

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

WEDNESDAY, JUNE 1, 2022

9:30 a.m.

Reported by:

Peter Petty



APPEARANCESCOMMISSIONERS

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

STAFF

Alvaro E. Hernandez, Executive Director
Ravindar Singh, Administrative Assistant
Anthony Pane, Chief Counsel

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

Also PresentPUBLIC COMMENT

Helen Hutchison, League of Women Voters
Kristin Nimmers, California Black Power Network



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P R O C E E D I N G S

1
2 June 1, 2022

9:30 a.m.

3 CHAIR TOLEDO: Welcome to the California Citizens
4 Redistricting Commission. We're here for a business
5 meeting. Hope you had a great Memorial Day holiday.
6 With that, let's start with roll call.

7 Ravi?

8 MR. SINGH: Okay, Chair Toledo.

9 Commissioner Turner?

10 VICE CHAIR TURNER: Here.

11 MR. SINGH: Commissioner Vazquez?

12 COMMISSIONER VAZQUEZ: Here.

13 MR. SINGH: Commissioner Yee?

14 COMMISSIONER YEE: Here.

15 MR. SINGH: Commissioner Ahmad?

16 COMMISSIONER AHMAD: Here.

17 MR. SINGH: Commissioner Akutagawa?

18 COMMISSIONER AKUTAGAWA: Here.

19 MR. SINGH: Commissioner Andersen?

20 COMMISSIONER ANDERSEN: Here.

21 MR. SINGH: Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Presente.

23 MR. SINGH: Commissioner Fornaciari?

24 COMMISSIONER FORNACIARI: Here.

25 MR. SINGH: Commissioner Kennedy?

1 COMMISSIONER KENNEDY: Here.

2 MR. SINGH: Commissioner Le Mons?

3 Commissioner Sadhwani?

4 Commissioner Sinay?

5 COMMISSIONER SINAY: Aqui.

6 MR. SINGH: Commissioner Taylor?

7 COMMISSIONER TAYLOR: Here.

8 MR. SINGH: Commissioner Toledo?

9 CHAIR TOLEDO: Here.

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

12 CHAIR TOLEDO: Thank you, Ravi.

13 So in terms of our run of show today, we're going to
14 start with staff updates, then move into subcommittee
15 updates. We should finish -- we'll break at 11:00
16 actually. We'll break at 11:00, go into closed session,
17 come back. And if we have continuing business from our
18 subcommittee, we will continue that through lunch. And
19 then if we need to, we'll reconvene after lunch and work
20 until about 3:30 and take public comment at the end of
21 the meeting. At this point, about 3:30, 4:30, unless we
22 finish earlier, which, of course, would be lovely if we
23 did. So let's start with staff updates.

24 Executive Director Hernandez?

25 DIRECTOR HERNANDEZ: Good morning. I'm getting my

1 work out here, up and down the stairs. All right, let's
2 see. In regards to staff updates, you all probably saw
3 the email that I sent out regarding our love, Ravi, will
4 be leaving us soon. So I wanted to, once again,
5 congratulate him and thank him for all his hard work over
6 the course of this year. He'll be leaving us probably at
7 the end of this week, early next week.

8 Ravi. There he is.

9 Okay. In regards to agency contacts that may be
10 needed, we're putting together a list of information for
11 the Commission to have moving forward. And as we on
12 board our SSM-I, we will provide them that information so
13 that they can be able to work with the different entities
14 that we've been working with over the course of this last
15 two years. So that information will be put together and
16 shared with them. That's because our BCP funding request
17 that we had submitted did approve the SSM-I, and that
18 funding will be available in this new fiscal year.
19 That's all I have for staffing and personnel.

20 Are there any questions?

21 Okay. I'm going to go ahead and move.

22 CHAIR TOLEDO: Commissioner Fernandez has a
23 question.

24 DIRECTOR HERNANDEZ: Oh, yes.

25 COMMISSIONER FERNANDEZ: No, actually, I didn't have

1 a question. I just want to thank Ravi for his work on
2 the Commission. I didn't want it to pass by and. And
3 not again tell him how instrumental he was and just
4 keeping us all organized, his positive attitude. I mean,
5 you will also be missed. And so thank you for everything
6 you've done, Ravi.

7 MR. SINGH: Thank you.

8 CHAIR TOLEDO: Thank you, Ravi. And Commissioner
9 Andersen?

10 COMMISSIONER ANDERSEN: Yeah, I completely second
11 thought about Ravi. Thank you so much. We are -- we
12 already miss you. But the other one is although -- and
13 for everybody. Because for the public's benefit, could
14 you please, you know, you talk about SSM-I and all these
15 letters of things, could you please say what they are?
16 Because even those of us who are on the Commission who
17 you're pretty sure we know what you're talking about
18 might not, and let alone anyone who from the public. So
19 if we could all try to remember if we get a little too
20 caught up in abbreviations. So if you can, please do
21 that. Thank you.

22 CHAIR TOLEDO: Thank you, Commissioner Andersen.

23 Commissioner -- Vice Chair Turner.

24 VICE CHAIR TURNER: Thank you. I wanted to circle
25 back to Ravi once more.

1 Ravi, I want you to know that you have set the bar
2 high. Your attention to detail is just phenomenal. And
3 I wanted to add that in and say thank you for taking such
4 excellent care of us. I'm convinced that we were able to
5 get through without falling asleep and starving to death
6 and ensuring that we had all of our copies, all of our
7 paperwork, all of our accommodations. And I just had to
8 tell you how much I appreciate you personally and this
9 Commission as a whole. Just -- I don't know what we
10 would have done without you. You were phenomenal. Thank
11 you.

12 MR. SINGH: Thank you.

13 CHAIR TOLEDO: Thank you.

14 DIRECTOR HERNANDEZ: So circling back to
15 Commissioner Andersen's comment --

16 CHAIR TOLEDO: Well, before we move on, I think --

17 DIRECTOR HERNANDEZ: Yes.

18 CHAIR TOLEDO: I think Commissioner Sinay had a
19 comment --

20 DIRECTOR HERNANDEZ: Oh.

21 CHAIR TOLEDO: -- question or a comment.

22 COMMISSIONER SINAY: Thank you. I wanted also --

23 Ravi, you were awesome. You made this experience so
24 memorable and -- un abrazo. Thank you.

25 MR. SINGH: Oh, thanks.

1 COMMISSIONER SINAY: The other piece I want to say
2 is, please be patient with those of us in Orange County,
3 in Southern California. Our internet here is very
4 unstable. And so we may freeze, we may whatever, but we
5 hear you and things are going well.

6 CHAIR TOLEDO: Thank you for the update.

7 Alvaro, you can continue now. Thank you.

8 MR. HERNAND6EZ: Okay. Thank you. Sorry about
9 that.

10 So I wanted to reference BCP, that's a Budget Change
11 Proposal. That's a funding request that we submitted,
12 and we'll talk more about that shortly. I also mentioned
13 SSM-I, which is Staff Service Manager I, level 1. That's
14 the position that we requested in our BCP, again, Budget
15 Change Proposal, and that was approved. And so we're
16 moving forward with putting together the duty statement
17 job op, and will be sending that out soon so that we can
18 start looking at candidates for this position. And this
19 position will be for the next eight years of the
20 Commission, and so they'll be working for the Commission
21 for that period of time. And, you know, it's a very
22 important position, because they'll be doing a lot of
23 everything, basically.

24 All right. So I was going to move on to our
25 Commission Communications and give you some updates.

1 First, I'll start with the transcript. We received an
2 estimate from our vendor to produce the missing
3 transcripts. This is a new vendor that we have on board.
4 They estimate they'll produce approximately 18,500 pages
5 at a cost of nearly 53,000. That's \$2.85 per page. So
6 we're amending their contract to include this amount and
7 extending it through June 30th, 2023. This is to
8 complete those transcripts that were not completed
9 previously.

10 Moving on. There was a request for a map requests.
11 So we reached out to the United States Postal Service and
12 are waiting to hear back to see if they can provide a
13 listing of ZIP codes for the various counties. In the
14 interim, staff was able to find a website that has United
15 States ZIP codes at unitedstateszipcodes.org that
16 provides a list of ZIP codes by state where the
17 individuals can also search by counties. The data
18 sources referenced in this website include the U.S.
19 Postal Service, U.S. Census Bureau, Yahoo!, and the IRS.
20 So we'll be putting a link to that website for people to
21 utilize to identify their ZIP codes in the counties.
22 That's what we have available. So that's what we'll be
23 putting out. And again, we have not heard back from the
24 U.S. Postal Service.

25 Update on the state archives. We're preparing

1 website files, outreach and communication files to
2 provide to The state archives a meeting and working with
3 Paul Mitchell, our data analyst. He's working with them
4 in regards to the GIS files. GIS, I don't know what
5 that stands for, but they're basically our --

6 UNIDENTIFIED SPEAKER: Government Information
7 Service.

8 DIRECTOR HERNANDEZ: -- Government Information
9 Services files.

10 Our map viewer and our database. The outreach and
11 communication files are being prepared for them as well.
12 From the website, meeting agendas, handouts, and public
13 comments are also being prepared for them. The target
14 for the handoff is in August.

15 In regards to the website, we reached out to the
16 website subcommittee and are hoping to have a meeting in
17 the near future to discuss options available and what
18 would be required of the 2020 website. In the interim,
19 we're moving forward with transitioning the website to an
20 approved California Department of Technology platform
21 that they use. And now that we have the funding from the
22 approved BCP or partially approved BCP, we're going to be
23 able to move forward with that. But we'll have
24 additional discussions and more updates from the website
25 subcommittee in the next -- at the next meeting.

1 Any questions?

2 CHAIR TOLEDO: We have a question here.

3 Commissioner Kennedy and then Commissioner
4 Fernandez.

5 COMMISSIONER KENNEDY: Thank you, Chair.

6 Quick question regarding the website files for the
7 archives. Has the archives gotten back to us with
8 information about what they already have, particularly
9 information from the 2010 Commission? I'm wondering
10 specifically if some of the content that was eventually
11 lost from the website 2010 Commission website coming from
12 the 2011 meetings might actually be in the hands of the
13 State archives.

14 Thank you.

15 CHAIR TOLEDO: Commissioner Fernandez?

16 Director Hernandez, do you are you able to respond?

17 DIRECTOR HERNANDEZ: I don't recall what extent of
18 information they have from the 2010. I do know they have
19 some information. I'll have to circle back and get back
20 to the Commissioners on that specifically how much of the
21 information they have and how it relates to the website
22 content that is still out there that is limited. So I'll
23 circle back. Thank you.

24 CHAIR TOLEDO: Thank you.

25 Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: Thank you, Chair.

2 I just wanted to, excuse me, circle back on the
3 Staff Sources Manager I position that was approved for
4 the Commission for the next eight years. That -- the
5 duty statement and the recruitment information was
6 forwarded to the Finance and Admin Subcommittee for
7 review. But I thought it was important to bring forward
8 and make a decision as to how we're going to handle that
9 recruitment. I know when we initially hired the
10 Executive Director and some of our executive staff, we
11 had a subcommittee that would deal specifically with, you
12 know, reviewing the applications and questions and all of
13 that stuff. So I just wanted to bring that forward to
14 Chair to see if we wanted to address that.

15 CHAIR TOLEDO: Are you interested in forming a
16 subcommittee?

17 COMMISSIONER FERNANDEZ: I was just bringing it up
18 for Commission. I don't mind being on it, which is fine,
19 since I am somewhat familiar with some of the duties for
20 that position. But obviously, there should be someone
21 else that doesn't have that experience. I always think
22 it's good to have different thoughts and ideas.

23 CHAIR TOLEDO: Great. Thank you.

24 Commissioner Turner?

25 VICE CHAIR TURNER: Yeah, I'd like to serve on the

1 subcommittee with Commissioner Fernandez.

2 CHAIR TOLEDO: Excellent. We will establish the --
3 I don't even know what to call it -- continuing staffing.

4 Staff Services Manager I subcommittee -- recruitment
5 subcommittee, and Commissioner Turner and Fernandez will
6 serve on that committee. Thank you.

7 All right. With that, I just wanted to thank Alvaro
8 and the rest of our staff and Commissioners who have been
9 working on the budgeting process. It's an important
10 process. It's also a very complex process. And as they
11 work to get us the resources that we need to continue to
12 do our work.

13 With that, we'll move on to legal update.

14 Alvaro?

15 DIRECTOR HERNANDEZ: Yes, Chair. I still have some
16 additional information I'd like to share.

17 CHAIR TOLEDO: Oh. Okay, we'll continue on.

18 DIRECTOR HERNANDEZ: All right.

19 CHAIR TOLEDO: All right.

20 DIRECTOR HERNANDEZ: And actually, you segued right
21 into it. So we'll talk a little bit more about the
22 budget and where we are.

23 So as far as expenditures, the funds appropriated in
24 the Budget Act 2019, 2020, and '21 will be available for
25 encumbrances or expenditures through June 2022. Any

1 funds not encumbered cannot be used for any expenditures
2 beginning July 1, 2022. We're still waiting for a few
3 Commissioners to submit some travel claims up through
4 December 2021 to finalize the expenditures to the
5 completion of the maps. We're also asking that everyone
6 complete their time sheets for June. Due to the year-end
7 activities, the deadline for processing any request is
8 June 15th. If submitted later, they will not be
9 processed until probably mid-June -- mid-July, I should
10 say. So they kind of stop processing any requests for a
11 period of time so they can focus on the year end
12 activities. And they being the Department of General
13 Services and other agencies that deal with the processing
14 of payments.

15 As far as our fund requests, request for the
16 remaining COVID funds was made in March, March 17th, to
17 be exact. Those funds can only be used for identified
18 COVID activities encumbered through June 2022. The JLBC,
19 which is Joint Legislative Budget Committee, has asked
20 that we go back to see if we can have any expenditures
21 from July 2020 through December 2021 that could be
22 charged to the COVID funds. You may recall that the
23 COVID funds will not be used to calculate the 2030
24 Commission appropriations. And so we're looking and
25 working with JLBC to provide them that information. We

1 had already provided initial information on that, but
2 we're going back to see if there's anything more that we
3 can associate to the COVID funds.

4 During our BCP meeting with Department of Finance --
5 and BCP, again, is Budget Change Proposal, with
6 Department of Finance, they suggested that we request the
7 remaining post map funds of 4.297 million for our
8 downsizing operations and preparing the Commission's
9 operations for fiscal year '23, '24, and thereafter.
10 These funds were reappropriated in the 2021 Budget Act,
11 and they were made available for post-map operations,
12 including litigation. Prior to that, in the 2019 budget
13 allocation, they were specifically for litigation, but
14 they changed the language and allowed us to use that for
15 post map operations as well as litigation if needed.
16 JLBC is looking at all of our request for funds,
17 including the Budget Change Proposal. So they're looking
18 at these requests for the COVID funds that we submitted,
19 the request for the post map operation funds and also the
20 BCP.

21 Now, as it relates to the BCP again, Budget Change
22 Proposal, we met with DOF, the Department of Finance, to
23 discuss the BCP. They did approve a full-time staff
24 person and we'll be pushing that forward to the
25 legislature for final approval. So though we have their

1 approval, it's not final, final. And so we're moving
2 forward with having those discussions to request
3 additional information. And the funding for Commission
4 meetings was limited to four meetings per year, and the
5 basic ongoing operation costs. So that's kind of where
6 we've landed. I'm not going to steal the thunder of the
7 subcommittee who can dive a little bit more into the BCP
8 and the next steps for where we're going with that.

9 Lastly, as far as our contracts, as I mentioned in
10 the last meeting, we're closing out contracts that are
11 completed. We're also looking at amending contracts to
12 extend or add funds as necessary for services that the
13 Commission will need moving forward and for as long as we
14 can extend them. Some of these contracts can only be
15 extended through year 2023. So that's what we're going
16 to do. Funds for these contracts are from the 1.5
17 million post map operations that were already released to
18 the Commission. And these again, our post map
19 operations. The contracts include a videographer, ASL,
20 transcriptions, and translations to name a few.

21 So with that, I can take any questions.

22 CHAIR TOLEDO: Thank you, Alvaro. We'll start with
23 questions.

24 Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: Thank you, Chair.

1 Alvaro, I think we should just talk about the BCP,
2 the budget change proposal, in terms of what was approved
3 and what our next steps are right now, instead of --
4 since you've already mentioned it, I think we should just
5 go right into it.

6 What do you think?

7 DIRECTOR HERNANDEZ: I just wanted to tee it off for
8 you, so it's up to you.

9 COMMISSIONER FERNANDEZ: Okay.

10 CHAIR TOLEDO: Will you be making that update,
11 Commissioner Fernandez or Alvaro or?

12 COMMISSIONER FERNANDEZ: Pardon?

13 CHAIR TOLEDO: Would you be making that an update or
14 not?

15 COMMISSIONER FERNANDEZ: I guess. I guess I can
16 make the update on it. So as Executive Director
17 Hernandez noted, the majority of our BCP was not
18 approved, and what was approved were the basics
19 supporting our systems, which is great, and also our
20 migration possibly to the state systems four meetings per
21 year, the SSM-I, and so this was brought to the long-term
22 subcommittee because we're the ones that came up with the
23 plan. And what our next step is, is we've reached out to
24 the Joint Legislative Budget Committee. Is that right?
25 Is that the right name, JLBC? I think so. We reached

1 out to them to set up a meeting because, I guess, we want
2 to do what's that called, an appeal? Or we want to
3 appeal to get more of the funding approved of what we
4 asked for, specifically for our subcommittee work that
5 will continue. We would like to have funding for that.

6 And then for our travel costs and then also for more
7 meetings than just the four, because we actually don't
8 know how many meetings. What also was not approved was
9 the work with the census and the state auditor
10 potentially as it gets closer -- as we get closer to the
11 2030 Commission recruitment. But we also -- we felt as
12 we get closer to those fiscal years, we can submit a
13 Budget Change Proposal at that point. Instead of trying
14 to do that now, we're just trying to get additional
15 funding for, as I mentioned, subcommittee work and
16 potentially additional meetings. And -- oh, and also our
17 for our retired annuitants, we requested funding for an
18 attorney and an information technology, retired
19 annuitants, and we'd like to have funding for that.

