18 COMMISSIONER FERNÁNDEZ: Okay. I'm going to hand it
19 over to Commissioner Akutagawa since I'm on standby.
20 How's that?

21 COMMISSIONER AKUTAGAWA: Oh, good. All right.
22 Chair, it may be just easiest, then, for everybody's
23 sake, we'll just follow it in order of C buckets, where
24 it says C on the handout that says potential CRC
25 legislative changes for 2522, and area -- section C is

1 titled areas needing further discussion, and we'll start
2 with C-1.

3 We have had some conversations about many of these
4 items in previous meetings, but given the timeline that
5 we were under, we chose to just bucket them under areas
6 needing further discussion. C-1 is specific to allowing
7 no party preference to be considered a party for purposes
8 of considering commissioner membership categories.

9 And this is connected also to the area under the
10 constitutional code language. It's not exactly the same,
11 but it is about the idea of considering a no party
12 preference designation as a party, which would then mean
13 that, as registrations in the State of California for
14 elections change, it could be possible for 2030 that
15 somebody who is designated or designated themselves as a
16 no party preference voter could be considered the second
17 largest group.

18 So that would change the allocation on the
19 commission potentially to five Democrats, five no party
20 preference, and then four Republicans based on the data
21 that we're seeing right now. However, right now, no
22 party preference is not considered a specific party, and
23 so therefore, it will always be five Democrats, five
24 Republicans, and then four no party preference.

25 CHAIR FORNACIARI: I see Commissioner Sinay has her



1 hand raised.

2 VICE CHAIR SINAY: Just a couple of things on this
3 one. I don't think this one's the easiest one, just FYI,
4 because I think we've had a lot of discussion and I'm not
5 seeing the reflection of the conversations we had in
6 here. One of them is that by calling it -- to be
7 considered a party is inappropriate, but it would be
8 better to be calling it a voting group and maybe change
9 the language of the -- of all of it to say the three
10 voting groups versus party. So we had that conversation.

11 Second, we also had a conversation, and that might
12 be somewhere else, but that do we do five, five, and five
13 versus five, five, and four, and then we get around the
14 whole, you know, what -- who's better than who and what's
15 more important than what. And it's more about equity and
16 inclusion if we do five, five, and five.

17 So I just -- I just want to bring up that we have
18 had this conversations and those two points came up, and
19 I'm probably missing others, and I apologize that I have
20 a foggy brain.

21 CHAIR FORNACIARI: Commissioner Andersen?

22 COMMISSIONER ANDERSEN: Yeah. Thank you,
23 Commissioner Sinay, for bringing up all those -- that
24 sort of refreshing our discussion. And I know that we
25 sort of -- we had a general -- you're absolutely right.

1 We never came to a conclusion about this. We discussed
2 it, and I think it's an ongoing discussion, which is, I
3 also agree with you, this is not an easy item.

4 My personal preference is the parties do have -- all
5 the different parties, and I'm just not just talking
6 about the Democrats and Republicans -- they have specific
7 roles and they have ideas which help unify a bloc, a
8 group, and which I believe is what was considered in
9 writing this and putting it together as the different
10 parties, and then the other is everyone who's not of the
11 top two most dominant parties, or the largest parties as
12 registered in California.

13 And I think that's important. To just say I'm not
14 part of a party, it does not mean it's a voting group.
15 Now, it could be completely different and have no
16 connection whatsoever. So to call that a -- also a
17 group, I think it's disingenuous. And I like -- so I
18 would kind of like to keep the party preference the way
19 it is, but I do also agree that the five -- five, five,
20 and five for the other remaining would be a very good
21 idea.

22 But those are my personal preferences, and I
23 don't -- I don't think we're going to come to a
24 conclusion on that one yet, and that's not an easy item.
25 I completely agree. I think some of the other items are

1 easier to move forward. Thank you.

2 CHAIR FORNACIARI: All right. Commissioner Le Mons?

3 COMMISSIONER LE MONS: So I have a question, I
4 guess, about process. I know we're going through them in
5 order, and are we determining whether or not it is
6 something that is easy or not and then tackling the easy
7 ones in this discussion, or are we doing both?

8 Because I mean, I have opinions about this one, but
9 I am hearing from both Commissioners Sinay and Andersen,
10 and I agree, this is not an easy one. So my question
11 becomes, do I open up with my opinions about it? So
12 Chair, I'm asking for how we're handling this process.
13 And I don't know whether you have the answer, but if you
14 could query for it, that would be awesome.

15 CHAIR FORNACIARI: I'm having similar feelings that
16 you are as where are we going and how are we going to get
17 there at this point. And I'm wondering if, you know, if
18 it's -- if this is not a rush, that maybe we ought to put
19 together a process where we would go through this and set
20 aside a few hours of the meeting -- upcoming meeting to
21 really dive in but also give folks chances -- a chance
22 ahead of time to get their thoughts together because I'm
23 not sure everybody is prepared for this.

24 But I'll go to Commissioner Turner and then
25 Commissioner Akutagawa.



1 COMMISSIONER AKUTAGAWA: Um-hum. Thank you, Chair.
2 Yeah, I think we definitely need discussion because I
3 have not just other thoughts, probably contrary thoughts,
4 about how it should be done. And so let's either take
5 the time we have and spend on this one, or maybe the
6 committee can lift up what is easy or what they think is
7 easy because I -- basically, I believe that I like
8 whether it's group or party, I think that the two
9 majorities should have five commissioners, and I'm in
10 support of the lesser party or group having four,
11 representing fewer people.

12 CHAIR FORNACIARI: Commissioner Akutagawa?

13 COMMISSIONER AKUTAGAWA: Yeah. So if I can just
14 perhaps, since this is part of our report, I'm just going
15 to say a few things. One, this is, I think, the fourth
16 time --

17 CHAIR FORNACIARI: You can pull the -- maybe pull
18 the mic a little closer.

19 COMMISSIONER AKUTAGAWA: All right. This is the
20 fourth time that we're actually addressing these topics.

21 CHAIR FORNACIARI: Right.

22 COMMISSIONER AKUTAGAWA: So that's one. From a
23 process point of view, I think, to what Commissioner Le
24 Mons asked, and I was starting to think the same thing
25 when he brought that up, I think we can decide -- you

1 know, honestly, I mean, what I might think is easy and
2 what's going to be fast is clearly not turning out to be
3 that way at times, and I found that out the first time we
4 brought this up to everybody and that we've been kicking
5 this topic down the road each time we've met since the
6 time we brought it up.