20 Did I miss anything else, Commissioner Akutagawa,
21 that were hoping to meet with them?

22 COMMISSIONER AKUTAGAWA: No. I think you covered it
23 all. Thank you.

24 CHAIR TOLEDO: Director Hernandez?

25 DIRECTOR HERNANDEZ: So that's the plan moving

1 forward is to go back and ask for the additional funds
2 that were not approved. What was approved for 2020/'23
3 was 244,000, and then ongoing is 216,000 for our
4 operations. And that includes the staffing of the SSM-I,
5 the website costs, DGS, Department of General Service,
6 contracts, per diem for the Commissioners, some limited
7 travel for this four meetings that were approved per
8 year. So that's kind of the summary of what we have
9 already been approved. But we're asking for more because
10 we identified a need. And one of the interesting things
11 that I garnered from the meeting that I had with
12 Department of Finance is that they're looking at 2010.
13 And so I definitely explained that what happened in 2010
14 is very different from what's happening now. And 2010
15 was the first iteration of this Commission, first cohort.
16 We've learned quite a bit from that experience and quite
17 a bit from this experience. And so things have changed
18 considerably.

19 So I'm trying to communicate that, trying to express
20 that to Department of Finance. I think that's a key part
21 of their understanding or that we need to express to them
22 as well as JLBC things are different from what they were
23 before.

24 Thank you.

25 CHAIR TOLEDO: Thank you, Director Hernandez.

1 That's helpful. And just a quick question on that. So
2 you mentioned as well that the COVID funding that we
3 received that that would be carved out and essentially
4 not form the budget for the 20 -- or used in the
5 calculations for the 2013 budget.

6 Is that correct?

7 DIRECTOR HERNANDEZ: That is correct. They made
8 sure that in the budget chain -- in the budget act, it
9 clearly indicated that those funds would not be used to
10 calculate the 2030 appropriations. And so, I don't
11 anticipate they'll have a similar situation that we've
12 had here with COVID, so they wouldn't be used for those
13 activities. And that's where we tried to make sure that
14 we disseminate what was actually COVID related versus
15 what we were going to do anyway regardless of COVID;
16 outreach, public input, those type of activities were
17 going to be done regardless. So we wanted to make sure
18 that we didn't overlap the COVID funds with that, because
19 then they wouldn't be appropriated for the next
20 Commission.

21 So we've done our due diligence, to a certain
22 extent, in trying to identify what is COVID related,
23 given the amount of time that everything got pushed back,
24 and we're going back and looking to see if there's
25 anything else that we may have missed.

1 CHAIR TOLEDO: I guess I'm a little concerned that
2 potentially there are some costs that were -- yes, they
3 were COVID related, but could have also just been
4 operational costs. I mean there were costs that we
5 didn't incur, such as travel to all over the State of
6 California, and our costs were different, but not -- so
7 I'm just wondering if there's potentially some comingling
8 and if the budget that the 2030 Commission will get is,
9 you know, not -- well, they won't get the resources that
10 they need to be successful in doing this work. So I want
11 to make sure that we think through that as well.

12 Commissioners Sinay, Andersen, then Fernandez.

13 COMMISSIONER SINAY: I just wanted to make sure that
14 we don't lose, you know, setting the agenda in 2020-
15 whatever it's going to be. So yeah, this piece about,
16 hey, we can go back and ask for money to work with the
17 census and work with the auditors on outreach. Yeah, on
18 recruitment. And I wanted to confirm, is that going to
19 be part -- is the long-term subcommittee kind of creating
20 that, you know, holding on to all those agenda pieces so
21 they're not lost, or where should we be putting them?
22 And I also want us to think through how do we educate,
23 you know, the budget folks on our needs? You know, do we
24 invite them to come in with a panel and, you know, what
25 do we need to do? And I just want to make sure, you

1 know, we're going to keep -- our staff is going to get
2 down to one, so I just don't want it to be lost. It's
3 going to be really up to us as Commissioners to continue
4 the momentum.

5 CHAIR TOLEDO: Thank you, Commissioner Sinay.

6 Commissioner Andersen, Fernandez, and then
7 Hernandez.

8 COMMISSIONER ANDERSEN: Do we want to have an answer
9 to that on first?

10 CHAIR TOLEDO: Sure.

11 Commissioner Fernandez, whether the long term and
12 the committee is going to keep a -

13 COMMISSIONER FERNANDEZ: Oh, I guess we could, if
14 that's what you want us to do, or the finance and admin
15 could probably do it as well. So either one, because --
16 I can see it going to either subcommittee. Thank you.

17 CHAIR TOLEDO: Okay. So at this point, let's just
18 keep it with a long-term subcommittee and maybe report it
19 up to finance or through finance

20 Commissioner Andersen?

21 COMMISSIONER ANDERSEN: Yeah, thank you. I actually
22 want to clarify here, just to make sure and in terms of
23 going forward. What was approved was only the one person
24 or also the -- because -- and you mentioned, you know,
25 the retired annuitants, like for an attorney, and you

1 said information systems person. And I just want to make
2 sure, now, so those were approved or were not approved?
3 And what exactly is the information services?

4 CHAIR TOLEDO: Commissioner Fernandez --

5 COMMISSIONER FERNANDEZ: Okay.

6 CHAIR TOLEDO: -- are you able to respond?

7 COMMISSIONER FERNANDEZ: Oh, yes. I can respond.
8 Yes. The only thing that was approved was the Staff
9 Services Manager I, and we did ask for an a -- retired
10 annuitants, one specifically for attorney for any legal
11 advice we may have for our meetings and whatever else we
12 may need their services for. And then also it's an IT,
13 information technology, to support our systems retired
14 annuitant was the other position. And those two did
15 not -- the funding for those two positions did not get
16 approved.

17 COMMISSIONER ANDERSEN: Okay.

18 COMMISSIONER FERNANDEZ: And that's what we're going
19 forward to the Joint Legislative Budget Committee to
20 request that funding.

21 COMMISSIONER ANDERSEN: So that leaves the other
22 portion, which I was - would like to make sure we add, if
23 it's not already in the SSM-I position. You know, who's
24 doing the accounting? Is that in the SSM-I position now?

25 COMMISSIONER FERNANDEZ: Yes, it is. And we also

1 will still have contracts with Department of General
2 Services, in terms of the relationship that we have now,
3 that they basically process everything for us, those
4 invoices and all that. But we still, the Staff Services
5 Manager I would be the position that would initially
6 process the -- like the recruitment or the -- anything
7 with our contracts, with our invoices, with our travel
8 claims, our time sheets. So that position would process
9 all that, and then it still goes to the Department of
10 General Services.

11 COMMISSIONER ANDERSEN: Great. Okay. In which
12 case, can -- could the Committee -- the full Commission
13 receive the duty statement to review for SSM-I, please.

14 CHAIR TOLEDO: Absolutely.

15 All right, let's move on to -

16 Commissioner Fernandez, her hand is raised.

17 COMMISSIONER FERNANDEZ: I was trying to remember
18 why I raised it. Oh, yes, I do -- I think -- and maybe
19 Executive Director Hernandez was going to speak on this.
20 But when we talked about going back, Executive Director
21 Hernandez talked about going back to see if there were
22 any additional expenditures that could be, I guess,
23 charged to the COVID funding, that's two-fold, because if
24 we are able to do that, then it does free up some of that
25 funding for our use this year and potentially next year.

1 So I just want to make sure everyone was clear as to the
2 advantage of doing that.

3 CHAIR TOLEDO: Mm-hm.

4 COMMISSIONER FERNANDEZ: Thanks.

5 CHAIR TOLEDO: Thank you, Commissioner Fernandez.

6 Commissioner -- or Director Fernandez?

7 DIRECTOR HERNANDEZ: Yes. Thank you. I did want to
8 follow up on a couple of things. But just to put things
9 into context, the -- we are going to have one position,
10 the SSM-I, that will do essentially all that we've been
11 doing.

12 Obviously, we won't have as many meetings, we won't
13 have as much activity, but they'll still be doing a lot
14 of the work that the administrative staff has been doing.
15 The context in which I want to make sure you understand
16 is that the last Commission had a quarter time retired
17 annuitant doing all of that. And so one of the
18 challenges that came about was the processing of per
19 diems, TECs, the website crashing. Those were a result
20 of not having someone on top of these things managing the
21 day-to-day stuff. And so that's one of the main reasons
22 that we were asking for a full-time person, because it
23 really does need someone to oversee all these different
24 activities. They will be working with our partners, our
25 agency partners at Department of General Services,

1 Department of Finance, Department of Technology, wherever
2 and whenever needed. So we have those avenues for them
3 to utilize those services as needed. And as far as the
4 RAs for the attorney -- Attorney RA and IT, you know, we
5 requested those, because we see that there may be a need
6 for them, and those are as needed, so they're not
7 salaried. So they will submit their time sheet and post
8 the number of hours that they actually work. So it's not
9 an ongoing cost. It's a cost that is subject to what
10 they're doing at that time. If there's a need for them,
11 then they submit a time sheet with their hours that they
12 worked. And if they didn't work any hours, then they
13 don't submit a time sheet. So there's a variable in the
14 cost for those individuals.

15 I also want to circle back in regards to Chair
16 Toledo's comment in regards to making sure that the 2030
17 Commission does not miss out on any of the funds. And
18 really, that is the -- our intent is to make sure that we
19 provide as accurate of information as we can in regards
20 to our operations, overall operations, and what was
21 COVID, what was not COVID. When we initially requested
22 the COVID funds, we had to provide the Legislature and
23 Department of Finance our estimate and our calculation
24 and how we determined what was COVID-related. The
25 Commission as a whole started in the COVID world. They

1 did not have in-person meetings, so there were no --
2 there was no traveling. And throughout the process, the
3 Commission planned on having in-person, and then we were
4 not able to due to the Executive Orders. I believe there
5 was (sic) two different Executive Orders that we had to
6 adjust our activities because of them.

7 And so with that, I think there was some savings, if
8 you want to call it that. We actually did not utilize
9 all the COVID funds, at least in my interpretation and
10 initial review of the information, because we did not
11 actually incur those additional costs that we had planned
12 originally when we submitted the BCP back in March of
13 2020, asking for those additional funds. But we will
14 definitely circle back and provide more information and
15 clarify, because we want to make sure that the 2030
16 Commission can get the funds that they are going to need.

17 Additionally, the 2030 Commission can also request
18 additional funding if they see that they have different
19 needs, similar to our situation where we requested that
20 additional funding. And so although this will be a
21 baseline for them to start, it doesn't preclude them from
22 requesting additional funds if they identify and see the
23 need for those. So I just wanted to put that out there.

24 Thank you.

25 CHAIR TOLEDO: Thank you, Director Hernandez.

1 Commissioner Sinay, then Akutagawa.

2 COMMISSIONER SINAY: Thank you. I would encourage
3 us for things like this, like the budget and getting a
4 budget update, that we actually have a written report.
5 And I think a lot of the questions we keep going back,
6 because it's hard to grasp all the information that's
7 being given to us verbally. And we have asked for
8 written budget reports in the past, and that would allow
9 us to be able to go back and the community to actually
10 see it all in one place. So if possible, Chair, could we
11 ask staff and the subcommittee to create a report
12 retroactively to be placed with the handouts for this
13 meeting or wherever we have reports like this, so that we
14 can all go back to it. We don't have to circle and ask
15 the same questions over and over again. But I know we're
16 busy, especially as Commissioners, but I do want to
17 encourage us to continue to think about handouts and how
18 we create reports in a timely fashion so that we come
19 prepared to these meetings.

20 CHAIR TOLEDO: Thank you, Commissioner Sinay.

21 Just going to ask the Finance Committee -- Finance
22 Administration Committee, do -- is there a report
23 template? I'm going to ask the subcommittee to work with
24 our staff Executive Director to develop a report, a
25 written report for the Commission. It doesn't have to be

1 extensive, but just pretty much an executive summary of
2 our financials. Thank you.

3 Commissioner Akutagawa.

4 COMMISSIONER AKUTAGAWA: Yeah. I just wanted to --
5 sorry about that. I just wanted to answer Commissioner
6 Sinay's question about what's happening, in terms of
7 keeping track of the later items. We have our very long
8 previously, you know, shared handout with all of the
9 different issues or topic areas that the Commission was
10 interested in, which did include the census coordination
11 work, or at least some kind of earlier start to the
12 redistricting work so that we can try to request budget
13 early. So we do have that on our spreadsheet, and that's
14 very much -- well, at least it's being tracked right now.
15 If somebody else is going to be taking over for us at a
16 later time then they could -- that's something that we
17 could hand over. So there -- it is captured in one
18 place, so it's not going to be forgotten for sure.

19 CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

20 Any other updates, Director Hernandez?

21 DIRECTOR HERNANDEZ: No, that concludes my updates.
22 Thank you.

23 CHAIR TOLEDO: Perfect. We'll move on to Chief
24 Counsel updates.

25 MR. PANE: Good morning, Chair and Commission. I

1 don't have anything specific to change or have an update,
2 but as always, I'm happy to answer any questions the
3 Commission may have.

4 CHAIR TOLEDO: Any questions from the floor?

5 Seeing none, we'll go -- I'm actually going to go
6 back to Commissioner announcements. So before I do that,
7 we'll go to Commissioner Yee. And then Commissioner
8 Announcements, so get your announcements prepared.

9 Commissioner Yee?

10 COMMISSIONER YEE: Thank you, Chair.

11 Chief Counsel Pane, I don't know if this was the
12 time to discuss the whole question of post-maps
13 litigation budgeting and adjustments to the
14 (indiscernible) also list your contract, or were we
15 going to do that another time?

16 MR. PANE: So to answer your question, Commissioner
17 Yee, I will be providing my new recommendation for any
18 new estimate for the Commission's consideration. But I
19 haven't been able to come to a formal conclusion as to
20 that today. I believe that would be something that the
21 Commission will be able to take up at a future Commission
22 meeting.

23 COMMISSIONER YEE: Very good. Thank you.

24 MR. PANE: You're welcome.

25 CHAIR TOLEDO: Thank you.

1 With that, let's move on to Commission
2 announcements.

3 Any announcements from the floor?

4 Commissioners Sinay?

5 COMMISSIONER SINAY: Thank you. I just wanted it on
6 public record that I did Chair for the Commission since
7 it was my first time Chairing, I Chaired last month, and
8 even though we had no meetings, that was part of my role
9 as the Chair was making that decision. But more than
10 anything, I just wanted to say that that there were
11 things that that took place, and we purposely didn't have
12 meetings in May not because I didn't want to Chair a
13 meeting, but because we wanted to make sure that we had a
14 robust agenda and enough of us to have a robust
15 discussion and robust information. Yes, robust was the
16 critical piece.

17 We didn't want all of us to have to drive to
18 Sacramento, Orange County, and it be a two hour meeting
19 or we meet and we didn't have the appropriate quorum or
20 number of Commissioners. And so I appreciate -- I just
21 want to say thank you for everyone being here today and
22 coming prepared with great questions. And I just wanted
23 the public to know that I didn't skirt being a Chair at
24 all. I did do it once.

25 CHAIR TOLEDO: Thank you, Commissioner Sinay.

1 Commissioner Yee?

2 COMMISSIONER YEE: Which means all fourteen have
3 Chaired at one time or another, one hundred percent.
4 Also just to mention, Commissioner Sinay and I did
5 participate with the North -- a North Carolina
6 Independent Redistricting Commission workgroup. They
7 wanted our advice on various matters, and we were able to
8 meet with them. That was as private citizens, not as --
9 not on the CRC clock. So I wanted to share that.

10 CHAIR TOLEDO: Thank you, Commissioner Yee.

11 Commissioner Turner?

12 VICE CHAIR TURNER: I just wanted to share for our
13 Commissioners, because I got a total kick out of it, so
14 you got to know. So I have had an opportunity to
15 participate in a couple of on voter information sessions,
16 just general nonpartisan sessions, where they were --
17 where we've educated public about what was on their
18 ballot and who's on there and what the options are and
19 what all the various roles mean. And there was a
20 question that kept coming up in the session as far as, do
21 you know where your local office is of your elected
22 official? And so I wanted to just say, for the good of
23 all of my Commissioners, most folk in all of the sessions
24 did not know where their -- did not know where the local
25 office was. And I just wanted to name that, because I

1 know we had lots of conversation about the importance of
2 people being able to reach it. And so, you know, there's
3 still a lot of people that do know, but I just had to
4 share that, because each time I thought of each of you
5 with fond memory of our long conversations about how
6 close those offices should be and accessible to the
7 public. That's all.

8 Thanks.

9 CHAIR TOLEDO: Thank you, Commissioner Turner.
10 Commissioner Akutagawa?

11 COMMISSIONER AKUTAGAWA: Yeah, I thought I'd share
12 that about a month ago, I was able to speak at a class at
13 Cal State Fullerton to a government and civics class. It
14 was a panel with myself and also Paul Mitchell from
15 Redistricting Partners. And the students asked a lot of
16 questions, pretty wide-ranging questions.

17 I will like to say that I encouraged all of them to
18 be mindful that, you know, serving on the Commission is
19 something that they, too, can think about for 2030, and
20 that they should also be mindful of the fact that there
21 are requirements to serve on the Commission, which
22 includes making sure that you're voting in statewide
23 races. And so encouraging them to make sure that they
24 are voting. I think there was a lot of curiosity about
25 being on the Commission as well, too.

1 And so hopefully, we'll be seeing, you know, a lot
2 of young voices at least applying and perhaps applying
3 and also participating in the next Commission.

4 CHAIR TOLEDO: Thank you, Commissioner Akutagawa.
5 Commissioner Kennedy.

6 COMMISSIONER KENNEDY: Thank you Chair. Two
7 comments in relation to the Secretary of State's Voter
8 Information Guide that should have reached everyone by
9 now.

10 First of all, on the Board of Equalization, it was a
11 bit disappointing to see the map page showing the Board
12 of Equalization Districts and then have the counties
13 listed. And we know that in that process, San Bernardino
14 County was the one county that ended up being split in
15 the Board of Equalization Districts. And the Secretary
16 of State's office did not list out the cities that were
17 in the two different parts of San Bernardino County.

18 So I really wish that the Secretary of State's
19 office had worked more closely with us. I know that our
20 staff had reached out at one point, hoping to have some
21 space in the Voter Information Guide to walk voters
22 through the process or through the new reality of
23 possibly having or most likely having new districts and
24 new representatives that would determine, you know, what
25 kind of ballot they received.

1 And that being said, it occurred to me that perhaps,
2 and this would be for the long term planning subcommittee
3 to consider and perhaps take up with the JLBC, is the
4 possibility of, okay, if the Secretary of State's office
5 is not able to provide us with space in the Voter
6 Information Guide to explain thoroughly to voters why
7 their districts are new and why they're seeing different
8 races on the ballot, different candidates on the ballot
9 than they might have expected, maybe that's something
10 that the 2030 Commission should have funding to do on its
11 own. Either that or, you know, I notice that the
12 Secretary of State's Voter Information Guide, the hard
13 copy, is sixty-four pages. Sixty-four pages is, you
14 know, one of those multiples that printers like, because
15 you have to have multiples of four and preferably
16 multiples of sixteen when you're printing something.
17 But, you know, maybe the 2030 Commission could be funded
18 to do its own four-page insert into the Secretary of
19 State's Voter Information Guide. I think that would
20 really help the public understand the practical impacts
21 of the work of the next Commission.

22 I feel like, you know, our staff did the best they
23 could to get space in the Voter Information Guide this
24 time around. They were told there was not room in the
25 end. I think that's unfortunate, and I would hope that

1 we could push for at least funding for the 2030
2 Commission to do its own four-pager. Whether that gets
3 mailed out separately or whether that goes in as an
4 insert into the Secretary of State's Voter Information
5 Guide, we'll leave that for future discussion. But I
6 think that it would be very helpful to the citizens of
7 California if the 2030 Commission were able to do that.
8 Thank you, Chair.

9 CHAIR TOLEDO: Thank you, Commissioner Kennedy.
10 Any other updates from the floor?

11 Commissioner Fernandez.

12 COMMISSIONER FERNANDEZ: Okay, this really doesn't
13 have to do anything -- well, kind of does with
14 redistricting, but it's just showing how big and how
15 small California is. I was in the Los Angeles area last
16 week helping someone move, and I rented a U-Haul, and I'm
17 going to -- I went to fill up before you turn it in. And
18 who do I see that's also filling up to return their car,
19 but Kennedy, our line drawer. And so, I -- for me, I
20 thought this is so odd, because I live in Northern
21 California, and Kennedy and I live about 15 minutes from
22 each other and we both happened to be down in L.A. So
23 I'm just -- and one of the benefits of being on this
24 redistricting is I never know who I may see that I've met
25 through this.

1 So I just thought it would be a nice little tidbit.
2 Careful what you say, where you are, because you never
3 know.

4 CHAIR TOLEDO: Excellent. That's pretty awesome.

5 All right. So with that, let's take public comment
6 on agenda item number 2.

7 PUBLIC COMMENT MODERATOR: Sure thing, Chair.

8 In order to maximize transparency and public
9 participation in our process, the Commission will be
10 taking public comment by phone or in person. To call in,
11 dial the telephone number provided on the livestream
12 feed. It is 877-853-5247. When prompted, enter the
13 meeting ID number provided on the livestream feed. It is
14 83291110985 for this meeting. When prompted to enter a
15 participant ID, simply press the pound. Once you've
16 dialed in, you'll be placed in a queue. To indicate you
17 wish to comment, please press star 9. This will raise
18 your hand for the moderator. When it's your turn to
19 speak, you'll hear a message that says the host would
20 like you to talk. Press star 6 to speak. If you'd like
21 to give your name, please state, and spell it for the
22 record. You're not required to provide your name to give
23 public comment. Please make sure to mute your computer
24 or livestream audio to prevent any feedback or distortion
25 during your call. Once you're waiting in the queue, be

1 alert for what it is your turn to speak. And again,
2 please turn down the livestream volume.

3 And for those in the public here with us in
4 Sacramento, if you wish to give comment, please press
5 raise hand on the Zoom computer in the public comment
6 room.

7 And we do not have any callers or raised hands at
8 this time.

9 Alvaro, do we have any public comments in Orange
10 County?

11 COMMISSIONER SINAY: We do not.

12 PUBLIC COMMENT MODERATOR: Thank you so much.

13 Chair, back to you.

14 CHAIR TOLEDO: Thank you. Thank you so much.

15 We will continue on to subcommittee reports. And if
16 we get a hands up in the next minute or so, we can take
17 the comment.

18 So let's start off with the Redistricting and
19 Engagement Subcommittee.

20 COMMISSIONER SINAY: Right. I just -- we got an
21 update from Commissioner Yee. I'm trying to get us back
22 into remembering everyone's last name now. We got an
23 update from Commissioner Yee regarding North Carolina.

24 They're working on an legislation and getting it
25 passed for independent redistricting Commissions. And

1 that was done through our partnership with Common Cause,
2 working with the National Common Cause. And I just also
3 wanted to update that we have submitted a proposal for a
4 National Independent Redistricting Commission Conference
5 to Stanford University, because they were interested in
6 maybe doing something like that.

7 Common Cause is taking the lead on that and then we
8 will also be submitting it for funding along with --
9 would like -- Common Cause would like to have a staff
10 member who can help facilitate engaging Commissioners
11 from all the different independent redistricting
12 Commissions across the country.

13 So we're really looking at this as a national kind
14 of effort of tapping into the expertise throughout the
15 country, not just in California. And so we'll just keep
16 you updated as those pieces move forward.

17 Commissioner Yee?

18 COMMISSIONER YEE: Thank you, Commissioner Sinay.

19 Yes, so we did develop -- you may recall we were
20 tasked with developing a recommendation on publicly
21 explaining election district boundaries and line drawing
22 decisions. You may recall way back, we were requested by
23 the Board of Equalization to come visit and explain the
24 new districts that we drew for them, and we declined that
25 invitation. And since then, we've had maybe a couple of

1 other similar invitations from community-based
2 organizations. So in the handouts today, there is the
3 recommendation that we have developed. At this point.
4 We're thinking to keep it as a recommendation and not as
5 a policy proposal. And basically we're recommending that
6 Commissioners avoid giving verbal or written explanations
7 of specific line drawing decisions. And so, of course,
8 this is to keep all our line drawing discussions and
9 debates and process consistent and coherent, you know,
10 with the actual process that we went through to draw the
11 final maps and to not get in a position where we're
12 giving explanations that may not quite match what we have
13 in our final report or may raise other questions of why
14 decisions were made, why lines are drawn, and so forth.
15 So that's the basic recommendation.

16 And then the rest of the handout, you see some of
17 the further guidelines we're suggesting. Of course, if
18 you're asked to give an explanation of or to talk about a
19 specific district, go ahead and look up the final report,
20 and look carefully at the, you know, whatever we ended up
21 putting down in print describing that district and make
22 sure everything you say is absolutely consistent with
23 what's in the final report.

24 Generally, speak -- try to speak for yourself, you
25 know, talk about what you remember about the

1 considerations going to that district, how you felt
2 about, you know, what was considered and try not to speak
3 for the whole Commission. You may well find yourself in
4 a position to mention particular considerations. You
5 know, perhaps a particular community of interest has
6 invited you to speak to, you know, their group and wants
7 to know how they figured into the final maps. It's not
8 that you can't comment on that. It's that you don't want
9 to be in a position to, you know, say that, you know,
10 their considerations were the reason or the only reason
11 for a particular line drawing decisions, because every
12 line, you know, had multiple reasons behind it. Of
13 course, as we've emphasized all along, except for a few
14 districts, avoid mentioning any race or ethnicity as a
15 reason, especially -- particularly not as a predominating
16 reason for any line drawn decisions. It's not that it
17 can't be mentioned, but it has -- if mentioned, it has to
18 be clear that it was not a predominating consideration.

19 Of course, we can refer people to all sorts of
20 public documents that we have on a report, the mapping
21 playbook and so forth. The official record is a video
22 archive, of course, if they really wanted to research all
23 the considerations that went into a given district. And
24 then all the other, you know, talking points we're
25 familiar with about how we drew our maps; demographic

1 changes, the loss of one crashed Congressional seat, the
2 decision we made not to start with the 2010 maps. In our
3 process, all the compromise -- kinds of compromises we
4 had to make, line drawing decisions, how they all affect
5 - one district affects the next district, affects
6 districts across the state, and how we went through
7 drafts and various days of discussion, you know, drawing
8 any particular district.

9 When -- if you do get an invitation to speak about a
10 given district or part of the state, we encourage you to
11 consult with the Executive Director and Chief Counsel
12 before accepting that invitation, just to make sure, you
13 know, and get a check in to be careful about potential
14 legal risk in responding to an invitation and then
15 registering engagement subcommittee requests that you
16 just keep us informed of speaking engagements you do
17 have, just so we can keep a record and, you know,
18 accumulate a record of those engagements. So that's our
19 recommendation.

20 We don't need a discussion or a vote, but we're
21 happy to have a discussion about this and develop it
22 further or change anything that you think needs changing
23 and use this as guidelines going forward.

24 CHAIR TOLEDO: Thank you, Commissioner Yee.

25 Commissioner Kennedy.

1 COMMISSIONER KENNEDY: Thank you, Chair. I just
2 want to go back to Commissioner Sinay's remarks a few
3 moments ago and ask. I understand that there are
4 certainly reasonable concerns about the extent of our
5 engagement in activities outside the Borders of
6 California. But I would be very interested in seeing the
7 proposal that has been or will be submitted to Stanford.
8 And I also have some other ideas as to where such a
9 proposal could be submitted, like the Democracy Fund,
10 based in Washington, D.C. and others. So I don't know if
11 that's possible. Thank you.

12 COMMISSIONER SINAY: The proposal is from Common
13 Cause, you know, we added to it. And so let me check
14 with them, if they're willing to make it a public
15 document, just because I know a lot of times nonprofits
16 don't want to share their proposals, because then others
17 can copy them and use them. And you know, I probably
18 should check with Anthony how all that works since we
19 helped in development of it, you know, if we need to make
20 it a public document. So I'll get back to you.

21 And definitely I would like to have -- the idea is
22 eventually to have a very solid proposal just for this
23 national piece. And we do have a draft budget that we've
24 worked with Common Cause on what it would cost for common
25 cause to be the facilitator or all of that, because we

1 are not using any Commission funds for any of the work
2 that Commissioner Yee and I have been doing. And when
3 other Commissioners -- you know, we're just the
4 facilitators and kind of getting it out to everybody.
5 The reason we stepped in for North Carolina, was that
6 they asked us. We said, sorry, we have a meeting, and
7 then we canceled the meeting. And we were able to say,
8 Oh, sike, we can come. And it was just going to be too
9 difficult to facilitate it out, and so we did it. But
10 definitely I'm hearing you. And part of it was, we had
11 hoped to get further along and have a proposal together,
12 but life is a lot more complicated now that we're back to
13 our day jobs. So you're on my list.

14 CHAIR TOLEDO: Thank you, Commissioner Sinay and
15 Commissioner Kennedy.

16 Commissioner Fernandez.

17 COMMISSIONER FERNANDEZ: Thank you, Chair.

18 And thank you, Commissioner Sinay and Yee for this
19 document. It's very helpful. The only item I wanted to
20 comment on was 3(c), where it talks about how all
21 lining -- line drainage decisions above compromises. Our
22 goal was to spread the pains and gains as evenly possible
23 as possible.

24 Personally, I never really liked the pains and
25 gains, because it somehow leads you to believe that you

1 are knowingly doing -- either hurting someone or are
2 providing support for someone. So if we could maybe
3 something of honor, a community of interest as much as
4 possible. I mean, I know what you're trying -- what
5 we're trying to say, but I also I think there's a better
6 way that we can say it other than pains and gains. So
7 that's just my comment. But thank you so much for the on
8 the document. It's very helpful. I'm going to keep it
9 with my outreach information. Thanks.

10 COMMISSIONER YEE: Sure. Thanks.

11 CHAIR TOLEDO: Thank you, Commissioner Fernandez.
12 Commissioners Sinay.

13 COMMISSIONER SINAY: It's interesting you say that,
14 Commissioner Fernandez, because in talking to others
15 outside the Commission, they actually appreciate that we
16 are aware that there's pain, and you know that it's --
17 that we're taking in, but that there is a shared need for
18 pain, and they've used that language back to us. So I
19 hear what you're saying, but I just also want us to be
20 aware that it does make us aware of what the communities
21 were feeling at the same time.

22 CHAIR TOLEDO: Thank you, Commissioner Sinay.

23 Commissioner Andersen?

24 COMMISSIONER ANDERSEN: Sorry. On that same point,
25 I also do not like -- never liked the words the pain, you

1 know, spread the pain and gain.

2 And I believe what is actually we were all talking
3 about is in compromising, you can't do everything. And
4 that explain it. We can't do everything. We don't have
5 to say pain gain. It's just, you know, we can't do
6 everything. Not every -- not everyone's desires get met.
7 Thanks.

8 CHAIR TOLEDO: Thank you, Commissioner Andersen.

9 Just a quick question for Chief Counsel Pane. We
10 have this guidance document, this document that provides
11 guidance to the Commission. Is there -- can you just
12 provide some guidance between guidance versus policy and
13 how that might fit in and whether we need a vote or not
14 to make it official?

15 MR. PANE: Thank you, Chair. So I believe the
16 subcommittee considered this to be a recommendation
17 and as such, Commissioners are free to use it or not
18 use it as they would like. It is not something that
19 has been officially sanctioned by the Commission, so
20 no vote is required.

21 If we were -- if the Commission were to decide
22 to make a policy, then I believe a vote would be --
23 would be needed. But if the subcommittee's
24 recommendation is simply to keep it as a
25 recommendation, a vote isn't required and

1 Commissioners are not bound to use it.

2 CHAIR TOLEDO: That's very helpful. So this is a
3 nonbinding recommendation at this point.

4 MR. PANE: That's correct.

5 CHAIR TOLEDO: Thank you. Any additional comments
6 or feedback? Perfect.

7 With that, any other updates from the Redistricting
8 and Engagement Subcommittee.

9 COMMISSIONER YEE: I think that's it. Yeah?

10 CHAIR TOLEDO: Thank you so much. We're going to
11 move on to the Bagley-Keene/ADA Subcommittee and come
12 back to Long Term Planning after lunch. So let's go to
13 Bagley-Keene.

14 COMMISSIONER FORNACIARI: Do you want me to go or
15 are you going to go? Okay. So let's see. I think I'm
16 going to find the email that I sent. Maybe. I can't
17 find it. I wasn't quite ready. So basically what
18 happened is the Bill to modify Bagley-Keene got pulled.
19 There was some disagreement among the parties involved.
20 I believe the Bill allowed for one hundred percent remote
21 meetings. Some of the members of the assembly or members
22 of the committee, I guess, felt that there should be at
23 least one public location required.

24 And so Bill got pulled. And I guess at this point
25 it's basically dead because it didn't get approved by the

1 end of last month. And so it won't be able to move
2 forward until the next legislative session. So that's
3 kind of where we're at.

4 CHAIR TOLEDO: Thank you, Commissioner Fornaciari.
5 Any questions from the Commission?

6 Commissioner Andersen.

7 COMMISSIONER ANDERSEN: Can we then add it to our
8 Long Term Committee to bring back at the appropriate
9 time?

10 COMMISSIONER FORNACIARI: Well, I was just thinking
11 the Bagley-Keene Committee would continue to monitor it.

12 COMMISSIONER ANDERSEN: That works, too.

13 COMMISSIONER FORNACIARI: Unless we really want to
14 pile on, you know, we could do it, no -- okay. No, we'll
15 just -- we'll keep track of it next time around. Thanks.

16 CHAIR TOLEDO: Commissioner Sinay.

17 COMMISSIONER SINAY: I'm sure everybody's noticed
18 this, but at the local and county levels, they have gone
19 back to having online meetings because of the resurgence
20 of COVID. And so I just wanted to make us all aware and
21 just keep in, you know, keep -- if we can just send to --
22 I don't know if it makes sense to have a list of which
23 counties have gone back or not, if it makes sense for
24 legal to keep that information. But it were, you know,
25 State is the only one kind of holding back on this -- or

1 is the last, from the San Diego perspective of holding
2 back on this.

3 CHAIR TOLEDO: Thank you, Commissioner Sinay. Just
4 a quick question for the Committee. I see that there's
5 the advocacy piece that the Committee is charged with and
6 also the legislative piece. I think the update was
7 mostly focused on the legislative aspect. And I'm
8 wondering if the Committee has considered any advocacy or
9 education that may be needed to garner support for the
10 legislation, given that the that the legislative proposal
11 did not -- was not successful this time around.

12 So or in terms of just the Commission's position on
13 this issue to do so, educating the public around that or
14 the members of the legislature.

15 COMMISSIONER FORNACIARI: Well, we had had Anthony
16 draft -- Anthony drafted a letter to the -- we were
17 going to send to the legislature, basically saying that
18 we -- well, we're going to bring it to the Commission,
19 you know, before we sent it. But basically saying the
20 Commission supports either approach and, you know, we
21 just want the option of people to participate remotely.

22 So that was going to be our approach there. But
23 since the Bill got killed, it really is a moot point.
24 But I -- yeah, that's a good point. We don't -- we
25 should consider that. We'll go back and think about an

1 approach to advocacy that we might be able to take. So
2 thanks for that, Chair Toledo.

3 CHAIR TOLEDO: Thank you, Commissioner Fornaciari.
4 With that we will be taking a break, a fifteen-minute
5 break.

6 And then when we come back, we'll go into closed
7 Session.

8 (Whereupon, a recess was held)

9 CHAIR TOLEDO: Welcome back to the California
10 Citizens Redistricting Commission. We are coming back
11 from Closed Session and lunch. We were in Closed Session
12 under the pending litigation exception as well as the
13 personnel exception. Action was taken on a personal
14 matter to give an increase to our Chief Counsel.

15 And with that, we will continue on with our
16 Subcommittee Updates. So we're going to start with the
17 Long Term Planning with Commissioner Fernandez. And once
18 we have a Commissioner or actually, let's start with
19 Chief Counsel Pane, because he drafted a memo that we all
20 received -- general memo that we'll post on government
21 code.

22 And it's the government code change process. It's a
23 very -- it just outlines the process by which code needs
24 to -- government coding, by which we change the
25 government code. So if he could just go through that

1 memo.

2 MR. PANE: Hello, everyone as you all -- as you may
3 recall, if we're if the Commission is going to make
4 changes to the Commission's statutes, which are
5 government code Section 8250 and following, I think about
6 8050 through 8256 or so. There are certain requirements
7 that need to be met. And I think most of you have heard
8 me talk about these requirements in the past. One is
9 that the print needs to be in for any Bill that's a
10 legislative change. Needs to be in print for at least 12
11 days.

12 It needs to further the purposes of the act of the
13 Commission statutes Why the Commission exists and what
14 it is directed to do by the initial proposition.

15 It also needs to -- the Commission needs to provide
16 a recommendation by a supermajority over the change. And
17 it needs to provide the exact language. And approve the
18 exact language of any legislative change.

19 Such a change needs to be approved by two-thirds of
20 both houses of the legislature. And of course, signed by
21 the governor. If those requirements are met, then the
22 government code statute can be changed. If there was --
23 any one of those requirements are not met, then you
24 cannot make those changes. The Commission will remember
25 that there is a current Bill right now that is not part

1 of the 8250 line of statutes. It is in the elections
2 code. I believe it's -- it'd be 1858, it'd be in 1848,
3 one of those two, I mean I have the Bill language right
4 on me.