7 So I think there's a couple of thoughts that I have.
8 One is we could determine, do we want to talk about this
9 now, or do we want to -- or do we want to just say, you
10 know what, this is just a nonstarter. Let's just take
11 this off the list because I think that that would be
12 helpful, too.

13 Because there's some things that I think if there's
14 very strong feelings that we're not going to either come
15 to an agreement or we're just going to decide, you know
16 what, it's not going to be the most important thing that
17 we need to try to work on to get into the current bill,
18 then we should just say we either have to table it for
19 maybe a much future discussion or this is just a
20 nonstarter, let's just take it off, or you know, let's
21 either just dig into it now or let's just, like, put it
22 aside, we'll talk about it at the next one.

23 We'll let everybody know that we're going to talk
24 about this particular one the next time, and let's move
25 on to something, you know, perhaps what would be easier.

1 And honestly, I don't know what's going to be easy about
2 any of these. So if that helps.

3 CHAIR FORNACIARI: Okay. Well, I think that -- I do
4 like that idea. So --

5 COMMISSIONER AKUTAGAWA: Maybe we could just address
6 C-1. It sounds like to me from what I'm hearing that
7 this is going to take a little bit more conversation. I
8 think the question I have is, is this a nonstarter? Do
9 we just remove it or do we just table it for a longer,
10 later discussion? Or do we just table it for a much
11 further away future discussion that is beyond the August
12 timeline?

13 CHAIR FORNACIARI: So let me ask you question on
14 that -- on these. So the ones that are going forward
15 right now are election code -- are election code changes,
16 right? And are the -- do we have any going forward that
17 are 8253-related at this point?

18 COMMISSIONER AKUTAGAWA: The only things that would
19 be part of maybe 80 -- 1848 right now are -- is
20 everything up in the A section.

21 CHAIR FORNACIARI: Okay.

22 COMMISSIONER AKUTAGAWA: Anything in C that we can
23 come to a fairly fast agreement on after some discussion
24 could possibly be moved into AB 1848. But right now, I
25 think -- I think we should just determine what do we want

1 to spend time discussing either today or what do we want
2 to table until the next meeting that we'll have to have a
3 longer discussion, and we'll let everybody know, prepare
4 for this. And then the third option is this is going to
5 go well beyond August, and we just need to have -- you
6 know, table it for the indefinite future.

7 CHAIR FORNACIARI: Right. And so I see on this one,
8 it's part -- what does GC mean?

9 COMMISSIONER AKUTAGAWA: Government code.

10 CHAIR FORNACIARI: Government code, in part,
11 constitutional.

12 COMMISSIONER AKUTAGAWA: Constitutional is down at
13 the bottom. That's a completely separate one. The
14 constitutional --

15 CHAIR FORNACIARI: Right.

16 COMMISSIONER AKUTAGAWA: -- proposal was actually
17 then adding a fifth member to the commission. So instead
18 of 14, it would be 15, but that would require much more
19 work. There's a constitutional change that would be
20 required, and so that's a related conversation, but it's
21 not the exact same as this one.

22 CHAIR FORNACIARI: Okay. But I think it's -- I
23 think they're really, really intertwined.

24 COMMISSIONER AKUTAGAWA: Yes.

25 CHAIR FORNACIARI: So I mean --

1 COMMISSIONER AKUTAGAWA: Yes.

2 CHAIR FORNACIARI: -- based on the -- just the
3 discussion we've had so far, it seems like this is not
4 one we're going to work through today. So I would
5 propose that we move on to some of the other ones,
6 although I see Commissioner Le Mons has his hand up and I
7 guess Commissioner Andersen has a comment, so.

8 COMMISSIONER LE MONS: Yes. I just wanted to
9 respond to Commissioner Akutagawa. My response is, so
10 I'm thinking about what just transpired with C-1, and one
11 of the things that was brought up is, you know, there's
12 been several discussions, as you've also -- Commissioner
13 Sinay pointed that out, just in that one, she felt like
14 certain information was not present, right?

15 Add to that your comment that this has been brought
16 up four times, right? So what it suggests to me is that
17 there's a level of preparation for entering commissioners
18 into this process that probably needs to happen.

19 And I think because the subcommittee has been the
20 closest to this in terms of -- not in asking you to make
21 this -- the decision, but I think that you do have some
22 sense of what -- I respect, the fact that you suggested
23 that you can't determine what's easy or not, so I'm not
24 asking that.

25 But I do think that there are some complexities

1 associated with some of these that would indicate whether
2 or not, and knowing this body, whether or not certain
3 ones can be addressed and moved forward pretty
4 succinctly. So I can imagine that we could have a whole
5 discussion about these sixteen items just about whether
6 or not it falls into that category.

7 So for me, I'm still sort of like, who shall kind of
8 shepherd this in a way that respects all of those
9 dynamics, that understanding, and get us to the endgame.
10 I don't expect you to necessarily just give us the
11 answer, but if any of the commissioners has a thought
12 about that, I think that's going to help us move this
13 along. Hopefully that makes sense.

14 CHAIR FORNACIARI: Commissioner Andersen?

15 COMMISSIONER ANDERSEN: Yeah. Thank you, Chair.
16 That sort of really summed it up very well. Thank you,
17 Commissioner Le Mons. Because Commissioner Akutagawa, I
18 actually have a question. I thought that AB 1848 was
19 indeed about election code and had nothing to do with the
20 government's -- government code sections. I thought that
21 was another piece of legislation, which is why --

22 So I was surprised that we're actually adding --
23 we're going to add and then -- you know, this -- the
24 wording we have here that we received -- and I'm getting
25 back to the wording on this -- is all about the election

1 code. There's no copy or any indication whatsoever on
2 wording of the government codes.

3 And section A and section C all deal with the actual
4 wordings involved in that section of government code, you
5 know, from 8250 -- I think 51 to 53. I think what might
6 actually really help us, I know it certainly helps me, is
7 when I actually see it in writing.

8 If we could actually sort of get -- you know, I
9 guess I know we all have that, but if we might actually
10 have those -- the government code and actually even sort
11 of highlight, like, the areas in the code that we would
12 be wanting to change. That might actually bring us
13 around, all of us, to actually say yes, it's a good idea,
14 this is something we can easily do, I agree with this and
15 this and this and this and this. You know, I'm, you
16 know, 51.B but I'm not 51.C, something like that, which
17 is what I would propose.

18 And I don't know if that's appropriate for the
19 subcommittee to have to put that on or if we need to sort
20 of each make an amendment and work with legal counsel,
21 but I would propose that we throw our words -- the
22 wording out there for all of the commissioners to look at
23 to move this forward.