5 It does impact how the Commission counts imprisoned
6 individuals for State correctional facilities and that --
7 because it is housed in the elections code, those
8 requirements are not needed.

9 Similarly, another proposed legislative change, and
10 I'm not sure it is a formal recommendation at this point
11 by the Commission, so I'm just bringing it out as an
12 example. One of the potential changes as well is in the
13 government code. And it is regarding requiring Attorney
14 Generals' approval prior to seeking outside counsel.

15 While in the government code, that is in a different
16 section of the government code, it is not part of the
17 Commission statutes. Similarly, those requirements are
18 not needed. So it's going to be important for us to know
19 first, if those requirements are in fact needed. And it
20 depends if they, you know, are altering the Commission
21 statutes.

22 Is that helpful or does anyone have any -- happy to
23 answer any questions the Commission has.

24 CHAIR TOLEDO: I think that's good background as we
25 move on to prioritizing our legislative matters. Any

1 questions for Anthony? Any other questions around the
2 information that we received in our packet.

3 Hearing none, then we'll turn over to Commissioner
4 Fernandez to -- maybe you can start off with an overview
5 of where we are today, because there is legislation that
6 was passed, I believe, in the assembly and where we are
7 with our legislative priorities as they stand now.

8 COMMISSIONER FERNANDEZ: Great, thank you. Sure.
9 Yes. So in terms of in terms of the current Bill,
10 Assembly Bill 1848, that's as Chief Counsel Pane had
11 noted, that's the elections code. And that had to deal
12 with our incarcerated population. And it has passed the
13 Assembly and it was read into the Senate on May 26. So
14 it's going through the process right now. And we're
15 hopeful that it will continue through the process and
16 pass.

17 And in terms of the other three items that the
18 Commission has.

19 Oh, Peter, it's Commissioner Fernandez. Yes, who's
20 speaking.

21 And in terms of where we are in the process with the
22 other three items that the Commission in the past has
23 voted to move forward. One is the ability to award
24 grants. The other is an exemption from contracts. And
25 the third one has to do with the extension of our three-

1 day reporting requirement for agendas.

2 Those three at this point -- our last conversation
3 with our -- the legislative staff that we met with, it
4 sounds like those three, we will push them out to the
5 next cycle, which will be next year. And the reason for
6 that is, we don't want to include our government code
7 section in with the election code section because we
8 don't want to jeopardize one or the other. So right now
9 we kind of want to keep them pure. Kind of makes sense
10 to keep them pure.

11 At this point it's too late to introduce a new Bill.
12 So we would -- which, actually it works out fine because
13 we're still developing the language and finding language
14 for those three areas to move forward with. And so what
15 our goal is, we have those three and then we also have
16 the listing of potential legislative changes that has
17 been reprioritized based on feedback from the
18 Commissioners in terms of their top priority areas.

19 And the goal for today would be to hopefully go
20 through maybe, like, five or six of them. And with each
21 meeting, maybe add another, you know, maybe go through
22 the following five or six. And the goal is to make a
23 decision as to whether or not there appears to be
24 consensus. Or maybe there's something that needs further
25 discussion. Or there may be some that will be put in a

1 pot where there doesn't seem to be consensus at all and,
2 you know, put it at the bottom of the list instead of,
3 you know, talking about it again at the next meeting and
4 rehashing the same issues and concerns.

5 And then there's also separate pots in terms of
6 those changes potentially that would impact our
7 government code section, which is a Government Code 8250
8 And as Chief Counsel Pane mentioned, does it impact the
9 different code section from a different agency? And then
10 also the third section would be, if it requires
11 Constitutional change. And that's a whole different
12 process that we'd have to go through.

13 So with that, I did want to make sure that everyone
14 saw a handout that we posted. As Chief Counsel Pane had
15 mentioned in the criteria for changes is justification
16 for moving forward with any of our changes is to further
17 the purpose of the act.

18 So we did put we did post a document. And it has to
19 do with the proposed change of government code Section
20 8253, and that's for the -- allowing for the three week
21 public notice period for meetings in the final three
22 months instead of the current two weeks or fourteen days.
23 And so what the subcommittee did as long, along with our
24 Chief Counsel, is we try to bullet areas in terms of what
25 the benefit of that change -- what the benefit of that

1 change would be.

2 If you have any comments on that, you can always
3 forward it to Chief Counsel Pane and we can incorporate
4 it. But we just wanted to make sure we captured the
5 discussions that we've had and some of the communication
6 back and forth in terms of the benefit of going with a --
7 with a three day for a longer period of time.

8 CHAIR TOLEDO: Thank you, Commissioner Fernandez.
9 Also, I guess, was there -- is there a deadline for June
10 1st? I remember hearing -- and I'm trying to understand
11 what that deadline is and -- because it's today. And so
12 anything with a deadline of today is probably our first
13 priority. So just curious, can you provide a little bit
14 more elaborate more on that?

15 COMMISSIONER FERNANDEZ: So initially, when we were
16 told of, you know, how quickly we need to move forward,
17 they mentioned -- the legislative staff that we're
18 meeting, the group that we're meeting with mentioned June
19 13th. Which meant that we'd have to approve it by today.
20 And that meant any changes or any additions that we would
21 want, we would need to vote or make a decision today.
22 But as I noted earlier, the rest of the items on our list
23 pertain to different government code sections.

24 So at this point, the goal is to move forward. If
25 there's items that we can continue to add to those

1 remaining three that we have, it would be great to be
2 able to add that to our list so we can continue to draft
3 language and work with our -- in our subcommittee and our
4 extended legislative support that we're receiving and
5 help, which has been absolutely wonderful, so that we
6 will be in a better position for the next cycle to have
7 the language that the Commission is agreeable to. And
8 then find an author, someone that's willing to author the
9 Bill for us.

10 So there was a June 1st deadline but based on our
11 last conversation we had with the team last week, I
12 believe -- with the group last week. It's kind of too
13 late at this point, because we don't have the language
14 drafted yet that we would want to use for our government
15 code section. Does that make it fuzzy or clear?

16 CHAIR TOLEDO: That's helpful. So it's --

17 COMMISSIONER FERNANDEZ: Okay.

18 CHAIR TOLEDO: -- so let me see if I'm
19 understanding. So there's -- the legislative work that
20 we have in this legislative cycle, and that's been
21 approved at the Assembly, moving onto The State Senate,
22 and it's pertaining to incarcerated populations and how
23 they are -- how they are counted in our work.

24 And then then for the next cycle, there's three
25 areas of priority that the Commission has already

1 approved. And that's the three that you outlined. And
2 today, for today, we're not really prioritizing those
3 three. Those have already been approved. Is there
4 language that we have to work through for those or --

5 COMMISSIONER FERNANDEZ: The language -- the
6 subcommittee will work through the language first. And
7 what we're doing -- and when I say "we," it's really a
8 great collaboration as we have a Chief Counsel that's
9 looking for language that may be appropriate, that other
10 agencies may have similar type of grant authority or
11 exemption to the contracting or -- so we're working
12 together with the legislative team that we have to come
13 up -- and they're helping with that as well, coming up
14 with language for that.

15 So what we'll do is, at the subcommittee level is,
16 we'll work through that, get the language and then bring
17 that forward to the full Commission. And at that point,
18 we would have something to work with. because right now,
19 if we try to -- if the fourteen or thirteen or twelve,
20 however many, that if we try to work through language
21 right now, it's -- it's going to be midnight. And so
22 that's how we're thinking in terms of moving forward.

23 CHAIR TOLEDO: And that's helpful. And then so the
24 other piece is really identifying -- going through the
25 other potential legislative priorities that that are

1 still on our list. All right. So let's start with
2 Commissioner Sinay then Commissioner Kennedy and then we
3 will start going through the grant grill process for
4 going through this and sorting and prioritizing.
5 Commissioner Sinay.

6 COMMISSIONER SINAY: Just clarification. Should we
7 be looking at the justification for proposed change to
8 government code Section 8253, that the recommendation
9 that was given to us? I'm guessing, you know, it's
10 proposed. Anyway, Is that where we should have our
11 focus? Because that's where my questions are right now.

12 COMMISSIONER FERNANDEZ: No. The handout that we
13 had on the justification, that was just something that we
14 wanted to just post, this is based on the comments and
15 feedback that we received. We've already moved forward
16 with -- the Commission has in terms of moving forward
17 with this in terms of asking for a three-month period
18 instead of a two-week period.

19 And if you have any additional comments or bullets,
20 we could -- if you could forward that to Anthony, that
21 would be okay.

22 COMMISSIONER SINAY: Okay. I just -- I don't
23 remember voting on three-day, but I trust everybody
24 because I don't necessarily trust my brain. But I do
25 want us to take into account that the League of Women

1 voters did send us a letter on exactly on this one. And
2 so I just wanted to confirm that we did vote that this is
3 the way we wanted it set up. Just that we have that on
4 record. Okay. And what day did we vote? So the League
5 of Women voters know, the public can know.

6 CHAIR TOLEDO: So we can ask Alvaro to take a look
7 at that --

8 COMMISSIONER SINAY: Okay.

9 CHAIR TOLEDO: -- and bring it back to us.

10 COMMISSIONER SINAY: Just for --

11 CHAIR TOLEDO: Give him -- with the next couple
12 minutes?

13 COMMISSIONER SINAY: Yeah. Just for public. And
14 then going back to the other list that was mentioned. I
15 do have some concern about depending too much on the
16 legislative staff. Because there are some pieces that we
17 think is important but the legislature isn't necessarily
18 going to support.

19 And for instance, making it public when the
20 legislature strikes any individuals. I don't want us to
21 not move something forward because the legislative staff
22 doesn't see it's in the best interest. But maybe come up
23 with a plan on how we're going to educate ourselves and
24 bring in the public who does agree with this idea, to be
25 able to move it forward.

1 So I think one of the recommendations I would have,
2 is to look at this list and see which ones we want to
3 work with the legislature on. And which ones we may want
4 to educate ourselves a little bit more before we make any
5 recommendations. Because I still don't feel like I have
6 enough good information on some of these to make a
7 decision that will affect Long Term Redistricting.

8 CHAIR TOLEDO: Thank you, Commissioner Sinay.
9 Commissioner Fernandez, did you want to respond?

10 COMMISSIONER FERNANDEZ: Yes, I will respond. And I
11 just want to clarify that when I say that we're working
12 with the legislature, it is -- we're the ones leading the
13 conversation. We're the ones saying, this is what we are
14 proposing and we are the ones that are drafting the
15 language. So I apologize if I wasn't clear with that
16 piece.

17 And yes, of course, in terms of the items on this
18 list, the purpose of it is so that we can actually go
19 through and talk about it and as a whole decide whether
20 or not we want to -- we agree on any of them to move
21 forward at this time. Or is it just going to be
22 continued discussion at future meetings? Thank you.

23 CHAIR TOLEDO: Thank you. Commissioner Kennedy.

24 COMMISSIONER KENNEDY: Thank you, Chair. You know,
25 when we've been looking at legislative changes, we've

1 been starting from a base of our legislation, the
2 Government Code Section 8250 and so forth. Which is a
3 fine place to start. But I wanted to call our attention
4 to the fact that subsequent to the establishment of the
5 Statewide Citizens Redistricting Commission, the
6 legislature did pass language in the elections code
7 providing -- or making provisions for certain aspects of
8 local redistricting.

9 And in some senses there are features in that -- in
10 those code sections that maybe are more, I don't know,
11 more advanced. They were -- they're based on lessons
12 learned from particularly the 2010 redistricting cycle.
13 And I just wanted to encourage us as we look at this, to
14 also go to Election Code, particularly Section 21508.
15 Which is the one that talks about "The board shall" --
16 and this the board of supervisors, "shall take steps to
17 encourage residents, including those in underrepresented
18 communities and non-English speaking communities, to
19 participate in the redistricting public review process,
20 including providing information to media organizations,
21 providing information through good government civil
22 rights, civic engagement and community groups."

23 There's also an interesting provision in here,
24 because we've been talking about, you know, how do we
25 maintain our website? Well, if you go down to --

1 21508-G, it says, "The Board shall establish and maintain
2 for at least ten years after the adoption of news of
3 supervisorial district boundary, an internet webpage
4 dedicated to redistricting, shall include or link to the
5 following: a general explanation of the redistricting
6 process for the county in English and applicable
7 languages, the" -- oh, let's see, "recording or written
8 summary of each public hearing and workshop, each draft
9 map, the adopted final map."

10 So there are some interesting provisions that the
11 legislature put in place subsequent to the establishment
12 of this Commission that might be useful for us to look at
13 as we move forward with this. So I just want to
14 encourage us all to take a look at that newer legislation
15 that is, yes, in a different code. Yes, it's related to
16 local redistricting, but it reflects in some sense a
17 newer understanding of how to go about this, as I say,
18 particularly at the local level. But there may be some
19 aspects of it that are relevant to us and could be useful
20 to us in our own proposals.

21 Thank you.

22 CHAIR TOLEDO: That's helpful. Thank you,
23 Commissioner Kennedy. So we did get a response back from
24 Alvaro.

25 Alvaro, did you want to provide us with the



1 information about the motion that was passed.

2 DIRECTOR HERNANDEZ: Sure. The motion was passed on
3 March 30th, 2022. I'll read the motion as it was
4 approved.

5 "Motion to move forward with legislative changes
6 listed in Group A. That's A1, A2, A3, A4, and A6 of
7 potential legislative changes 3/3/2022 Handout. A6 with
8 edits. Three days public notice for meetings held three
9 months before map deadline in the year ending in the
10 number of one." That's all.

11 CHAIR TOLEDO: Thank you, Alvaro. So I know
12 Commissioner Fernandez, as our -- has a comments.

13 COMMISSIONER FERNANDEZ: Oh, just to Commissioner
14 Kennedy. It's not -- the list that we have is not a
15 comprehensive list. I will assume that as we continue to
16 move on this process, you know, month, year, we will
17 continue to add. Things may come on the list, come off
18 the list. And I mean, that's great to continue to see if
19 there's other sections that may apply.

20 And then another goal for today for us would be to
21 establish, I guess, will there be another subcommittee
22 that will further this effort? The Long Term Planning,
23 this, this I want to say it kind of fell on us. And we
24 were directed to do it because due to the short time
25 frames of trying to get something through this -- through

1 this Bill cycle that.

2 But we already have the one Bill that's moving
3 forward. And so in continuing years, I believe it's
4 important to decide where that will fall. if it will
5 still fall with us. Is it going to be a new
6 subcommittee? Does it go to government affairs? So
7 that's -- that was like another goal that Commissioner
8 Akutagawa and I had, as we move forward in this process.

9 CHAIR TOLEDO: Okay. I think that clarification
10 will be good. So let's start with the priorities.

11 COMMISSIONER FERNANDEZ: Okay.

12 CHAIR TOLEDO: Let's look at -- let's begin the
13 process.

14 COMMISSIONER FERNANDEZ: Okay.

15 CHAIR TOLEDO: Can you walk us through what that is
16 maybe? And is there a way to post that so that everybody
17 can see it on --

18 COMMISSIONER FERNANDEZ: Oh --

19 CHAIR TOLEDO: -- on the screen? I know we're
20 having technical difficulties in Orange County.

21 COMMISSIONER FERNANDEZ: That would require me to
22 have it up and running.

23 CHAIR TOLEDO: Commissioner Fernandez is going to
24 try to

25 COMMISSIONER FERNANDEZ: I'm going to try but I



1 think Commissioner Fornaciari might be better at that.

2 Like how I delegate that kind of?

3 CHAIR TOLEDO: So one of us will Chair it. So yes,
4 let's start the process.

5 COMMISSIONER FERNANDEZ: Oh, there we go. Thank
6 you. See, he's great.

7 CHAIR TOLEDO: Maybe frame what we're saying. And
8 then we can figure out a way to prioritize?

9 COMMISSIONER FERNANDEZ: Okay. So what we did is we
10 prioritized it already, based on the feedback from the
11 Commissioners. I think at least half provided feedback.
12 So thank you for all that provided feedback. And I think
13 the other half just thought it was great the way it was.
14 So that's good, too.

15 And so as you will note, the first column will be
16 the priority. So that would be like the number of votes
17 or -- I don't have a better way of saying it, of those
18 Commissioners that voted for that. And then the
19 second -- the second column is, will note how many voted
20 for that, as well as it'll have the prior C number.
21 Because this was our C spreadsheet. And we didn't want
22 to lose that connection.

23 And then the topic is obviously the topic -- that
24 the topic and the code section to amend, those have not
25 changed. What has been added to the notes is, if there

1 has been any prior discussion on these items or on these
2 topics, we tried to include that so that Commissioners
3 and the public are aware of what some of the comments
4 have been. Either pro or con or either way, neutral to
5 the proposed change or topic.

6 And so I believe it's in priority order already.
7 And so what we were hoping to do is, you know, maybe, if
8 we can somehow get through at least for number four,
9 maybe five today, that would be great. But again, I,
10 don't know how beneficial it would be to spend too much
11 time on it. Other than, we'd like to get to a point
12 where we can put it into buckets as to, okay, maybe this
13 is one that we might be able to vote on for today. This
14 is one that we need further discussion and then maybe a
15 third one where there's just too much dissension and it's
16 probably not going to move anywhere. Maybe we move it to
17 the bottom of the list. So we're not continuing to
18 discuss it at every meeting and have the same discussion
19 items. So I don't know if -- is that okay? Or how do
20 you want to do it?

21 CHAIR TOLEDO: Yeah, I guess. Are there any of
22 these -- are any of these more time-sensitive than
23 others? Is the other question I would have.

24 S3: The only one that could potentially be time-
25 sensitive is 3-B. Potentially, we might be able to get

1 that into this cycle but we don't know for sure. And
2 that's the one, the ability to hire outside Counsel
3 without the Attorney General prior approval.

4 And just a little bit of background on that. Chief
5 Counsel Pane has reached out to the Attorney General's
6 Office, letting them know that this could be a potential.
7 And we haven't we haven't decided for sure. But just
8 trying to at least give him a heads up in case it's
9 something that we may go forward with.

10 There is -- it would actually be the language of the
11 Attorney General's office, because they actually have a
12 list of other agencies that are exempted from their prior
13 approval. So I don't want to say it would be a quick --
14 a quick amendment, because if I say that, then it won't
15 be a quick amendment. Now, I'm going to jinx it. But it
16 could be something that potentially might be -- we might
17 be able to get into this cycle but I would not hold my
18 breath.

19 So and then the other items again, would be related
20 to our specific code, so that we would hold for next
21 year. But it would still be beneficial to try to get
22 through as many as we could so that we can start working
23 on that language and working with our committee on that.

24 Again, on 3-B, there is two sections that were
25 noted. One is our government code section and the other

1 one the Government Code Section 11041. That's the
2 Attorney General's section. And we felt that that would
3 be an easier route to take if the Commission did decide
4 to move forward with that.

5 CHAIR TOLEDO: So let me just understand this
6 correctly. We wouldn't be working on the language. We
7 would be look, we -- all we're trying to do today is
8 just -- is this a priority that we want to task a
9 committee -- potentially to work on language and come
10 back to the committee, to the Commission for approval?
11 Okay. And then, my understanding is also that, that some
12 of these have been approved already, no? The number 3-B.
13 I thought was already previously approved.

14 COMMISSIONER FERNANDEZ: No. 3-B, we talked about.
15 It was not part of the initial motion that Executive
16 Director Hernandez just told us. So what was approved
17 initially was the incarcerated, both on The State and the
18 Federal, to move forward, instead of requesting that the
19 future Commissions would do that. The third one was for
20 grants, ability to issue grants. The fourth one was an
21 exemption from contracting and procurement requirements.
22 And then the fifth one was the three day, the three-day
23 public notice period.

24 COMMISSIONER FERNANDEZ: Okay. So for today, our --
25 it's essentially, do we all -- we're trying to find

1 consensus on whether to move these forward to the
2 committee --

3 COMMISSIONER FERNANDEZ: Right

4 CHAIR TOLEDO: -- and to task the committee to draft
5 some language --

6 COMMISSIONER FERNANDEZ: Right.

7 CHAIR TOLEDO: -- around these.

8 COMMISSIONER FERNANDEZ: Yeah. And again, it's not
9 to approve the language, so it doesn't require that
10 supermajority vote. It would be just to move forward to
11 work on language and do some research on how best to come
12 back with that information to the full Commission. That
13 makes sense.

14 CHAIR TOLEDO: Makes sense.

15 COMMISSIONER FERNANDEZ: Okay.

16 CHAIR TOLEDO: Okay. So do you want to start
17 from --

18 CHAIR TOLEDO: -- the top, then go through the
19 first --

20 COMMISSIONER FERNANDEZ: Yeah.

21 CHAIR TOLEDO: -- four or five?

22 COMMISSIONER FERNANDEZ: Yes. Yes. And so the
23 fourth -- the first one is to clarify what a day is and
24 defining mapping deadlines. And so there are -- there is
25 one definition already. And it's not as clear as we

1 would want it to be. And from what I gathered of the
2 discussion in the past was, we were looking for
3 potentially, a day would be a twenty-four hour period.

4 So let's say right now we had a motion at -- I don't
5 know what time it is. We had a motion at 1:30 p.m. So
6 the twenty-four hours would start as of right now. So
7 1:30 tomorrow would be a twenty-four hour period.

8 Versus right now with Black Laws Dictionary (sic),
9 that one day would start at midnight, regardless of what
10 time you move forward with anything during the day. The
11 clock wouldn't start until midnight. So potentially, you
12 know, and this kind of came into play when we were
13 talking about like the draft maps and the final maps, the
14 three-day period, the fourteen-day period. And so it
15 potentially could impact future Commissions and their
16 ability to maybe have two final maps, potentially. To
17 actually be able to act on it if there's, you know if
18 they finish enough in-advance time or even with the draft
19 maps. So opening it up for discussion in terms of any
20 comments with that.

21 CHAIR TOLEDO: Yeah. This received five votes so
22 that the item that received the most votes.

23 UNIDENTIFIED SPEAKER: Yes.

24 CHAIR TOLEDO: Commissioner Andersen.

25 COMMISSIONER ANDERSEN: Yeah. This is a really

1 important one. And I was very involved in this because
2 of roughing up the first schedule of, you know, when,
3 what dates we have to have, you know, one of the drop
4 dead dates. We have to have this in order to meet the
5 three day and the ten day at the end. Also, I lobbied
6 for the twenty-four-hour. And the reason is, is because
7 also in the posting of the contracts, before you can
8 actually a contract goes final, and you can essentially
9 let a permit or when you are hiring the line drawers, any
10 protest, the definition they use the Black Laws
11 Dictionary definition and it sort of benefits the public.

12 And that's kind of out there. As far as the public
13 gets a little bit more time, if it is the twenty-four
14 hour, the Black Law, Black's, Black Law Dictionary,
15 Black's Law_Dictionary -- Law Dictionary definition
16 versus just twenty-four hours from, like say we pass at
17 8:30 in the morning, it's 8:30 the next morning. As
18 opposed to, okay, we pass it, you know, about it today
19 and through tomorrow, essentially, you know, it gives
20 them that extra portion of that day.

21 I think it's very important and I really am glad
22 that this is right up there, number one. I would
23 recommend that we. Charge the subcommittee with coming
24 up with words for that. But I would lobby for the Black
25 Law -- Black's Law Dictionary definition.



1 CHAIR TOLEDO: The Black's Law definition, midnight
2 to midnight?

3 COMMISSIONER ANDERSEN: Correct.

4 CHAIR TOLEDO: Okay. Anyone in opposition? Or I'll
5 start with Commissioner Kennedy and then and then we'll
6 go with -- we'll talk about whether we have consensus
7 here.

8 COMMISSIONER KENNEDY: Thank you, Chair. You know,
9 my point throughout this discussion has been to minimize
10 or eliminate the possibility for misinterpretation or
11 discrepancies in interpretation. Let's make it
12 impossible to misunderstand.

13 And I look at this and I kind of sound things out in
14 my mind. If we say about something, no later than two
15 days prior to such and such deadline, does that mean you
16 know, we have to have two full days? So it's actually
17 the third day before? Or when we say no later than two
18 days before, you know, can it be less than forty-eight
19 hours? I want us to avoid any possibility of
20 misinterpretation or divergent interpretations to the
21 extent possible, you know, whether I support one way of
22 doing that or another, you know, that's another question.

23 But let's eliminate to the maximum extent possible,
24 any possibility of diverging interpretations because that
25 just raises temperatures in the end. Thank you.

1 CHAIR TOLEDO: Thank you, Commissioner Kennedy.
2 Commissioner Sinay.

3 COMMISSIONER SINAY: I thought I was following
4 Commissioner Andersen and then I got confused. And so I
5 want to -- my thought is, especially when we're thinking
6 about the draft maps, that having the twenty-five --
7 twenty-four hours from the time the motion is passed,
8 allows us to move quicker than if we use the Black Laws
9 Dictionary (sic).

10 Am I misunderstanding the two? Because where we
11 were -- well, I know staff would rather have the Black
12 Laws Dictionary because it's very quick to post things
13 and stuff. But I thought we wanted to be able to move
14 quickly when we were in the draft map stages. And that's
15 why we were discussing twenty-four hours from the time
16 the motion is passed versus the Black, if I'm
17 understanding what the Black Law Dictionary definition
18 was.

19 CHAIR TOLEDO: I'll ask Anthony, Chief Counsel Pane
20 to weigh in also on this.

21 MR. PANE: Sure, Chair. So Black's Law would define
22 a typical calendar day as midnight to midnight. So if
23 instead the Commission wanted to move forward in a
24 different definition. Which would mean, in the past
25 we've discussed -- we've discussed this in terms of a

1 clean day, a full twenty-four hour period to count as one
2 day. That is -- and that is the Black's Law definition.
3 That's the default.

4 If the Commission wanted to change it, to say that
5 twenty-four hours from the date the action is passed, or
6 the day of action is taken, or action is taken, that is
7 different than the Black's Law Dictionary because then
8 the clock starts to count the twenty-four hours once an
9 action is taken. It is not based midnight to midnight.
10 So that's the distinction.

11 So if you're -- if the question is which one is
12 quicker, quote unquote, a change, not Black's Law
13 Dictionary, a twenty-four hour from the date of action
14 would be quicker. Black's Law Dictionary requires three
15 full midnight to midnight clean days, which would really
16 end up being roughly three and a half if, say, you took
17 an action at 12 noon, you need to wait and go midnight to
18 midnight the next day for day one, if that helps.

19 CHAIR TOLEDO: That's helpful. Do you see any
20 disadvantages with not going with Black Laws (sic)?

21 MR. PANE: No, I don't. I don't. I think it's a
22 policy choice for the Commission. That definition is
23 there as a starting point. Different public bodies and
24 different departments are free to create regulations and
25 statutes that fit their needs. And in the absence of

1 that, at least there's a sort of a failsafe way to go by.
2 And that's the that's the dictionary version.

3 But certainly the Commission is free to chart its
4 own course if they want. No legal disadvantage. I think
5 it's a -- it's more of a policy call as to whether, you
6 know, the Commission is -- whether the change -- and
7 I'll go back to the requirements that I mentioned
8 earlier. This would be a change in the Government, in
9 the Commission's statutes. And one of the requirements
10 is that it has to further the act.

11 So I think what really, if the Commission wants to
12 recommend a change, I think part of it needs to be -- the
13 discussion should center around how it furthers the
14 purposes of what the Commission does. And how that's
15 better for the Commission.

16 CHAIR TOLEDO: And we would need a supermajority to
17 move forward with any recommendations --

18 MR. PANE: For a recommendation, yes.

19 CHAIR TOLEDO: But at this point, if we wanted to
20 recommend to move this forward to the committee to
21 develop some language, that wouldn't require a
22 supermajority.

23 MR. PANE: Well, if this is a recommendation of the
24 Commission for a subcommittee to move forward on
25 something, I think it would be best to have a

1 supermajority if it's a recommendation. If you wanted to
2 do a recommendation vote at a later time. You certainly
3 could. What is required is that there be a
4 recommendation by a supermajority. When that occurs
5 isn't in the statute. We just have to be able to, again,
6 check off all the requirements. One is a recommendation.
7 And one is providing the exact language.

8 So if today is not the day for the formal
9 recommendation by two-thirds, it could be another day.
10 But if you want it to be a day, it would be a day by a
11 two-thirds majority.

12 CHAIR TOLEDO: Thank you. Commissioner
13 Fornaciari --

14 COMMISSIONER FERNANDEZ: Fernandez.

15 CHAIR TOLEDO: -- this is a follow-up and then we'll
16 go to Commissioner Fornaciari

17 COMMISSIONER FERNANDEZ: Thank you for that. So
18 regardless, let me make sure I -- regardless, we would
19 still need to have a supermajority later. Like, let's
20 say we did a supermajority today. We still need to have
21 another supermajority when we actually had the language.
22 Correct?

23 MR. PANE: Correct.

24 COMMISSIONER FERNANDEZ: So we could do not a
25 supermajority now, but we'd have to do one later when we

1 actually have the language for the Commission to approve.

2 Correct?

3 MR. PANE: Correct. The statute doesn't further
4 define what a recommendation is. So if we recommended it
5 at this and vote on the exact same language once, that's
6 theoretically possible. You all had a supermajority in
7 voting to recommend amendments on March 30th for those
8 five, A-1 through 4 and A-6, I believe.

9 So that piece was checked off. The exact language
10 pieces is still left to be done on those, so.

11 CHAIR TOLEDO: Thank you. Commissioner Fornaciari.

12 COMMISSIONER FORNACIARI: Thanks. So, Anthony, I
13 believe you just said that Commissions can create
14 regulations. And I believe that the government code
15 section says a day or three days or whatever. Right?
16 And we interpreted that -- that a day is based on Black's
17 Law, is the way we interpreted it and executed. I mean,
18 do we need to go and change The government code to decide
19 now, we want to interpret it a day to be twenty-four
20 hours from the time the action is taken? Can we just
21 codify that ourselves in a regulation or do we need to
22 have the government code change to be explicit?

23 MR. PANE: So in order to -- in order for any
24 department or Commission or public body to promulgate or
25 effectuate a regulation, they need to have authority to

1 make regulations. What this Commission is lacking
2 currently is specific authority to make regulations. And
3 so the best approach to do what you were getting at,
4 Commissioner Fornaciari, is to change a statute that
5 defines a calendar day, how the Commission wishes to do
6 it.

7 Alternatively, and this is more a laborious process,
8 is to get a statute to the Commission statutes changed
9 and added that specifically allows the Commission to
10 promulgate regulations. And then any -- this Commission
11 at any point can pursue the administrative process that
12 is required in order to promulgate or effectuate a new
13 regulation. If that were the case, the Commission could
14 promulgate a regulation, again, through that process,
15 through the administrative law process to promulgate a
16 regulation. That's another route.

17 CHAIR TOLEDO: Thank you. Commissioner Andersen.

18 COMMISSIONER ANDERSEN: Okay. Just to finish that
19 one. But the second way to have us build to promote
20 regulations. That would help us, you know, essentially
21 do particular things, but it's not directly affecting the
22 act. You know, moving the act along. It would be kind
23 of like, well, it's another tool to help us move the act
24 along, not directly in helping the act. Where if we just
25 change something directly, that would be directly

1 affecting the act.

2 So I think our chances of doing whatever the project
3 is would be higher if we actually try to change our
4 specific language as opposed to changing the fact that we
5 can -- can we or can we not make regulation? But that
6 aside, I thought we did, in terms of -- I guess, what's
7 the real crux of the matter here is, do we want to do
8 twenty-four hours from the time of motion? Or do we want
9 to go a full, clean, not a day. We decide something and
10 then it's the next day is clear.

11 And I completely agree with Commissioner Kennedy.
12 This can't be open to interpretation, which has been the
13 problem. And we decided how we went with in terms of the
14 calendar, we went with clear days, we decide something
15 and then there are three clear days after before we do
16 anything else. So we do something on the fourth day, not
17 on that third day.

18 Now, that does -- we do lose, like, half a day as
19 you -- as Anthony very clearly pointed out to us. But,
20 you know, there is precedent for those separate days, as
21 I said, to be in contracting, there's a protest period.
22 And that is in public domain -- kind of gets out there a
23 lot. I think if we do not go -- and Anthony, please
24 clarify right now. Everyone's assuming that the Black's
25 Law is the rule, not the twenty-four hours. So if we

1 want to go the twenty-four hours, we actually have to
2 change our government code section. Is that correct?

3 MR. PANE: Yeah. If the Commission wishes to have a
4 different application of how to count time or a calendar
5 day, you're going to need to have different authority for
6 making that new application. If there is none, barring
7 any change, the Black's Law is sort of the default.

8 COMMISSIONER ANDERSEN: Got it. Okay. So we should
9 actually just clarify what that is. And then write --
10 and use this time to task our recommend, our subcommittee
11 to come up with proper wording to put Black's Law into a
12 clarification.

13 MR. PANE: Yes.

14 COMMISSIONER ANDERSEN: Okay. That's what I
15 would --

16 CHAIR TOLEDO: That makes sense.

17 COMMISSIONER ANDERSEN: -- make a recommendation
18 for on number 1.

19 CHAIR TOLEDO: Okay.

20 COMMISSIONER ANDERSEN: Or so move or whatever.

21 CHAIR TOLEDO: Commissioner Turner then Commissioner
22 Fernandez and then we have Commissioner Kennedy.

23 VICE CHAIR TURNER: Yeah. I just wanted to go back
24 real quick because the twenty -- we're having the
25 discussion because there was advantage at some point for

1 us to at least discuss the twenty-four-hour time frame
2 from the time a motion is passed as it relates to
3 defining map deadlines.

4 And so just to kind of go back, a long discussion,
5 we decided this is our map and we're in a time crunch.
6 We did that at 4:57 in the evening. Our day one the next
7 day, 4:57 is the first day to -- and then three, the
8 third day out. Do we need to add in the holiday? I
9 mean, holidays, weekend days, is it just twenty-four-hour
10 days? I mean, I don't know how all that comes into play,
11 which then extends this Black Laws (sic) definition. I'm
12 still back to thinking we need to do twenty-four hours
13 and then clarify, are we talking weekdays?

14 CHAIR TOLEDO: All right. So Commissioner Andersen,
15 do you have something --

16 COMMISSIONER ANDERSEN: Yeah, I do.

17 CHAIR TOLEDO: -- to respond to that?

18 COMMISSIONER ANDERSEN: There is a difference. Is
19 it business days or days? And we definitely went
20 through -- there are some that are business days. And
21 then -- but our -- the three-day period, it's a three-day
22 period. So it doesn't matter if it's a holiday or
23 that's -- that sort of thing. I know Anthony gave us a
24 little -- clarified this for us. But there's a
25 difference in the definition between a business day or a

1 twenty-four hour day -- or a day.

2 So calendar days, calendar day or business day.
3 That's the difference. If Anthony wants to clarify, that
4 would really help. But it doesn't automatically mean,
5 you know, calendar -- by going by calendar days, it
6 doesn't matter if it's a holiday or a weekend.

7 CHAIR TOLEDO: Excellent. Thank you, Commissioner
8 Anderson. So let's go to Commissioner Fernandez and then
9 Commissioner Kennedy.

10 COMMISSIONER FERNANDEZ: Thank you. Okay. Now,
11 remember, I actually wrote it down, which is good. I
12 just wanted to -- I'm glad Commissioner Kennedy is next.
13 I just wanted to ask him if he was fine going either way.
14 He just wanted clarification, which I think that's what
15 he was saying. But I just want to confirm that.

16 And then the second thing about the twenty-four-hour
17 period, I believe it did come into play because when this
18 discussion first came up was when we were backing --
19 backtracking from the final due dates. And then we had
20 the -- the 24th was a holiday, so we couldn't use that
21 day. And then the weekends, we couldn't use. So the
22 twenty-four-hour period is not a true twenty-four-hour
23 period, I believe. But Anthony would have to chime in
24 when it comes to holidays or weekends.

25 CHAIR TOLEDO: Anthony, can you give us some

1 background on whether holidays and weekends count toward
2 this?

3 MR. PANE: Sure. So this discussion is about how to
4 define a day. And in this Commission's statutes, already
5 a day is calculated, but certainly, but not defined. And
6 in A-2 of 8251, it says, "Day means a calendar day.
7 Except that if the final day of a period within which an
8 act is to be performed is a Saturday, Sunday or holiday,
9 the period is extended to the next day that is not a
10 Saturday, Sunday or holiday."

11 So. I think there's really two layers to this.
12 One, how is a calendar day separately defined? Should
13 the Commission -- to do that? Understanding that
14 calendar day is already calculated in an existing
15 subdivision. So it sort of needs to go through two
16 layers. And that's how you can spit out sort of a final
17 number. Is first, how do we define calendar day? Does
18 the Commission want to give its own? And then layer it
19 in calculation as it's defined in A -- I just read it.
20 A -- I'm sorry, it's not A-1. It's 8251, B-2.

21 So that's how I would recommend looking at this
22 is -- and Commission is certainly free to do as it
23 pleases. It may just want to provide some parameters for
24 the subcommittee to pursue and sort of think about this,
25 do this, maybe have this in mind. And we could come --

1 the subcommittee could certainly come back with a
2 definition and we can talk about how that is applied in
3 light of the existing statutes and specifically B-2. But
4 day is calculated but it is not defined.