24 COMMISSIONER AKUTAGAWA: So just to respond to you,
25 Commissioner Andersen, we did put in the handout next to

1 it what is the code section as it exists today that we're
2 looking to amend. There's not going to be any bill
3 language for any of these because it's not even to the
4 place where we can even do that. But if you look at that
5 section, you could read what the existing code section
6 does currently say.

7 I think -- and I'm going to ask, Anthony, if you
8 could clarify this part, but my understanding is that the
9 AB 1848, I -- it sounded like, for me, my understanding
10 is that we could also incorporate in, if it were to be
11 done, the government code changes, but I could be
12 incorrect on this. So Anthony, if you could perhaps
13 clarify that.

14 MR. PANE: Sure. Thanks. Thank you, Commissioner.
15 Yes, that's correct. So if the Commission will recall
16 that we previously -- commissioners voted to move forward
17 on those A categories. And so those were concepts.
18 Those were not actual verbiage.

19 And that you'll also recall any government code
20 changes, the exact language needs to be approved by the
21 commission. And it also requires the legislature to be
22 on board with actual language. If you'll recall, there's
23 a bit of a dance that needs to happen between the
24 commission and the legislature. So what we're trying to
25 do is still have obviously commission oversight and

1 approval for any ultimate language, but also engage the
2 legislature as is needed for any government code changes.

3 So you'll notice that out of A-1 through 4 or 5, I
4 forget which -- all of them that are on that handout
5 there, but only A-1 has any proposed language at this
6 time, and that is why we brought it back to the
7 commission for consideration. Is this the only
8 opportunity for the Commission to approve or make further
9 changes to this language? No, but it's the first
10 opportunity that we have.

11 And so again, part of that back and forth between
12 the legislature and the commission, both have to agree
13 what that language looks like. And so can government
14 code, as Commissioner Andersen, noted correctly, there
15 are -- there's only elections code changes to the bill
16 right now. Could government code, as is also the case
17 has been approved for A-1 through 4 -- I believe 3 and 4
18 and even 5 are government code changes.

19 Could that be added to 1848? Absolutely. And I
20 think it likely will as long as the legislature is also
21 interested in pursuing those policy changes. But again,
22 it's an evolving process so the -- when we get -- when we
23 sort of hear back as to whether the legislature is
24 similarly onboard as was the commission for A-1 through
25 5, then we'll come back with what language might look

1 like, and then the Commission gets to also decide if they
2 like that language.

3 What we've posted is the proposed language to
4 address A-1, not any of the other ones yet. And so if
5 the commission wants to look at A-1 and if they have
6 thoughts on A-1, that would be great. But again, that's
7 just what we have because this subcommittee wants to, you
8 know, bring it back to the commission to be able to
9 discuss it and take a look at it and report out. I hope
10 that answers questions.

11 CHAIR FORNACIARI: Commissioner Toledo? Just let
12 everyone know, we're breaking in five minutes, so we have
13 several hands up. So Commissioner Toledo.

14 COMMISSIONER TOLEDO: I think that was helpful,
15 Anthony. I'm also thinking, just looking at the topics
16 in area C, if we were to touch on one, I -- one that
17 seems to have -- and I -- some sort of general consensus
18 is the fully functional, what it means to be fully
19 functional at the initiation of the commission. So the
20 C-18. So that may be one that may -- it may have a
21 little bit -- it might be easier to get us to some level
22 of consensus if we wanted to tackle something today.
23 Thank you.

24 CHAIR FORNACIARI: Commissioner Andersen.

25 COMMISSIONER ANDERSEN: Thank you, Chair. Thank you

1 very much for that, Counsel. And what I would like to
2 ask is -- and I understand it's an evolving process.
3 Could we lead a little more? You know, we're sort of
4 waiting here now. You know, here we have wording, and
5 this sort of goes back to my ideas of could the
6 commission see the wording a little bit before this step
7 to make some changes on it?

8 I would actually propose that we actually look at
9 the actual wording of these, A -- you know, and it is A-
10 3, 4, and 5 which deal with the government code because
11 there are a couple of other items in C which are similar
12 code section that I think we could kind of throw wording
13 out there of items we would like to possibly work with,
14 and then the legislature could go, yeah, no, not on that
15 one, not on this one, but yes, on these three, rather
16 than try to do each one individually.

17 I'm concerned we're not going to get there if we do
18 the dance in this manner. I'd like to kind of lead a
19 little bit more so the evolution doesn't have quite as
20 many steps, but I -- you're working with everyone. So
21 back to steps, I don't want to step on anyone's toes
22 because we'd like to do several of these items, but would
23 that help, is my question.

24 MR. PANE: Yeah. No, that's a great comment,
25 Commissioner Andersen. Yeah. I mean, we certainly

1 could -- I would certainly defer to the subcommittee, and
2 frankly, the commission. I'm happy to work and be as
3 leading as the commission wants. The last meeting, it
4 was about agreeing to concepts. The Commission seemed
5 fine with that approach, so if we want to step on the gas
6 a little bit, that's great.

7 I'm happy to work on particular language for the
8 other ones and bring it back to the Commission if we want
9 to do more than just concepts, but that is something I
10 would want to make sure that everybody wants to do that
11 approach. Happy to work on that as well.

12 Just keep in mind that even if we, today, magically
13 provided language that even all the commissioners are
14 completely on board with, we would recommend that
15 language to the legislature as well in the hopes that
16 they, too, would be similarly onboard. I just want to
17 throw that caveat out.

18 CHAIR FORNACIARI: Commissioner Akutagawa?

19 COMMISSIONER AKUTAGAWA: Yeah. Just in the interest
20 of time, I think what I'd like to suggest is perhaps -- I
21 think this is, I think, going back to what maybe
22 Commissioner Le Mons was going towards. Could we just go
23 through each one of these very quickly and just note do
24 we want to have a further conversation today, do we need
25 to prepare for further conversation the next time we

1 meet? Because there are some items on here that I'm
2 looking at that we actually did not actually talk about
3 ever at all because we just ran out of time.

4 And so while this document has been shared multiple
5 times, we have not actually had conversations on a few of
6 the items. So maybe what we just need to do in the
7 interest of time is to just go through it and then just
8 get a pulse from everybody as to, you know, the appetite
9 for what might be possible. And I would suggest maybe no
10 more than one or two today, and then we just identify one
11 or two for the next time and keep moving that way.

12 CHAIR FORNACIARI: Okay. Well, we will come back to
13 this conversation. So right now, we're up against a
14 break, so we will take our break. And at 11:15, we will
15 come back in closed session under the litigation and
16 personnel exemptions.