5 CHAIR TOLEDO: Appreciate that. I remember that
6 now. Commissioner Kennedy.

7 COMMISSIONER KENNEDY: Thank you, Chair. A couple
8 of things. One is, a lot of the discussion seems to be
9 starting from a perspective of, we're looking at days
10 after something, but we also need to look at days before
11 something and make sure that whatever definition we have
12 works for both of those. As I pointed out, if something
13 says no later than two days before, are we talking
14 literally two days before or are we talking the third day
15 before so that there are two clear days before? So we
16 all need to look at both sides of this issue.

17 Second of all, on the issue of calendar days versus
18 business days, I've even worked with an election law
19 where there was a specific provision that said, you know,
20 within the last thirty days before the election, you're
21 counting business days. But if it's before that, you're
22 counting calendar day. So that during those last
23 important days, you're giving the public or whoever -- or
24 candidates or whatever more time. The clock runs a
25 little bit slower if you're counting business days versus

1 calendar days.

2 And then that is just to say in this context, we
3 don't have to necessarily choose one or the other for the
4 entire definition. If we wanted to, we could say, you
5 know, during the last month, we're counting business days
6 only, not calendar days. You know, Anthony read the
7 language from The government code. So if the final day
8 of a period within which an act is to be performed is a
9 Saturday, Sunday, or a holiday, that only refers to the
10 final day. But what if the second day is a Saturday,
11 Sunday or holiday? Do we want to count that or not? And
12 what I'm saying is, in the end, we could do whatever we
13 want to. And as Commissioner Fernandez has pointed out,
14 my goal in this is to eliminate possible
15 misinterpretations or divergent interpretations. Let's
16 make this whatever it is, as clear as possible. Thank
17 you.

18 CHAIR TOLEDO: So with that in mind, it sounds like
19 there's consensus in moving some -- moving this issue
20 forward and trying to get some clarity and trying to
21 remove some of the ambiguity. And we need parameters for
22 the committee. So are there any parameters around this
23 in terms of developing the language that the Commission
24 would like to see? Or is this enough guidance for them
25 to develop the definitions?

1 Commissioner Le Mons and then Commissioner Sinay.

2 COMMISSIONER LE MONS: I don't have a recommendation
3 on parameters, but I did want to make sure I was clear.
4 So it sounds like we're defining day. And then there's
5 application of the definition of day as we define it.
6 And it's complicated because we want to be able to have a
7 different level of expediency to move things toward the
8 end of this process. And therefore, if we go with this
9 twenty-four-hour from the time of motion pass, that
10 enables us to do -- So it sounds like we're trying to
11 solve a problem that we want to solve, that's complicated
12 by the current definition. And so therefore, we're
13 clarifying or being more definitive about the definition
14 to solve that problem.

15 So I guess that's where I'm -- that's my question.
16 Is that the whole goal here?

17 CHAIR TOLEDO: Turn it over to Commissioner
18 Fernandez and because she's been synthesizing all the
19 feedback.

20 COMMISSIONER FERNANDEZ: Oh, I don't know if I'm
21 synthesizing it, but I think because -- what I'm thinking
22 is if there's enough consensus to at least move forward,
23 you know, that we want to provide some clarification on
24 what a day means. And then the subcommittee, whatever
25 subcommittee that may be in the future, can then come

1 back with some suggestions in terms of, you know, if we
2 do twenty-four hour or different scenarios and then maybe
3 the Commission at that point can -- I don't know how you
4 see it, Chair?

5 CHAIR TOLEDO: So I guess I'm -- I may be
6 misinterpreting Commissioner Le Mons, but what's the
7 problem we're trying to solve? Is it is as Commissioner
8 Kennedy has stated very eloquently, to remove -- to make
9 it clearer, and to be able to remove any ambiguity there
10 may be? Or is it something else? Is there something
11 else we're trying to solve? Commissioner Le Mons, did
12 you want?

13 COMMISSIONER LE MONS: No, that's correct, Chair.
14 It is potentially multiple things that we're trying to do
15 and I think is getting lost. I'm not tracking all of
16 what we're trying to do with this.

17 CHAIR TOLEDO: Thank you. Let's go to Commissioners
18 Sinay, Andersen, Turner, and me.

19 COMMISSIONER SINAY: Thank you, Commissioner Le
20 Mons, for always asking, what is the problem we're trying
21 to solve? And I know Commissioner Ahmad is also very
22 good at reminding us of that. I would like us to, as you
23 were asking about parameters. I would -- yeah, we had
24 more -- okay, I'm not going to say we had more time or
25 less time because that's always debatable, but I guess

1 for me, I would like to focus on the parameters of this
2 to be similar to the justification proposed changes to
3 Government Code 8253. And that it be for only the final
4 three months. It can be debated if we want to keep, you
5 know -- but I'm saying the final three months since that
6 is already in some of the changes we're making. Make it
7 twenty-four a day, twenty-four hours a day -- twenty-four
8 hours is a day in all calendar days.

9 And I'm thinking just about that crunch time, it
10 didn't matter if it was Sunday or if it was Monday or if
11 it was Wednesday for us at that time. And so that was
12 where we really were kind of struggling with what is a
13 day. And then -- and that helps define what we're
14 meaning about allow for three day of public notice period
15 for meetings because that, you know -- it pops up there.

16 And so again, I would say -- I would say for
17 parameters twenty-four hours for the day. It's a
18 calendar day and this definition applies in the three
19 months prior to -- the final three months before the maps
20 are submitted.

21 CHAIR TOLEDO: Thank you, Commissioner Sinay.

22 Commissioner Andersen.

23 COMMISSIONER ANDERSEN: Yeah, I was going to give us
24 just a little bit of -- the reason why this became such a
25 huge deal is because of the holidays, and we were stuck



1 with, you know, the Christmas and New Year's and
2 Thanksgiving. And that's where this kind of happened.
3 Basically we would've had to been voting and doing all
4 that work on Christmas. And then it moved to the 24th,
5 and that's where if we had, like, an extra couple of
6 days, we actually would have had the maps due after the
7 new year because of the way the holidays -- you know, you
8 can't do the action until it's a business day and it
9 would've kicked it enough.

10 And that's where this sort of all came from. Going
11 back and forth with the calendars. And so what is our
12 drop dead day? When do we have to have, you know, the
13 final map and then we have the three-day time period
14 ticking from that point forward. And that's sort of
15 where it all came from. Hopefully no one else will be in
16 that situation, so you won't have quite the problem that
17 we had.

18 However, it was very ambiguous and that's where we
19 said, look, we really have to pin it down. And the clear
20 days I thought was more beneficial because there's no
21 ambiguity in it, where if you start twenty-four hours,
22 like Commissioner Turner said, okay, we voted on that at
23 4:57 so does that mean before the end of the business day
24 the next day you better have said something or it's over?
25 Yes, it does if we got twenty-four hours. So it means

1 they have less than a day. Anyone who wants to say
2 anything about it. And that's where I think we're going
3 to have a bit of a problem, which is why I recommend the
4 Black's Law day.

5 However, this does come into play for the last three
6 days and the ten-day -- through last three months
7 essentially of our work. That is when all these
8 deadlines really kick in. Except for the forty-day
9 meeting notice with a ten-day meeting notice. That would
10 be the only other time that that would come forward.

11 So I just want us to -- I like the motion that --
12 the recommendation we set to the subcommittee is -- you
13 know, the twenty-four -- whatever twenty-four hour, or
14 the Black's Law twenty-four hours, but let's -- we could
15 just -- we could if we want to just put this into the
16 last, say, two months or three months of the actual work.

17 CHAIR TOLEDO: Thank you, Commissioner Andersen.

18 Commissioner Turner.

19 VICE CHAIR TURNER: Yeah, thank you. I agree. I
20 like the last three months. And I'd like to just then
21 have us agree to allow the subcommittee to move forward
22 and come back with the scenarios. And I'd like to see
23 them both for the twenty-four hour and the Black's Law
24 dictionary definition of a day. Particularly the before
25 and after to see what the impacts are. And if we can do

1 that, I think in that next meeting, we can see the impact
2 of both around holiday periods and say this is what we
3 clearly want to have happen and then be able to move
4 forward.

5 CHAIR TOLEDO: Thank you. That sounds like a good
6 plan.

7 Commissioner Yee.

8 COMMISSIONER YEE: Yeah, you know, I'm torn. On one
9 hand, of course, I think it's to our advantage to land on
10 the shortest possible time period, you know, which gives
11 us the most flexibility and the most expeditious
12 schedule. And so that would be Commissioner Sinay's
13 scenario I think, which is twenty-four periods from the
14 time of a motion, and calendar days, not just business
15 days. And versus, you know, being as generous as
16 possible to the public, you know, and using the furthest
17 possible timing and dates. That would, you know, just --
18 someone would consider three full days.

19 And I think I'm landing with Commissioner Sinay's
20 scenario of the shortest possible. You know, for better
21 or worse, we're in a hurry-up culture. When, you know, I
22 even get package deliveries on Sunday, right, which would
23 never happen before, you know. And you know, on one hand
24 I don't want to encourage that. I think we're probably
25 too hurry-up of a culture. On the other hand, the nature

1 of the work of this Commission is a hurry-up work.
2 Absolutely. And the next Commission will probably have
3 an even greater time crunch than we had. Even though
4 hopefully it will not have all the holiday conflicts we
5 had.

6 And I think people understand that. So I think I am
7 landing towards the shortest possible time period,
8 Commissioner Sinay's proposal of twenty-four periods from
9 the time of an action. And then calendar days, not just
10 business days.

11 CHAIR TOLEDO: Thank you, Commissioner Yee.

12 Commissioner Kennedy, then Le Mons.

13 COMMISSIONER KENNEDY: Thank you, Chair.

14 I would probably also come down on the side of
15 greatest flexibility for the Commission but perhaps for a
16 shorter period of time. I mean, we submitted our maps to
17 the secretary of state as I recall on the 28th of
18 December. If we go back two months from the 28th of
19 December, that's the 28th of October which was before we
20 even sat down to put together the draft maps.

21 And I kind of question the need for any change any
22 earlier than that. So I would probably go with maximum
23 flexibility for the Commission but for a shorter period
24 of time, most likely not to exceed two months. Thank
25 you.

1 CHAIR TOLEDO: Thank you. Commissioner Le Mons.

2 COMMISSIONER LE MONS: I certainly support this
3 subcommittee exploring and coming back with the impact.
4 I guess I'm landing that we should leave it as it is, a
5 calendar day. I see the potential for confusion,
6 particularly since we vote on motions all times of day
7 and night that keeping track of, oh we voted that motion
8 at noon and we voted that one at midnight and we voted
9 that one at 2 a.m. The public would have a very
10 difficult time tracking what's being asked of them in a
11 time period because they have to then keep track of all
12 of these different votes that dictate the calendar.

13 A calendar day, most people have been trained to
14 understand what a calendar day is, and while it doesn't
15 make our job easier, I think we do have to balance
16 between making our job easier and remembering that these
17 postings and things are about the community's
18 involvement.

19 CHAIR TOLEDO: Thank you, Commissioner Le Mons.
20 Commissioner Akutagawa.

21 COMMISSIONER AKUTAGAWA: Yeah, I am agreeing with
22 what Commissioner Le Mons just said. I think while
23 the -- you know, the twenty-four hours from the time of
24 the vote sounds like it would be good, I can just imagine
25 how confusing it could be. And I would be concerned

1 about it being too confusing where we end up maybe even
2 confusing ourselves.

3 So I think I would support what Commissioner Le Mons
4 just said. I think what Commissioner Kennedy said about
5 the shorter time period, Commissioner Kennedy, I'm just
6 going to -- I'm just going to maybe throw out like, say,
7 for example, you know, perhaps, let's just say if you
8 mean by a shorter time frame, you're talking about maybe
9 a two-month time frame instead of a three-month time
10 frame.

11 My recollection of our process was that we started
12 doing the visualizations in October, so I -- for me, I
13 think three months would be I think helpful to give us
14 that flexibility because we did start the visualizations
15 in early October, not late October. And so I think being
16 able to have that.

17 And then I think there's just some -- we want to
18 also -- I'm also thinking about consistency in language
19 too because we have a proposal about three-day notice
20 within three months. And I think just trying to keep it
21 all consistent would be the least confusing I think for
22 everyone. And so I just want to throw that out there in
23 terms of that kind of consistency and alignment. Thank
24 you.

25 CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

1 Let's go to Commissioner Sinay and then come back to
2 Commissioner Fernandez for next steps.

3 COMMISSIONER SINAY: Thank you. I would agree. I
4 kept it to the -- I said the three months just to be
5 consistent because if not, at that end, you know, just
6 the craziness of trying to remember, wait, this one's a
7 two-month, yeah, it's kind of like the super majority and
8 majority votes, you know, that we have to keep track of
9 which is which.

10 I would like to propose an amendment to my own
11 recommendation. And keep it at twenty-four hours not
12 from the motion but twenty-four hours from the close of
13 meeting. And maybe that would encourage people to
14 close -- to end a meeting a little quicker. Just a
15 thought. You know, because then all the motions that
16 were made that day would be at the same time, so if the
17 meeting ended at 10 p.m. that night, the days start
18 counting at, you know, counting twenty-four hours from
19 there.

20 Just the starting at midnight to midnight is
21 difficult at the -- it was difficult when we were at the
22 end and we were trying to figure out, you know, just
23 those last three days of, okay, what does this mean, what
24 does that mean. And giving the flexibility -- I just
25 keep looking at the flexibility at the very end, though

1 I'm a complete advocate of how do we make this easier for
2 the largest community and that's why I've sort of
3 compromised.

4 CHAIR TOLEDO: Thank you, Commissioner Sinay. And
5 to some extent, I've heard more than -- it sounds like a
6 consensus to send this back to subcommittee for language.
7 But I did potentially hear at least one person say that
8 the status quo -- maybe I misunderstood -- would be
9 preferable. So I just want to make sure that that -- you
10 know, so this is an item that will require a super
11 majority. So let's go to Commissioner Fernandez, and
12 then if there's somebody who wouldn't want to move
13 forward with this, maybe perhaps they could speak up.

14 Commissioner Fernandez.

15 COMMISSIONER FERNANDEZ: Okay. Thank you. And then
16 I guess just clarification back to Commissioner Sinay.
17 She said from the close of the meeting. Is that the
18 recess meeting or adjourned meeting, because you know,
19 it'd just go on forever. But no, sorry, I'm just -- it's
20 just, like -- what is that? PTSD was coming back to me
21 right now. But I -- part of me feels like we're making
22 this more complicated than it needs to be. And to
23 define -- to provide a definition for a day for only two
24 months out of the whole cycle versus I think we'll
25 confuse people even more if we -- I feel we should just

1 apply it for the whole term of -- instead of just, like,
2 during a specific period.

3 It just -- I think that would be even more confusing
4 of having to keep track of, oh, okay, now it's the
5 next -- now it falls into this two-month or three-month
6 period so now we're going to count it differently or
7 define a day differently. So in that situation, we'd
8 actually have two definitions of what a day is. We'd
9 have one for the last two or three months and then you'd
10 have one for every other.

11 And I mean, personally, I would just prefer to have
12 one definition for the entire thing. And if it's Black's
13 Laws, that's fine. It's kind of what we went with. If
14 it's a twenty-four period, that's fine also. I just
15 think we're making it a little bit harder than it needs
16 to be.

17 CHAIR TOLEDO: Commissioner Sinay and then
18 Commissioner Akutagawa.

19 COMMISSIONER SINAY: Well, I had a question. Based
20 on what I had said, which is similar to what you had
21 asked Alicia, but if a meeting ended at 1 in the morning,
22 so then it would have to go -- which we did have a
23 meeting end at 1 in the morning -- would it then have to
24 be pushed to 12 the next day, not the 12 that just
25 passed. But that's no here nor there, but just it does

1 get complicated.

2 To answer your question, Commissioner Fernandez, I
3 think when I was thinking of having -- and now I can --
4 you helped me clarify what I meant by the -- why the
5 three-month period was important. I think in that last
6 three months, counting it as a calendar day versus a
7 business day is important, but I think prior to those
8 three months, counting it as business days makes sense.

9 So I think that's why I was trying to -- I was using
10 the final three months, was more thinking about it -- the
11 question about is it a calendar day or a business day. I
12 don't think we need to have everyone thinking about, you
13 know, working weekends and holidays and all that except
14 for that crunch time.

15 CHAIR TOLEDO: Thank you, Commissioner Sinay. We'll
16 go to Commissioner Akutagawa.

17 COMMISSIONER AKUTAGAWA: Yeah. I want to go back to
18 what Commissioner Le Mons did say about I think trying to
19 keep it as simple as possible. And I think someone just
20 mentioned this, too. I think the consistency that we can
21 have with also what is Black's Law dictionary I think
22 keeps it less confusing instead of us trying to create
23 our own definition. I think keeping it in alignment with
24 something that is -- I'll just say maybe generally
25 accepted by at least the lawyers who would be probably

1 advising, you know, other Commissions and others.

2 I think that might just make things a little less
3 confusing all the way around if that's also being used
4 from an advocacy point of view if that's the
5 understanding of those that are watching the process.

6 I hear what Alicia's saying. I also, you know, hear
7 what -- or I'm sorry, what Commissioner Fernandez said.
8 I hear what Commissioner Sinay just said. On the one
9 hand, I think having it apply throughout the whole would
10 make sense but I would also be supportive of just keeping
11 it within the last three months because that is really
12 when we do start to reach the crunch time. We are using
13 the weekends and the time is a little bit more urgently
14 because of the, you know, just the urgency of all the
15 work that we had to do.

16 Hopefully for the next Commission, they will not
17 have to go through the kind of holidays and other days
18 that we had to but given that we did, I think we're able
19 to come in with a little bit of a what if kind of
20 scenario understanding versus, like, if all goes good and
21 it reverts back to its normal time, I believe the maps
22 would be due sometime in, like, August. I think mid-
23 August it was supposed to be. So you know, the only
24 holiday during that time as far as I can understand would
25 be the Fourth of July. That would be the one holiday

1 that would hit prior to the maps being due. Possibly
2 maybe even Memorial Day depending on, you know, when they
3 start their process.

4 So I think that -- I think if we could just try to
5 keep things as simple as possible would be probably
6 easiest for everybody. Thank you.

7 CHAIR TOLEDO: Great. So I think the charge is to
8 keep things simple, to try to explore options around the
9 two definitions and come back with some language and as
10 well as the pros and cons of these.