17 We've scheduled the closed session for 30 minutes,
18 which would bring us back to -- scheduled to be back at
19 11:45, but you know, please keep in mind that we're not
20 exactly sure how long it's going to take for closed
21 session. But we will keep you updated on the website as
22 to when we will return, but we're scheduled for a half an
23 hour at this point. So with that, we will go to break.

24 (Whereupon, a recess was held from 11:00 a.m.
25 until 2:00 p.m.)

1 CHAIR FORNACIARI: Are we ready to -- can you hear
2 me?

3 MR. MANOFF: We can hear you.

4 CHAIR FORNACIARI: I can't hear me.

5 VICE CHAIR SINAY: You can't hear us?

6 CHAIR FORNACIARI: (Indiscernible) mic check just to
7 make sure that those are -- never mind. Check.

8 VICE CHAIR SINAY: Test.

9 CHAIR FORNACIARI: Everybody, check --

10 VICE CHAIR SINAY: I don't think --

11 CHAIR FORNACIARI: Check, check.

12 MR. MANOFF: We can hear you, Chair.

13 CHAIR FORNACIARI: Are we ready -- are we ready to
14 go , go, go, go, go?

15 MR. MANOFF: Yes, we can hear, Chair.

16 CHAIR FORNACIARI: Yeah, but are we ready to start?

17 MR. MANOFF: We are ready to start. Go ahead.

18 CHAIR FORNACIARI: Are we live?

19 MR. MANOFF: You're live.

20 CHAIR FORNACIARI: Oh. I didn't get that part.

21 Hello. Welcome back, California. We're live. Just a
22 reminder, we're all a bunch of amateurs here, but thank
23 you for having faith in us. Now, I'm completely lost as
24 to where we were. Oh, we came back from closed session.

25 So we took no action with regard to the litigation



1 exception. And with regard to personal exception, we
2 approved our -- the executive director's performance
3 evaluation and we voted to retroactively approve a five
4 percent raise for director -- communications director,
5 Fredy Ceja back to his one year anniversary to the day he
6 resigned. So that was the action we took in closed
7 session.

8 Now, we're coming back to agenda item 3, and I lost
9 my first page here. And that was long-term planning.
10 When we last left you, we were talking about the -- you
11 know, going through the list of items in -- under C, I
12 believe, but I think what we decided to do is have the
13 subcommittee put together a process for working through
14 the -- working through each of those items in more
15 detail, and that will probably involve some feedback from
16 the commissioners on which are the higher priorities.

17 Once we've identified -- once the committee has
18 identified those priorities, fleshing out in a little
19 more detail what the proposal is and what the
20 conversation would look like. And then next time we get
21 together, come back and address those that the
22 commissioners felt were the highest priorities and
23 continue with that approach.

24 So I didn't know if there was anything else from
25 long-term planning committee at this point?

1 COMMISSIONER AKUTAGAWA: Nope. Thank you, Chair,
2 for that, and we will regroup and also come back to
3 everybody.

4 CHAIR FORNACIARI: Okay.

5 COMMISSIONER AKUTAGAWA: And I don't know if
6 Commissioner Andersen -- I mean, mot -- Fernandez has
7 something to add.

8 COMMISSIONER FERNÁNDEZ: I was trying to -- I was
9 trying to look for the right information. So just an
10 update, Assembly Bill 1848 was approved and is moving
11 forward. So I just wanted to provide an update to
12 everyone. Yay.

13 CHAIR FORNACIARI: Thank you for that. Commissioner
14 Sinay.

15 VICE CHAIR SINAY: Thank you. I just wanted to ask
16 a question around process. It feels like anything and
17 everything could fall under long-term planning, so any
18 opportunity to engage might fall under long-term
19 planning.

20 And I was hoping that maybe in the future that we
21 can have some conversation about how we share
22 opportunities to present -- you know, to testify in front
23 of Congress -- I mean, State and other -- you know, just
24 like we are with engagement, you know, constantly trying
25 to share the burden as well as share the opportunity. So

1 I was -- I was just curious to hear other peoples'
2 thoughts on that.

3 CHAIR FORNACIARI: So the thought would be have
4 different commissioners have different opportunity to
5 testify before the Assembly or the Senate on --

6 VICE CHAIR SINAY: Yeah.

7 CHAIR FORNACIARI: -- as the laws go forward?

8 VICE CHAIR SINAY: And other opportunities -- other
9 opportunities that may come up because I think a lot of
10 things come up and it depends who's in the office or who
11 speaks to staff or what-not. And so how do we share the
12 opportunities across all -- you know, all the
13 commissioners, or share the burden, you know, because
14 some opportunities are burdens. But just to make sure
15 that that we all have some engagement.

16 CHAIR FORNACIARI: Okay. Commissioner Akutagawa?

17 COMMISSIONER AKUTAGAWA: I was just going to perhaps
18 say that unless it is likely to be related potentially to
19 the subcommittee work that's going to be done, so for
20 example, if there's something that is either related to
21 or intersecting with some of the committee --
22 subcommittee work, let's just say, for example, on
23 federally incarcerated individuals that has a
24 intersection with the state or something like that. I
25 mean, it could be that then that subcommittee would do

1 it.

2 In the case of the testimony or the testifying that
3 Commissioner Fernandez did, it was specific to the work
4 that we're doing to try to move along 1848, which is
5 related to the kind of legislative items that we're
6 handling right now. We do anticipate that later there
7 may be additional opportunities, both from a commission
8 as well as individual commissioners, to also then either
9 call in or give testimony and/or also submit letters of
10 support for, for example, 1848 -- AB 1848.

11 And I think that if other opportunities do come, it
12 may be more through a subcommittee, less so than a call
13 to a staff member. At least that's my perspective on
14 what I understand the process usually is.

15 CHAIR FORNACIARI: Okay. Thanks, Linda. Ray? I
16 mean, Commissioner Kennedy?

17 COMMISSIONER KENNEDY: Thank you, Chair. Just a
18 reminder, and we've had the conversation and we
19 understand that some of the mission creep, perhaps, of
20 long-term planning is understandable, reasonable, maybe
21 even desirable. But there has been mission creep because
22 the original intent was to deal with budget projections,
23 and it's grown beyond budget projections. And as I say,
24 some of that is reasonable and then perhaps even
25 desirable. But I agree with Commissioner Sinay. We need

1 to -- we need to be careful and perhaps at some point
2 have a more detailed discussion on that. Thank you.

3 CHAIR FORNACIARI: Okay. Maybe you can -- maybe you
4 did elaborate and I just didn't follow you, right? So
5 the part of the -- so you're thinking some of this work
6 should -- would be part of the long -- part of the
7 lessons learned committee or --

8 COMMISSIONER KENNEDY: Not necessarily. I mean --

9 CHAIR FORNACIARI: Oh.

10 COMMISSIONER KENNEDY: -- I had said several
11 meetings ago that it seemed to me that I don't, as I
12 recall, and then perhaps Director Hernandez can correct
13 me, I don't believe we extinguished government affairs.
14 And if we did, I don't think we should have because
15 government affairs is something that this body should
16 always be engaged with, and some of this is perhaps
17 better suited for government affairs than a committee
18 that was originally intended to develop long-term budget
19 projections.

20 And I'm just saying that, you know, let's recognize
21 that the origins of long-term planning was long-term
22 financial planning and be careful with any further
23 mission creep.

24 CHAIR FORNACIARI: Okay. Thank you. Commissioner
25 Fernandez?

1 COMMISSIONER FERNÁNDEZ: I wanted to respond and I
2 didn't know how to respond, so I don't know how to
3 respond to this. But after this cycle, I am more than
4 willing to give this up to someone else. It was just, I
5 think, out of the need to get -- with the short time
6 frames of having to get something to the legislature by
7 the end of this month, and that's why we took it on. But
8 after this cycle, I'm more than comfortable stepping back
9 and letting someone else take this on.

10 But I feel like we've made the connections with the
11 legislative staff, we're working with them on language.
12 I feel it's important to continue on with the group, per
13 se, and the next cycle, it can be an entirely new -- a
14 new subcommittee. And the good part about it is, once we
15 go through it, we'll have the -- hopefully, have the
16 process down that we can pass on to the next
17 subcommittee.

18 CHAIR FORNACIARI: Yeah. Thank you for that.
19 Commissioner Akutagawa?

20 COMMISSIONER AKUTAGAWA: Yeah. I wanted to also add
21 in terms of reminding everyone about the evolution, we
22 were initially created in terms of the budget, looking at
23 the activities related to budget in terms of the long-
24 term planning that needed to be done as we anticipated
25 what the budget needs are going to be for the foreseeable

1 future.

2 I think, as Commissioner Fernandez said, it was also
3 an outgrowth of that work and because of some of the
4 conversations that we were having as a subcommittee that
5 when Commissioner Yee was the chair, we did bring it to
6 him to ask, okay, this is what the need is. Because we
7 had already started some of the work around the budgeting
8 and we were already aware of the -- kind of the issues
9 and the topics we were dealing with related to the
10 budget -- budgeting that we were doing, that we were
11 appointed to then take this work on.

12 But I agree with what Commissioner Fernandez said.
13 We're happy to finish this part out so that there's some
14 continuity and happy to pass it on to a new subcommittee,
15 whether it's government affairs or if another
16 subcommittee wants to be appointed with or to take our
17 place on this so that a new group of people can also then
18 take the next round. Thank you.

19 CHAIR FORNACIARI: Well, thank you for that. And
20 I'm just noting that the government affairs committee is
21 still on the list, so it doesn't look like we dissolved
22 it. And so we'll work through that the next effort, and
23 thank you, both, for your work on this. Appreciate that.

24 Okay. So I guess that's it for legal affairs. I
25 mean, no, for long-term planning. So now we have a -- I

1 think, a brief report out from legal affairs, or under
2 legal affairs.

3 Commissioner Toledo, are you aware of -- wait.
4 You're on legal affairs. Who's on the (indiscernible)
5 affairs?

6 COMMISSIONER TOLEDO: I think it was
7 (indiscernible).

8 CHAIR FORNACIARI: Toledo, Commissioner Yee, and
9 Sadhwani. Or is Anthony just the one who's aware of this
10 discussion?

11 COMMISSIONER TOLEDO: No, we are. We --

12 CHAIR FORNACIARI: Okay.

13 COMMISSIONER TOLEDO: But Anthony is, I think, going
14 to take the lead in the conversation.

15 MR. PANE: Thank you. Thank you, Commissioner. So
16 just a -- almost like a -- essentially, a brief report
17 out. Just wanted you all to be aware that the VRA
18 contract is at a point where there's a little bit of
19 money left, but it's been mostly spent. We still have
20 the litigation contract amount, but we would need to --
21 if there's further -- and we will be in contact with the
22 legal affairs committee as things proceed, but we just
23 received sort of the final invoice.

24 And so we have a little bit of a better picture now
25 of what's left and that there's not really any big

1 outstanding amounts left to receive. And so there's a
2 very small amount left in the contracts. So just to be
3 aware, if we have further need under the VRA contract, we
4 would need to find existing and use -- pull from existing
5 funds from other accounts to be able to pay Strumwasser.

6 You know, and it really is up to the commission as
7 to how much they want to further utilize Strumwasser &
8 Woocher under the VRA contract, but I just wanted -- and
9 I worked this through with the legal affairs committee,
10 too. I wanted you all to be aware that that's where we
11 are.

12 CHAIR FORNACIARI: Okay. Any comments, questions on
13 that? Okay. Oh. Commissioner Le Mons? Oh, wow.

14 COMMISSIONER LE MONS: Just curious if the legal
15 affairs subcommittee has any recommendations based upon
16 this information. Of course, we'd appreciate knowing it,
17 implications.

18 COMMISSIONER YEE: I guess I can respond to that.
19 We have not discussed any further work with VRA counsel
20 to do, so the implication simply is to report out, you
21 know, the completion of the work and the fact that no
22 budget -- no further budget action is needed at this
23 time.

24 I did have a clarifying question for chief counsel,
25 and just for the sake of the public. You know, the work

1 on the Moreno lawsuit as well as the petition to change
2 the deadline that we got involved in, that was all under
3 the VRA contract even though it was not VRA work; is that
4 correct?

5 MR. PANE: Oh. Commissioner Yee, it was under the
6 VRA contract specifically because the scope of work of
7 the VRA contract would include any sort of pre-map
8 litigation needs. The litigation contract scope of work
9 was specifically -- the scope of work for that contract
10 is much narrower and was specifically designed to address
11 any post-map certification litigation.

12 COMMISSIONER YEE: Very good. Thank you.

13 CHAIR FORNACIARI: Commissioner Andersen?

14 COMMISSIONER ANDERSEN: Yeah. That sort of brought
15 up my question was exactly what Commissioner Yee was
16 talking about, what part of Strumwasser did for us is
17 handling a case that would have gone past maps, but it
18 was on pre-map.