11 So let's move on to the next topic. Commissioner
12 Akutagawa and Fernandez. Both of you, together. So --

13 COMMISSIONER FERNANDEZ: I said yes, give it to
14 Commissioner Akutagawa. Okay. So the next one I'm sure
15 will be just as quick as this one, is the number 2, C18,
16 receive four votes. That was my sarcasm, sorry.

17 Defining fully functional. And this came about, of
18 course, as we all remember during our early days. As
19 soon as the fourteen of us were appointed and
20 established, the state auditor went away.

21 And they decided that that was considered fully
22 functional by having two parttime retired annuitants.
23 And as we know, we ended up having to do quite a bit more
24 work than I think we should have without that extra
25 support and it took us longer. Not that we're opposed to

1 working, but it's having the processes take so long just
2 to get a position hired, just to get a contract through
3 the process with RFP.

4 And so this came up a few times in terms of defining
5 what fully functional. And if you look on the chart,
6 it's actually fully functional is noted in two sections.
7 And one is in our government code section, and another
8 one is in the CCR -- what is that -- code of regulations.
9 Code of regulations from the state auditor, they also
10 have similar language saying, you know, they will provide
11 support until we are fully functional. And no one's
12 really defined what fully functional is.

13 And maybe we decide to move forward with something
14 or we just leave it at is. So the prior discussion was
15 maybe define fully functional as once executive team is
16 hired and on board. And another discussion was the gap
17 goes beyond the auditor phases, which was pretty much we
18 needed support prior to when they let us go.

19 CHAIR TOLEDO: Thank you, Commissioner Fernandez.
20 That's a good framing of the issue.

21 And this received four votes, so the second highest
22 amount. This has been something that we've all talked
23 about and seem to have general consensus on. Any
24 parameters around this issue? And guidance for the
25 Commission as they draft language for this?

1 Commissioner Le Mons?

2 COMMISSIONER LE MONS: I just have a process
3 question, if maybe this can be achieved in a different
4 way. Does it really require a legislative change. If
5 our relationship with the state auditor's office -- maybe
6 it just starts with a discussion with them since there is
7 language in both co-sections that talk about fully
8 functional, it may just be an agreement between those two
9 departments as to what fully functional looks like. So
10 it's, like, based on our experience this is what our
11 recommendation is. As opposed to needing to actually go
12 and change code and maybe we define it in a way that
13 short changes what fully functional is for 2030.

14 So I'm wondering if this is a really necessary
15 process for this problem we're trying to solve.

16 CHAIR TOLEDO: Thank you, Commissioner Le Mons.

17 Commissioner Fernandez or Akutagawa, did you want to
18 respond to that?

19 COMMISSIONER FERNANDEZ: You know, Commissioner Le
20 Mons, you bring up a great point. We could actually
21 because there is a regulation that the state auditor has,
22 so it could be something that if we work with -- if the
23 Commission worked with the state auditor and they agreed
24 to it, then they could actually just change their own
25 regulation instead of us having to change our government

1 code section. So that might be a quicker fix than us
2 having to go through the whole bill process. So thank
3 you for bringing that up.

4 CHAIR TOLEDO: Thank you. Commissioner Turner?

5 VICE CHAIR TURNER: Yeah, I just wanted to add in
6 the onboarding process for Commissioner is brutal for --
7 and I think it is one of those hidden even equity issues.
8 When people come on board, there's a lot of learning,
9 there's a lot of reading, and I think the last thing we
10 want to do is to take time to do what could be staff
11 functions.

12 And so I just wanted to support however it happens
13 in the conversation that to me is something that
14 definitely need to be shifted so that there is more
15 support, and not an expectation of Commissioners coming
16 on board to also need to do some of the staff functions.
17 So that it does need to be fully functional with an
18 executive team hired for additional support as opposed to
19 the Commission carrying the brunt. Thank you.

20 CHAIR TOLEDO: Thank you, Commissioner Turner.

21 Commissioner Fornaciari.

22 COMMISSIONER FORNACIARI: Yeah, I agree with both
23 Commissioners Turner's and Le Mons' comments.

24 So when I responded to this, I sent some very
25 specific recommendations, you know, around, you know,

1 adequate office staff to make travel or just to complete
2 travel reimbursement forms, to pay the Commissioners'
3 public relations support, IT infrastructure support. I
4 mean, it's not even the exhaustive list, but I think, you
5 know, before we go get with the state auditor, we need to
6 get that fleshed out with what we need specifically, what
7 we feel needs to be in place to be fully functional.

8 CHAIR TOLEDO: Thank you, Commissioner Fornaciari.

9 Commissioner Yee and then Commissioner Akutagawa.

10 COMMISSIONER YEE: Yeah, Commissioner Kennedy and I
11 actually did meet with the state auditor as part of the
12 lessons learned process and talked to Stephanie Ramirez.
13 And it helped me get a much wider perspective on the
14 early day of the Commission. And on one hand for sure,
15 there are many pinch points that we experienced, you
16 know, the Perdian (ph.) system and the tech system taking
17 so long to roll, to get up to speed. Website was so
18 difficult to work with and to get public meeting notices
19 out and all that. Not having public relations staff and
20 having such a hard time getting all the executive staff
21 hired, the things that Commissioner Fornaciari just
22 mentioned. Yeah, I mean, those were all pinch points
23 from our point of view.

24 From their point of view, you know, I mean, they
25 just did a lot of work to get us as far as we got at

1 quite a strain to their staff. You know, I'm not trying
2 to make excuses for them or be defensive for them, but it
3 was a pretty full-on effort on their part, even though we
4 experienced it as inadequate at some points.

5 So not really quite sure how -- you know, if we
6 start naming specific things, like if we try to craft
7 language around having the website up, I mean, who knows
8 what technology will be like in ten years. That might be
9 kind of messy to try to do.

10 So not quite sure where to land it. You know, yes,
11 we definitely experienced pinch points that we hope the
12 next Commission will not have to. On the other hand,
13 could definitely see after talking to the auditor staff
14 how they made the best effort they could and yet, you
15 know, we ended up where we were. So not quite sure how
16 to get past that, but I don't want to just keep adding
17 things, thinking that they had this kind of unlimited
18 staff that can do more and more for us next time. It's
19 really not like that.

20 CHAIR TOLEDO: Thank you, Commissioner Yee.

21 Commissioner Akutagawa then Kennedy.

22 COMMISSIONER AKUTAGAWA: Yeah, I believe in some of
23 the early iterations of our potential other things that
24 we wanted to make sure we either accounted for in the
25 budget over the next ten years. We had also some robust

1 discussions around staffing towards, you know, the 2028-
2 2029 period as well too, perhaps to alleviate some of
3 this as well too. And I think, you know, we won't know
4 as to whether or not we'll have approval for that.

5 That may alleviate some of this but I think what we
6 did want to at least -- again, I think it's kind of like
7 the first one about clarifying what a day is. I think we
8 just wanted to have clarity, less ambiguity so that then
9 if the state auditor's office -- and Commissioner Yee I
10 appreciate what you're saying. I do agree. I think they
11 did, you know, a lot of great work, especially, you know,
12 in recruiting all of us and putting us through the whole
13 process.

14 I'm wondering if they are aware in that time frame
15 that there's going to be other additional things to help
16 transition the new Commission, if that could be taken
17 into account for their budget. And maybe this is just me
18 speaking as someone who just doesn't understand fully all
19 of the ins and outs of the budgeting system. But you
20 know, I'm just thinking that, you know, by then hopefully
21 that's something that could be accounted for to then
22 enable them to have appropriate numbers of staff to be
23 able to help support the 2030 Commission.

24 But in the absence of that, I do also want to just
25 bring up that one of the -- I'll say one of our kind of

1 items on our list for the end of our term is to also be
2 looking, you know, can we bring on a few extra staff a
3 little earlier so that they can also help with that
4 transition. Not only in terms of the work that we want
5 to do as we transition out, but also to be there as a
6 transition for the next Commission as they come in as
7 well too. That may also alleviate this as well too.

8 I know it doesn't solve the problem, but I just
9 wanted to just point out that that was something that was
10 brought up previously. Thank you.

11 CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

12 We have about six minutes before break, our next
13 schedule break. I'm going to ask Commissioner Kennedy if
14 he can help us with the problem that we're trying to
15 solve here. I think we all know what the problem is.
16 Let's just make sure that we're on the same page with the
17 problem. And then we can start delving into this a
18 little bit more, and I know he had some comments as well.

19 So Commissioner Kennedy.

20 COMMISSIONER KENNEDY: Thank you. Yes, and I think
21 it was Commissioner Fernandez who mentioned that one of
22 the primary difficulties beyond contracting and payments
23 and so forth was the lack of communications support at a
24 point in time when we really needed solid communication
25 support.



1 You know, I think part of this is also there was
2 very clearly and reasonably a desire not to burden us
3 with permanent staff that we didn't have a role in
4 choosing. And as I say, that's a reasonable concern. I
5 think it could be, you know, gotten around by putting in
6 place adequate temporary staff or RAs so that all of the
7 roles are filled in a temporary manner or in a, you
8 know -- at the pleasure of the Commission so that
9 everyone knows up front that, you know, they're not
10 necessarily with the Commission for a year or two.
11 They're with the Commission, you know, initially and then
12 the new Commissioners can make whatever decision they
13 want to make.

14 The objective really in my mind does need to be, you
15 know, having all of the key functions filled even if it's
16 only in a temporary manner so that the Commission can be
17 fully functional as quickly as possible, and not suffer,
18 you know, delays based on, you know, having to spend
19 quite a bit of time putting in place staff that are
20 needed from day 1. Thank you.

21 CHAIR TOLEDO: Thank you, Commissioner Kennedy.

22 Commissioner Fernandez, then Le Mons.

23 COMMISSIONER FERNANDEZ: Okay. And I just want to
24 be quickly. I'm kind of responding to Commissioner Yee
25 in terms of his conversation with the state auditor, and



1 I just want to remind everyone that the state auditor
2 received quite a bit of funding to support us. And in
3 terms of their claims of straining their staff, you need
4 to adequately plan for that, that you're going to provide
5 that support to someone, and plan for that ahead of time.
6 And they did. They did have some RAs.

7 But again, if it's something that we come to an
8 agreement with them, they would have sufficient time to
9 request additional funding if they feel they need
10 additional funding as well as hire additional staff. So
11 I don't think that should be the way we're thinking or what
12 we want to do because I think it put a huge strain on us
13 in the beginning to have to do this and have to learn the
14 bureaucracy of government and only have two staff so
15 everything got in a queue and so it took longer than it
16 should normally have if you have a fully functional
17 support staff already in place.

18 CHAIR TOLEDO: Okay. We're coming to the 2:30 mark.
19 We have a minute.

20 So Commissioner Le Mons, are you able to give your
21 comment in a minute or should we come back to you after
22 the break?

23 COMMISSIONER LE MONS: I can keep it below a minute.

24 CHAIR TOLEDO: Excellent.

25 COMMISSIONER LE MONS: It sounds like what we need



1 is a transition team. I'm glad that Commissioner Kennedy
2 brought up the issue of what the state auditor's office
3 was trying to do in respecting the Commission's autonomy.
4 And I think I can -- just knowing what our experience
5 was, if we had inherited an entire staff that was at our
6 pleasure or whatever the case may be, while some of the
7 work might have gotten done, I think that someone else
8 would have been driving the train when we arrived. And
9 this particular Commission would not have liked that. We
10 had a problem with that with much of the staff that we
11 inherited this time around.

12 So I would caution against how we go about solving
13 this problem. It sounds like the transition -- because
14 this is a Commission that kind of goes dormant and then
15 comes back a decade later, there probably needs to be
16 more effort put into how do you stand back up a
17 Commission that has history but has been dormant for a
18 decade. Because Commissions get stood up all the time.
19 Some Commissions are very short time Commissions, so they
20 get stood up, they end and life goes on. This is one
21 that comes back every ten years.

22 So maybe we need to think about this a little bit
23 differently. And I don't know personally that defining
24 fully functional answers the problem at all.

25 CHAIR TOLEDO: Appreciate it, Commissioner Le Mons.



1 Let's take our ten-minute break. And we'll -- fifteen-
2 minute break. I was trying to short change those five
3 minutes. Fifteen-minute break and then we're back at
4 about 2:45, 2:46.

5 (Whereupon, a recess was held)

6 CHAIR TOLEDO: Welcome back to the California
7 Citizens Redistricting Commission. We are reviewing our
8 policy recommendations from our long-term planning
9 committee. Working through our comment list, so next on
10 the list was Commissioner Andersen.

11 So we'll go to Commissioner Fornaciari. We'll come
12 back to him. Commissioner Fernandez.

13 COMMISSIONER FERNANDEZ: Yes. So on this one,
14 defining fully functional, I don't know if we're even at
15 a place right now where we can really decide to move
16 forward because there seems to be some that are wondering
17 whether maybe it should be this Commission to try to
18 establish some sort of support for the next Commission
19 and/or actually try to define it. So maybe if we don't
20 feel that we're at a decision point, we could always
21 bring that back.

22 CHAIR TOLEDO: It did sound like that there's
23 support for some kind of transitional support for the
24 next Commission, that we want that as a Commission. And
25 there appears to be various options. So one is this

1 legislative process and then potentially the other is
2 more of a rule process or working through the agency to
3 promulgate regulation around what it would be, you know,
4 how to define that as well. And maybe even just having
5 some kind of agreement with the agency. So there are
6 some alternative paths to this as well.

7 Commissioner Fornaciari, you were on the comment
8 list. And Commissioner Andersen, you were too. So are
9 you guys ready to -- I'll call on Commissioner
10 Fornaciari.

11 COMMISSIONER FORNACIARI: All right. Yeah. I
12 guess -- can you hear me?

13 CHAIR TOLEDO: Yes.

14 COMMISSIONER FORNACIARI: What was I going to say?
15 Now I got to remember. I think I kind of have a
16 different perspective on this, and I think we need to
17 stop thinking of the Commission as separate Commissions
18 and think of it as an ongoing Commission. You know, if
19 you think about regular Commissions, Commissioners come
20 and go, staff stays on. You know, government office --
21 you know, the elected officials come and go but staff
22 stays on.

23 You know, there are certainly some critical
24 capabilities that are going to need to be in place before
25 the Commission is the next Commissioners take our place.

1 One of those is database. They are not going to have
2 time to hire somebody, build a database, and do all that
3 that we were able to do because we had the time. You
4 know, so maybe we do need to think about this differently
5 and think about what we as a Commission can do to make
6 the Commission fully functional when they come on board.

7 CHAIR TOLEDO: So just as a follow-up to that, so
8 the problem that you would be proposing we solve is not
9 just the transition, but rather how we -- some of the
10 gaps that are created because of the way that we see
11 ourselves as a Commission at this point?

12 COMMISSIONER FORNACIARI: Well, I think that -- you
13 know, so the initial part of the conversation was working
14 with the auditor's office to have the auditor's office
15 make -- you know, put the infrastructure in place that
16 the Commission needs to get started. And then the
17 conversation kind of transitioned into, you know, what
18 can the Commission do to put the infrastructure in place
19 for the next set of Commissioners when they join the
20 Commission.

21 So just instead of putting it all on the auditor, I
22 think we need to think about putting some, all, most of
23 it on us too.

24 CHAIR TOLEDO: Thank you. Appreciate that.

25 Commissioner Andersen, Akutagawa, then Kennedy.

1 COMMISSIONER ANDERSEN: That's exactly what I was
2 going to say. Something very, very similar to what
3 Commissioner Fornaciari said.

4 We came into this process, the 2010 Commission was
5 basically closed, essentially. And we had virtually no
6 contact with them whatsoever, had no idea, were given a
7 couple of people from the state auditor's and had to go
8 from there, which was kind of the 2010 start, with
9 nothing. That is not a good idea. They knew it, the
10 2010 Commission knew it, we know it, so we shouldn't do
11 it again.

12 So where we came from defining fully functional and
13 having state auditor -- they essentially work with us
14 until we were fully functional, we didn't realize that we
15 can basically -- as the Commission right now, we are
16 tailoring it down but then we have the ability to tailor
17 back up essentially to rekindle the Commission. Not
18 necessarily all of us, but we're going to have, you know,
19 our SSM1, our two couple of retired people, you know, to
20 doing certain functions.

21 We are already kind of considering the different
22 ideas that we need to put in place to hand over to the
23 2030 Commission to really get them going. I believe this
24 transition team should consist -- you know, see what
25 state auditor can do for us but the staffing portion, the

1 administrative part, to have that sort of be a baseline
2 already going and then the 2030 Commission once they do
3 hire their Executive Director and administrative teams,
4 then they just take over and can replace everyone at a
5 certain point. Like, say, you know, like you do -- you
6 have the automatic, you hand in your resignation, and
7 they accept it or decline and say please stay with us.

8 I think that's more the model we should be
9 discussing, in which case it would be yes, we want to
10 work with the state auditor's and discuss with them, see
11 what they can do for us and what would make sense. But a
12 lot of the basics, including -- I could not agree more
13 with Commissioner Fornaciari -- the database. That has
14 to be from almost day one going.

15 That and all of the -- how do you do your being
16 paid, your expenses. All that sort of stuff, we need to
17 have that up and going. We can't wait for the two people
18 that were given to basically help the 2030 Commission
19 hire their executives as well as do everything else.
20 They can't do that. They need to help the Commission,
21 the 2030 Commission hire their executive while the other
22 functions are already ongoing. And I think we should
23 consider how much doing that in our last few years,
24 including as I said the people we're hiring now to
25 continue -- as we're sort of putting ourselves into

1 dormancy period, actually outlining how we're coming out
2 of dormancy period to turn over a functioning committee
3 to the 2030.

4 CHAIR TOLEDO: Thank you, Commissioner Andersen.
5 Commissioner Kennedy.

6 COMMISSIONER KENNEDY: Thank you, Chair. This is
7 something that has been on my mind. I mean, obviously
8 the fully functional thing is something that I've been
9 talking about since probably the very first day.

10 But there's been a thought in the back of my mind
11 and that is, you know, the state constitution based on
12 the original initiative says that the members of the --
13 term of office of each member of the Commission expires
14 upon appointment of the first member of the succeeding
15 Commission, which left us with a nonfunctional Commission
16 for a period of time. A Commission whose only allowed
17 activity was to choose the remaining six.

18 What if -- this is just brainstorming -- what if
19 instead of the term of office of each member of the
20 Commission expires upon the appointment of the first
21 member of the succeeding Commission, it said upon the
22 appointment of the corresponding member of the succeeding
23 Commission, meaning the new first eight would be there
24 with the appointed six from the preceding Commission for
25 administrative purposes, to be able to function.