19 So in terms of if -- you know, if we were close, I
20 would certainly think that would be something we would
21 consider looking at from litigation funds because it
22 technically was litigation. I know there's, like, a pre
23 and a post, but in terms of funding, I think that pre-
24 work certainly prevented us from having to deal with
25 anything post. So in terms of where we need to look at

1 the money, if we do have a shortfall, I would think we
2 should certainly address the litigation fund.

3 MR. PANE: And to that point, Commissioners, and I
4 can certainly work with our contracts administrator,
5 Raul, but my understanding was the money is tied to
6 particular conditions, and the condition, I believe, for
7 the litigation contract was litigation post-maps. So I
8 don't know that we can -- and I'll confirm this, but I
9 don't know that we can use litigation funds that were
10 specifically designated for post-map to use and be spent
11 for pre-map litigation. But I can confirm and look into
12 that.

13 COMMISSIONER ANDERSEN: Yes, if you would please
14 because I'm talking about more of the context of, you
15 know, the actual details of each case, of course, you
16 know, will reflect what merits the case was dealing with,
17 and that was clearly a merit to affect any map
18 whatsoever. So if you'll look into that, thank you.

19 CHAIR FORNACIARI: Commissioner Toledo?

20 COMMISSIONER TOLEDO: And I believe, at this point,
21 we've received -- and correct me if I'm wrong, Chief
22 Counsel Pane -- all of the invoices for VRA at this point
23 from the various work that they've done. And I think
24 that's what we were waiting for in order to really
25 understand and have a clear picture on the -- what's left

1 in the budget. And there doesn't appear to be very much
2 left. And then thinking about the future, should we want
3 to -- you know, should there be a need for us to have VRA
4 counsel representation in the future, which may or may
5 not fall under the litigation contract that we have in
6 place.

7 CHAIR FORNACIARI: Thank you.

8 MR. PANE: And --

9 CHAIR FORNACIARI: And so --

10 MR. PANE: Okay.

11 CHAIR FORNACIARI: Oh. Did you have a comment?

12 MR. PANE: No. I just wanted to make sure I
13 could -- if Commissioner Toledo had a question on that
14 sort of -- the hypothetical of sort of post-map VRA
15 needs, in essence.

16 We certainly could -- and again, I'll confirm this
17 with Raul on exactly the process, but my understanding is
18 we would need to amend the contract if we out -- if we
19 spent all the funds and either go back and ask for more
20 money or we use existing operations budget to backfill
21 behind that need. So either we go out and get more money
22 from the legislature or we have to sort of further divvy
23 up remaining funds to pay for the invoice under the VRA
24 contract.

25 CHAIR FORNACIARI: Tony?

1 COMMISSIONER LE MONS: Okay. So this kind of goes
2 back to my implications question, which I thought I was
3 clear on, but this communication that just happened now
4 has me unclear again. So I guess if there are any
5 implications, those will be brought as they are revealed.

6 And one of the context in which I'm asking this
7 question is myself and Commissioner Taylor on the audit
8 subcommittee, and so we are -- you know, we understand
9 there's been some challenges with late invoices and so on
10 and so forth. And my initial understanding was that the
11 invoices are all in and we don't anticipate any
12 additional expenditures that have already been -- for
13 activities that have already taken place, and this is
14 just a question of whether or not there are any future
15 VRA needs, which Commissioner Yee suggested that there
16 were not. I thought I understood that just a moment ago.

17 So I'm a little perplexed, to be honest, by this
18 conversation and kind of where we are. So if somebody
19 could kind of sum up where we are, I'd be really
20 appreciate -- appreciative.

21 MR. PANE: Sure. So first of all, let me see if I
22 can try to clear it up. So there is roughly around
23 \$6,200 left on the VRA contract. My understanding in
24 discussions with Strumwasser is that their legal
25 services, through today, are -- we are able to use that

1 money for existing services. So that means we are not
2 sort of in any way in arrears or in need of more money,
3 more funds.

4 If, however, the commission chooses in the future to
5 utilize Strumwasser for whatever needs they may choose to
6 use them for, and it falls under the scope of work of the
7 VRA contract, then we would need to find a way to pay for
8 that because we don't have any money left -- wouldn't
9 have hardly any money left in the account. So it's more
10 of a future, looking-forward, mindful of future requests
11 of need for legal services under the VRA contract, if
12 that helps.

13 COMMISSIONER LE MONS: Thank you.

14 CHAIR FORNACIARI: Commissioner Andersen.

15 COMMISSIONER ANDERSEN: Yeah. Thank you. Again,
16 this has me a little confused, similar to what
17 Commissioner Le Mons was just saying. If say, you know,
18 in six months, someone wants to question our VRA -- a VRA
19 district, that would be for purposes of litigation or
20 challenging the maps, so I do not understand why --
21 litigation was litigation, whether it be for VRA reasons
22 or for not for VRA reasons.

23 So wouldn't that then jump into the VRA pot even
24 though we would have to use our VRA, you know, attorneys
25 for it because that is the substantive matter as opposed

1 to just, you know, I don't like the shape of the map or
2 something, which could be any litigation issue? So I'm
3 not quite following here.

4 I understand the pre-map period and the -- I guess,
5 the scope of the VRA. The scope of the VRA, pre-map, is
6 to make the maps, and then post the maps are there, then
7 it would be also to supply the whys, the wherefores. So
8 wouldn't that still be under the second pot of money?

9 CHAIR FORNACIARI: So if I can just take a stab at
10 it. I think what maybe Chief Counsel Pane is if the
11 commission has questions about the VRA, whatever they may
12 be, and we want to go ask our VRA counsel those
13 questions, we have a limited amount of money to do that.
14 Does that make -- clarify?

15 COMMISSIONER ANDERSEN: Yeah. So that's basically
16 if they're just internal looking backwards, that's --

17 CHAIR FORNACIARI: Right. If someone sues us,
18 certainly -- clearly --

19 COMMISSIONER ANDERSEN: If someone outside --

20 CHAIR FORNACIARI: -- that's litigation, and we
21 have --

22 COMMISSIONER ANDERSEN: -- looking in --

23 CHAIR FORNACIARI: -- money for that.

24 COMMISSIONER ANDERSEN: Got it. Thank you.

25 CHAIR FORNACIARI: Okay. Yeah. Any other questions

1 or comments? Okay. So those were -- those are all the
2 subcommittee reports that we knew of ahead of time. Are
3 there any other subcommittees out there who wanted to
4 provide a report? Commissioner Kennedy.

5 COMMISSIONER KENNEDY: Thank you, Chair. Yes. Just
6 from the -- very briefly from the lessons learned
7 subcommittee, we want to, again, thank colleagues for
8 their engagement in the lessons learned discussions. I
9 have almost finished typing up my notes. Commissioner
10 Yee has gotten me his notes. We have the extensive
11 document received from the community groups, and I'm
12 happy to say that those three sets of notes total over 50
13 pages of just raw notes that I think are going to make
14 for very good raw material for a very substantive lessons
15 learned report.

16 So it will take us some time. I'm a bit slowed down
17 in what I can do right now, but the next step is going to
18 be to tag all of those inputs with where they fall in the
19 outline of the lessons learned discussion. I've actually
20 tagged a lot of my notes already with whether they
21 reflect strengths and weaknesses, innovations or
22 recommendations.

23 Once I have those, then I can sort them, eliminate
24 duplicates, and start the work of drafting something,
25 but -- so it will take time, but thanks to the engagement

1 of everyone on the commission as well as community
2 partners, I think we have a really good base from which
3 to work.

4 CHAIR FORNACIARI: Oh, great. Thank you for that
5 update. That's great news, and we appreciate all your
6 hard work on it, and please feel free to delegate work to
7 subcommittees or whatever to give you a hand. So --

8 COMMISSIONER KENNEDY: All right.

9 CHAIR FORNACIARI: -- I know it's -- that's a heavy,
10 heavy lift to get a report that big put together.
11 Commissioner Vazquez.

12 COMMISSIONER VÁZQUEZ: Thank you. Just wanted to
13 give a quick update on Bagley-Keene, specifically the
14 Assembly Bill 1733, that the commission at our last
15 meeting voted to support.

16 As a reminder, this bill is seeking to put into law
17 the exceptions for virtual meetings, both attendance from
18 members of the public and physical spaces as well as
19 commissioners and board members on state bodies being
20 able to participate remotely without having to open up
21 their location to the public.

22 So the commission submitted a letter of support for
23 that bill to the committee. It was scheduled to be heard
24 in the government organization committee last Wednesday,
25 and I was scheduled to testify on behalf of that -- on

1 behalf of the bill in support. However, the bill was
2 pulled at the last minute by the committee chair, so
3 currently on pause.

4 I have not heard exactly what that is about staff.
5 The staff in Quirk's office did not -- who is the author
6 of the bill -- did not seem especially concerned, but it
7 does sort of -- at the very least, it is then extending
8 the timeline for and potentially opening up possibilities
9 for things to be questioned about the bill. It's just
10 it's not a super awesome thing when bills get pulled or
11 held up in committees.

12 So yeah. I just wanted to give folks an update.
13 We're still in communication with Quirk's office about
14 what we can do, if anything, to drum up support, but I
15 will maybe just say to folks who are watching and the
16 public that if the spirit moves you, please feel free to
17 express your support to Assemblymember Quirk's office as
18 well as the government organization committee members.
19 Yeah. Any questions?

20 CHAIR FORNACIARI: Thanks for that. Commissioner
21 Akutagawa.

22 COMMISSIONER AKUTAGAWA: Just for, I guess, maybe
23 understanding and clarification, Commissioner Vazquez.
24 So I hear what you're saying. Hopefully, whatever issue
25 is perhaps underlying all of it will be resolved and

1 it'll move forward again. I'll just say the
2 conversations that Commissioner Fernandez and I had had
3 about, you know, our 1848 bill, you know, like,
4 essentially, you know, everything is going to be wrapped
5 up by August. So is that the same kind of idea here with
6 this Bagley-Keene bill so that anything that will happen
7 around Bagley-Keene, if it doesn't happen fast is going
8 to be resolved by August?

9 And therefore, we may not be able to do anything
10 until after August, if once the Legislature, I guess,
11 goes into recess, and hopefully, they've passed all the
12 bills that they need to pass?

13 COMMISSIONER VÁZQUEZ: That's my understanding of
14 sort of the working timeline for getting this settled via
15 legislation. So what would happen then, my understanding
16 is that this -- if the author's office wants to continue
17 to pursue this, it could become a two-year bill, so we
18 would have one more bite at the apple next legislative
19 session.

20 But again, that pushes out the potential for, you
21 know, much smoother virtual meetings for everybody. So
22 yes, the working timeline right now to get this off the
23 ground is August. But still, I don't believe -- I will
24 have to go back and look. I don't believe that there is
25 an urgency clause in this, which would mean that once --

1 if it passes the Legislature and it goes to the
2 governor's desk, once he signs it, it would be effective
3 immediately.

4 That's not the case for this bill because there
5 would be some additional processes to basically get that
6 urgency clause into the bill at this point. So really,
7 even if we do get this bill passed by August and it's
8 signed in the fall, we would -- the earliest we would see
9 changes would be January 1st of next year.

10 COMMISSIONER AKUTAGAWA: Just another follow-up
11 question for you, and I figure you're probably one that
12 would know more than me. Do you know, to your point, to
13 anybody who's watching in the public, you know, we did
14 hear testimony that, you know, being able to be able to
15 participate remotely was a -- was beneficial.

16 Are there other advocacy groups that are also
17 working on trying to have this amended so that -- you
18 know, for those who would not be able to physically go to
19 a central location, they can serve and participate also?
20 I'm just curious. And part of it is, I guess, to inform
21 the public if they wanted to also find a way to also get
22 involved as well.

23 COMMISSIONER VÁZQUEZ: Yes. So as most of you know,
24 the Little Hoover Commission is one of the agencies that
25 is pushing really hard for this bill. So we've been in

1 communication with them. They have been working with and
2 communicating with the other boards and commissions like
3 us to gather the support of other commissions and boards
4 that would be positively impacted by this.

5 I have not had -- excuse me -- I have not had a
6 chance to check in with some of the disability rights
7 organizations that I am familiar with, but that sort
8 of -- especially with the bill having this little hiccup
9 in committee. That, for me, seems like the right next
10 step.

11 And so again, definitely for members of the public,
12 if you are -- if you are connected to disability rights
13 organizations, in particular access, you know, government
14 transparency organizations, definitely encourage you to
15 express your support to, again, the author's office, who
16 is Assemblymember Quirk or the Committee on
17 Governmental -- the Assembly Committee on Governmental
18 Organization. The chair of that committee is
19 Assemblymember Miguel Santiago.

20 CHAIR FORNACIARI: Okay. Well, thank you for that.
21 Appreciate the update. So with that, we have one last
22 item to take care of with regard to subcommittees.

23 Commissioner Kennedy is going to rotate out of --
24 off the Begley-Keene, the website, and the federal
25 incarcerated subcommittees. Do I have that correct,

1 Commissioner Kennedy?

2 COMMISSIONER KENNEDY: What I have said, and
3 particularly in relation to website, but in general on
4 all of them, if there is any urgency on anything, I need
5 to rotate off. If there's no urgency, and particularly
6 if there's no urgency and there's no interest in someone
7 taking my place, I'm willing to continue to serve on
8 those. Just I can't handle much more right now than the
9 lessons learned work.

10 CHAIR FORNACIARI: Okay. Well, I think I'm going to
11 open it up just to see where there's interest, if that's
12 okay.

13 COMMISSIONER KENNEDY: Yeah.

14 CHAIR FORNACIARI: And we'll go from there.

15 COMMISSIONER KENNEDY: Yeah.

16 CHAIR FORNACIARI: So let's see. So we'll start
17 with Bagley-Keene. Does one of our colleagues have a
18 interest -- I mean, it sounds like -- it sounds like
19 exciting things are happening with Bagley-Keene right
20 now, so I don't know how heavy the workload is, but I
21 have Commissioner Andersen's hands -- hand raised.

22 COMMISSIONER ANDERSEN: Yeah. I certainly
23 appreciate Mr. Kennedy's expertise and background in this
24 item, which is why I don't really want to kick him off
25 any committees. But I do see there is a bit of a need

1 right now on this Bagley-Keene and/or website. I'd be
2 more than willing to help out and could always sort of
3 back out as he -- you know, like, I'll step forward sort
4 of now and then remove myself as he gets sort of, you
5 know, some of the lessons learned items off his table, if
6 that's -- unless other people are interested.

7 CHAIR FORNACIARI: Okay. Well, thank you for that.
8 So with regard to the website subcommittee, it sounded
9 like there's some work going on right now with regard to
10 figuring out how to archive it and how that work will be
11 taken -- taking place. I mean, we've got -- so I mean,
12 you're more familiar with the workload on these
13 subcommittees than we are, and we have a volunteer.

14 So I mean, if that's okay, we -- I mean, I would --
15 I'm interested in the Begley-Keene work, myself, so maybe
16 I could take over the Bagley-Keene and Commissioner
17 Andersen could take over the website. Does that sound
18 okay, Jane? Okay.

19 COMMISSIONER ANDERSEN: Yep. Yes, I would be happy
20 to do that because I am --

21 CHAIR FORNACIARI: And then --

22 COMMISSIONER ANDERSEN: -- interested in --

23 CHAIR FORNACIARI: Okay.

24 COMMISSIONER ANDERSEN: -- following those documents
25 through.

1 CHAIR FORNACIARI: Okay. And then Commissioner
2 Fernandez has her hand up.

3 COMMISSIONER FERNÁNDEZ: I could step in as needed
4 for the federal incarcerated. I do have a corrections
5 background, and maybe we can move forward with that and
6 see where we're at and continue to move the bus along
7 because they are transported via bus in California. But
8 I'd probably, you know, obviously need to meet with
9 Commissioner Kennedy to see -- and Commissioner Turner to
10 see what's been done so far. Thank you.

11 CHAIR FORNACIARI: Okay. Okay. Commissioner
12 Kennedy, we'll go ahead and make those changes. And if,
13 you know, once your workload lightens up, you know,
14 we'll -- we can revisit it, okay? Director Hernandez?

15 MR. HERNANDEZ: Was there an additional
16 subcommittee, the materials or no?

17 COMMISSIONER KENNEDY: I'll stick with that.

18 CHAIR FORNACIARI: Okay. So I think we have that
19 resolved, and that is everything that I had on my list
20 for today. Director Hernandez, did you have --

21 MR. HERNANDEZ: Yes, I just wanted to mention one
22 thing. Just be aware of spam text messages that are
23 coming through. Someone sent a message to my team on my
24 behalf or using my information, and it was sending him a
25 link to open, and then I'm sure something would have

1 happened. But just be aware that that's happening with
2 text messages, and we also have that situation with our
3 email. So just be aware, once again, referencing. If
4 you don't recognize it, don't open it.

5 CHAIR FORNACIARI: Yeah. And I think that's good
6 advice if you're -- with regard to both that you -- if
7 you're not expecting it, you know, maybe double-check.
8 Do you have anything you want to add, Derric -- I mean,
9 Commissioner Taylor?

10 COMMISSIONER TAYLOR: Yes. From a security
11 standpoint, it is fascinating how these are socially
12 generated to get us to make a response. But yes, if you
13 don't anticipate it, don't open it. Always use that
14 second level of verification and sometimes just make a
15 phone call. Hey, did you send it? And that goes a long
16 way. Thanks.

17 CHAIR FORNACIARI: Okay. Okay. So with that, then
18 I'm going to ask Kristian to call for public comment on
19 agenda item 3 and general public comment, please.

20 MR. MANOFF: Sure thing. The Commission will now
21 take public comment on agenda item number 3 and general
22 public comment.

23 To give comment, please call 877-853-5247 and enter
24 the Meeting ID number 89713121409 for this meeting. Once
25 you've dialed in, please press star nine to enter the



1 comment queue. The full call-in instructions are read at
2 the beginning of the meeting and are provided on the
3 livestream landing page. And for anybody who might be in
4 person, please let us know if you would like to give
5 comment.

6 At this time, I have no one in the queue, Chair.

7 CHAIR FORNACIARI: Okay. Thank you. Yeah, please
8 let me know when the livestream feed has caught up.

9 MR. MANOFF: Will do.

10 CHAIR FORNACIARI: Otherwise, this is my one and
11 only meeting I have the opportunity to chair this
12 rotation since we're only having one in April, and I will
13 be handing the virtual gavel since we don't have a real
14 gavel to Commissioner Sinay who will take over next
15 month.

16 She has the opportunity -- so far we have -- we have
17 three meetings scheduled, so that -- that'll be pretty
18 exciting for her to manage that. And then, I guess, I
19 believe Commissioner Toledo will be vice-chair next
20 month, so that'll be fun. Those are --

21 MR. MANOFF: Those instructions --

22 UNIDENTIFIED SPEAKER: Two in May.

23 COMMISSIONER TURNER: Three meetings?

24 CHAIR FORNACIARI: Yes, Kristian?

25 MR. MANOFF: Your instructions are complete on the



1 stream and there are no callers and no one in person to
2 give comment at this time, Chair.

3 CHAIR FORNACIARI: Okay. Well, with that then, I
4 will adjourn this meeting. Thank you, all.

5 (Whereupon, the Business Meeting adjourned at
6 2:42 p.m.)

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CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May, 2022.



PETER PETTY
Court Reporter

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



LORI RAHTES, CDLT-108

May 15, 2022