1 Now, the old six shouldn't have a role in the
2 selection of the new six, unless somebody thinks they
3 should, but I think that -- personally, I think that
4 should remain with the new eight. But having the six
5 from the preceding Commission stay on until their
6 successors are named would mean that you don't have a
7 nonfunctional Commission for some critical period of
8 time. Thank you.

9 CHAIR TOLEDO: Thank you, Commissioner Kennedy.
10 Commissioner Turner, then Akutagawa.

11 VICE CHAIR TURNER: Yeah, very interesting what
12 Commissioner Kennedy just said. I hadn't thought of it
13 or considered it. I like that a lot, would like to spend
14 some more time thinking about it.

15 I wanted to comment on Commissioner Fornaciari's --
16 because to start out talking about the seated or the
17 ongoing staff. And for sure I think there are some
18 positions that that would be advantageous for, however, I
19 immediately saw a lot of potential challenges or flags,
20 in that resident or permanent staff are typically are set
21 in the way that -- what they've done, how they've done,
22 what they've set up, what they've put into place. And we
23 saw that play out for us and it did not bode well for
24 anyone in the end.

25 And so I think Commissioners have to have ability to

1 move as they deem fit. Even for something -- because I
2 wanted to say, well, maybe just for data or for the
3 website or for -- we had very specific ways we wanted
4 that to look. And I think anyone that has had something
5 already set up, there's a natural pushback when people
6 try to change it. And you start hearing this is how we
7 do it, this is what's been set up, we've already spent
8 this amount of money to set -- and so I want to be real
9 careful.

10 And I do think this is going to take more time to
11 say what positions we feel comfortable with trying to
12 keep in place and whatnot. But I am very intrigued by
13 the idea of these Commissioners staying on a little bit
14 longer so that they have support and that they're not
15 basically seated without any ability to move forward in
16 anything. Thank you. Except for bringing on the other
17 Commissioners.

18 CHAIR TOLEDO: Thank you, Commissioner Turner.

19 Commissioner Akutagawa.

20 COMMISSIONER AKUTAGAWA: Yeah, gosh, so many
21 different ideas to go on this one. What Commissioner
22 Fornaciari said was a thought that crossed my mind in
23 that there's a lot of existing Commissions that hire
24 staff and also hire Executive Directors to keep the
25 business of the Commission going. And as Commissioners

1 come and go, Executive Directors also come and go. And
2 so it did cross my mind that on the one hand, we came in
3 as a Commission saying, we get to choose and do whatever
4 we want in terms of our staffing and everything else.

5 However, perhaps to Commissioner Fornaciari's point,
6 you know, if it's -- if this is what -- if this is what
7 they get, you know, you just work with it for the time
8 that they have. You know, this is the way the structure
9 is. You know, I think perhaps the Commission or the next
10 Commission could understand that this is then, you know,
11 for them to accept and then choose to change if they want
12 to change.

13 But where I'm thinking about along the lines of what
14 Commissioner Fornaciari is saying is, you know, in normal
15 Commissions, you know, whoever the Executive Director is
16 would just continue on as the Commissioners come and go.
17 Since we do take this kind of hiatus in a sense or go
18 dormant in the, you know, kind of middle years, there's
19 really no need or no reason to have an Executive Director
20 on payroll and I'm sure there's a budget issue as to why
21 that would happen.

22 But we've already been talking about around the 27,
23 28 time frame, we're going to start gearing up and
24 wanting to do some more things, you know, and in some
25 ways charting a different course than what the previous

1 Commission did. And I feel like in some ways, just we're
2 the second ones, so there's still a lot of opportunities
3 to do things differently, and if one of those
4 opportunities to say, hey, we feel that we need to hire
5 an Executive Director in let's say 2028 to help us carry
6 out the things that we want to carry out and then when
7 the 2023 Commission comes in, you know, the Executive
8 Director is there to just ensure that they've laid out
9 the kind of prep that needs to be done to help transition
10 the 2030 Commission successfully.

11 Now, as with any transitions, it will be up to, you
12 know, the next Commission to decide if they want to keep
13 the person or not, but by then that person will have been
14 in place, you know, possibly three years. They may be
15 ready to move on anyways, and it may actually work out
16 that, you know, they'll just stay on through a transition
17 until the next Executive Director could take their place.
18 That's one thought I am thinking about in relation to
19 what Commissioner Fornaciari is saying.

20 You know, in terms of what Commissioner Kennedy
21 said, I hadn't thought about that. That's really kind of
22 interesting. I had thought about -- I wonder if there's
23 an opportunity or if we were precluded from all fourteen
24 of us staying on until the full 2030 fourteen is put in
25 place. And that there could at least be one meeting in

1 which all of us come together, if anything for the
2 purposes of a formal handoff in transition.

3 It just felt really abrupt to me that, you know, we
4 never really formally got to meet the 2010 Commission. I
5 know that COVID and everything changed everything but
6 even just for the purposes of call. Just having really a
7 formal handoff, that might be an interesting way to do
8 things, one in which we can also discuss some other, you
9 know, things. I mean, lessons learned document is going
10 to be great, but I don't know how many people are
11 actually going to read the full document. Maybe we need
12 a Cliff Notes version of it.

13 Lastly, I'm going to throw Commissioner Le Mons
14 under the bus here a little bit. He had a suggestion
15 that I feel would be helpful for everybody to hear, so
16 I'm going to -- I'm going to ask him. And he already has
17 his hand up so I'm going to pass this over to him.

18 COMMISSIONER LE MONS: So first I just want to say
19 that I'm excited to see that this conversation has moved
20 from defining fully functional as a -- in the context of
21 which we were talking about it, and really looking at
22 transition. So I'll start by saying that, because I
23 think that that's really the issue that we really want to
24 address and solve for.

25 I love what I've heard from Commissioner Fornaciari



1 and Kennedy and Akutagawa. It's intriguing, like, what's
2 now coming out of the conversation as a potential
3 transition between the 2020 and the 2030 Commission. I
4 too felt like it's as if the 2010 Commission was its own
5 thing and they were some secret group and we're the new
6 secret group, and then there'll be another secret group
7 ten years from now. So some continuity. We are only the
8 second one, so I think there's a real opportunity. And
9 so I just wanted to lift that part up.

10 What Commissioner Akutagawa was alluding to is -- it
11 seemed to me that a lot of our administrative challenges
12 and some of what we're talking about now might actually
13 address a significant portion of this. So these comments
14 I -- these things I was thinking about was outside of the
15 context of this new discussion. But what I was
16 suggesting is that there are all of these partners that
17 this Commission has to work with that are part of the
18 state bureaucracy. And thank you, Commissioner
19 Fernandez, for bringing the level of experience in
20 California state government to this Commission because
21 without you, Lord help us.

22 So with that said, I was saying that each of those
23 agencies and departments that we are charged to work with
24 should give us an overview of how this Commission works
25 with them, because we really weren't given that. They

1 didn't come in and say, this is how you work with us,
2 this is how you get your people paid, this is how you get
3 your contracts done through this particular department,
4 and so on and so forth.

5 So even as a part of the training, and we've all
6 kind of expressed our opinions about how we felt the
7 information downlow we received I -- many Commissioners
8 don't believe we were ever really trained. We got a lot
9 of information, but how that training and sharing of
10 information and really helping the next Commission know
11 how to navigate some of these areas that they are
12 required to navigate.

13 So we got sort of a mixed bag here in that, you
14 know, you guys can do what you want to do, you have all
15 of this autonomy. Well, yeah, but to a point because
16 we're having to interface with and move through existing
17 bureaucracies that we do have to participate and know how
18 to do so.

19 So that was all. I just think that that kind of
20 additional information brought to the Commission from
21 those actual departments that we would be -- or the
22 Commission would be required to work with is the best
23 source of that information outside of staff.

24 And then I just wanted to make one final comment and
25 it is while I agree that, you know, Commissioners come

1 and go and you know, elected officials come and go, the
2 difference is they come and go much more quickly than
3 this Commission. Usually it's not a decade between the
4 two, and I think that's one of the challenges. And you
5 know, we just got feedback at the top of this meeting
6 about some of our budget requests around staffing. And
7 we have, like, one person approved so far and we're
8 wanting to go back and you know, ask for additional again
9 or rebut.

10 So I do think that there are some financial
11 implications that as we think about what this transition
12 might look like and when it might be activated, we do
13 have to look at the costs associated with it. And I
14 think that we'd be able to make a solid case for why
15 those resources would be important. Thank you.

16 CHAIR TOLEDO: Thank you, Commissioner Le Mons.
17 Commissioner Kennedy.

18 COMMISSIONER KENNEDY: Thank you, Chair.

19 Two points. One, I think, you know, part of the
20 mindset of all of this really comes out of Section 2(a)
21 of Article 21 of the state constitution where it says,
22 the Citizens Redistricting Commission shall be created no
23 later than December 31 in 2010 and in each year ending in
24 the number zero thereafter. So the constitution sets a
25 mindset or a framework that there's a new -- that a



1 Citizens Redistricting Commission shall be created every
2 ten years. It predisposes us not to think in terms of
3 continuity.

4 So it's a challenge that we have before us to kind
5 of change the mindset. We don't necessarily need to
6 change the language in the state constitution, but we
7 need to change the mindset that, you know, the old is
8 already gone and you know, something is created from
9 whole cloth once a decade. As Commissioner Le Mons has
10 said, you know, let's change the mindset and think more
11 in terms of transitions rather than a phoenix rising from
12 the ashes.

13 Second of all, you know, I think rather than looking
14 at it as having -- or necessarily or only having other
15 agencies come in and tell the Commission what they do and
16 how they do it, one of the things that I would like to us
17 do before we leave office is to ask the governor, whoever
18 is in office at that point, to convene a meeting of these
19 other agencies and for us to brief them on what the remit
20 of the Redistricting Commission is and what is required
21 of the whole of government in order for this Commission
22 to successfully carry out its mandate.

23 And you know, that may in some cases require some
24 changes or at least shifting of mindset in parts of the
25 state bureaucracy to, you know, actually working with and

1 were to ensure the success of the 2030 Commission rather
2 than having them come in and say this is how we do
3 things, get used to it. Thank you.

4 CHAIR TOLEDO: Thank you. So I'm just thinking in
5 terms of moving this forward. It really does sound like
6 we need some kind of committee or a group -- I hate
7 adding another committee because we have so many -- but
8 to think through -- I don't know if it's a transition or
9 if it's -- I don't know if we want to call it transition,
10 given some of the feedback we've got, continuity. It's a
11 continuity subcommittee, just to keep the work of the
12 Commission going.

13 So I'm going to look for some volunteers to work
14 through and tackle some of these issues and come back
15 with some recommendations to the committee. So looking
16 for some volunteers. If there's no volunteers, then
17 we -- so we have Commissioner Fornaciari.

18 Are you volunteering or are you commenting?

19 COMMISSIONER FORNACIARI: I'm ready for -- I missed
20 my naptime today. So yes, I'm volunteering, you know,
21 but if other people want to do it, you know, I just --
22 I'd be happy to serve.

23 CHAIR TOLEDO: Thank you, Commissioner Fornaciari.
24 We need a partner for Commissioner -- Commissioner Sinay?

25 COMMISSIONER SINAY: It's always a pleasure to work



1 with Commissioner Fornaciari. I would partner with him.

2 CHAIR TOLEDO: Okay. Great. So we have a
3 subcommittee that will work on our continuity. I guess
4 we're going to call it the continuity committee unless
5 they want to change it to something else, as it evolves,
6 as their thinking evolves, as the Commission's thinking
7 evolves.

8 The purpose of this new subcommittee will be to
9 explore options around continuity for the Commission,
10 especially around the transition points as new
11 Commissioners get appointed over the next ten years.

12 Commissioner Fernandez.

13 COMMISSIONER FERNANDEZ: So with that, can we agree
14 that defining fully functional, we will move that to the
15 bottom of the list and there's no need to discuss
16 further?

17 CHAIR TOLEDO: I think at this point, we agree that
18 that's coming off the list, right --

19 COMMISSIONER FERNANDEZ: Right.

20 CHAIR TOLEDO: -- because this is moving into --

21 COMMISSIONER FERNANDEZ: Yes, it's going on to Z.

22 CHAIR TOLEDO: -- to this. And it may at some point
23 become a legislative priority once we've developed --

24 COMMISSIONER FERNANDEZ: Right.

25 CHAIR TOLEDO: -- whatever it is we want to move

1 forward --

2 COMMISSIONER FERNANDEZ: Okay.

3 CHAIR TOLEDO: -- but at this point it's just -- we
4 need to develop that a little bit more.

5 COMMISSIONER FERNANDEZ: Perfect. Thank you.

6 CHAIR TOLEDO: So with that, let's move on to our
7 prioritization. We're going to go through two more. We
8 have about thirty minutes for two and then we'll go to
9 public comment.

10 So Commissioner Fernandez, which two do you want to
11 tackle today?

12 COMMISSIONER FERNANDEZ: Do you mind if we go
13 straight to 3(b)? I'd really like to see if we can get
14 through that one. That one is the ability to hire
15 outside counsel without Attorney General prior to
16 approval. Right now anytime you try to contract with an
17 outside legal counsel it has to go through the Attorney
18 General's office for them to approve for us not to
19 contract with them if that makes sense.

20 And with that, I believe some of their contracts
21 with our litigation and VRA, some of the took up seven
22 months, so we're trying to get -- to -- you know, go
23 forward in terms of not having to go through the AG's
24 office. And with -- if the Commission does agree to move
25 forward, we would probably seek to update the government

1 code section associated with the Attorney General's
2 office. Because they currently do have a section 11041
3 that specifies other agencies that have the same
4 exemption without having to go through the AG's office.

5 CHAIR TOLEDO: Thank you. That's very clear. I
6 think that we have general consensus. But let's hear
7 from Commissioner Sinay.

8 COMMISSIONER SINAY: Just a quick question. Did the
9 committee or Anthony speak with the AG's office to see
10 what their thought was on this?

11 COMMISSIONER FERNANDEZ: Sorry about that, yes. Our
12 Chief Counsel, Pane, he has been in contact with them and
13 will continue to have discussions with them. But this is
14 also something that if the Commission is interested in,
15 we'd like to continue -- or we'd like for him to continue
16 to have conversations.

17 CHAIR TOLEDO: Yes. So at this point it sounds like
18 there is potentially two options. One is for the
19 administrative route through the agency and the other is
20 through our own legislative advocacy. But working both
21 and trying to move this forward so that it is codified
22 before then end of our term.

23 Is there anyone in opposition with moving forward
24 with this? This was a recommendation from legal affairs
25 as well, to move forward in this direction.

1 I'm hearing no opposition. We will charge the
2 committee to work on the language for this and to work
3 with Chief Counsel on communicating and working with the
4 AG's office on moving this forward. Because ultimately
5 it will require collaboration with the agency and we want
6 to be good partners.

7 Thank you. So let's go on to the next topic.

8 COMMISSIONER FERNANDEZ: And the next one is noted
9 as 3A on your list. It's prior C3. And that also
10 received three votes. And that's to clarify -- just make
11 a clarification in our government code section that
12 taking public comment during regular nonmapping business
13 meetings does not constitute receiving input on
14 redistricting matters, which is subject to a fourteen-day
15 meeting notice. If it's a regular business meeting we're
16 only subject to the ten-day.

17 And we just want that clarification so that for
18 future business meetings only require the ten-day versus
19 fourteen-day.

20 CHAIR TOLEDO: Clarification from Chief Counsel,
21 does this require any special -- well, it certainly
22 requires a special vote, but in terms of moving this
23 forward does this require just a legislative approval or
24 is there additional work that we'd have to do?

25 MR. PANE: Chair, just to answer that question; it

1 looks like for this one we would need to -- further
2 clarification is certainly required for this. I think
3 it's in government code, so it would need to jump through
4 the hoops that I outlined earlier. Does that answer your
5 question, or?

6 CHAIR TOLEDO: Is what you outlined earlier the only
7 process that they'd have to go through or is there
8 additional process?

9 MR. PANE: Well, I think what would have to happen
10 is we'd have to make a change to the statute. I'm trying
11 to find it right now in the statute so I have it exactly,
12 because I don't show it specifically referenced here.

13 CHAIR TOLEDO: While you're looking for that let's
14 have Commissioner Fernandez chime in.

15 COMMISSIONER FERNANDEZ: If it's constitutional then
16 that would be a separate route than what we're looking at
17 right now. Because that would have to go through the
18 legislature, get a two-third, and then go via proposition
19 on -- and have the Californians vote, correct? I thought
20 it was our government code section.

21 MR. PANE: Yes.

22 COMMISSIONER FERNANDEZ: I didn't notice the
23 specific section because I thought we we're going to have
24 to potentially draft new language and put it into our
25 section. But maybe that's something we can research

1 further.

2 MR. PANE: So -- so I think an 82 --

3 CHAIR TOLEDO: I think it'd be helpful to know is if
4 we'd have to go through the voters, because if it's --

5 MR. PANE: Right.

6 CHAIR TOLEDO: -- a very long process then -- we may
7 need

8 MR. PANE: So. If we're changing 8253A1, which is
9 the requirement that it's Bagley-Keene, unless it's for
10 purposes of public input. If we're tweaking that
11 language then that's just a simple statutory change. If
12 we're talking about the final -- I believe it was the two
13 weeks where only three-day's notice is required. I
14 thought that was in constitution, but I'd have to come --
15 I'd have to look for it and get back to you.

16 So is it the second one? Is it the second option
17 that we're reviewing?

18 COMMISSIONER FERNANDEZ: I think it's the government
19 code section.

20 MR. PANE: Okay. So it's the --

21 COMMISSIONER FERNANDEZ: But I mean if --

22 MR. PANE: -- Bagley Keen reference then?

23 COMMISSIONER FERNANDEZ: But if we move forward with
24 it then we can -- we can come back if it's different.

25 How's that?

1 CHAIR TOLEDO: Sounds good.

2 COMMISSIONER FERNANDEZ: Okay.

3 CHAIR TOLEDO: All right. So any conversation on
4 this item? Any discussion or are we all in agreement
5 that this is something we'll have to get the subcommittee
6 to work on?

7 I seeing a lot of yeses so we'll charge the
8 subcommittee to work on the language. And just -- we're
9 charging the subcommittee to work on that. And then we
10 can vote on all of these four to -- just because we do
11 have a super majority at this point.

12 Okay. Two will not move forward, one of -- three of
13 them would.

14 COMMISSIONER FERNANDEZ: Chief Counsel Pane, do you
15 suggest that we take a vote on this? So in terms of
16 moving forward with 1, 3A, and 3B or as just a simple
17 direction by the Chair? Is that good? I can't hear you.

18 CHAIR TOLEDO: And I'm fine with either. Whatever.

19 MR. PANE: Sorry. Yeah. A votes not required right
20 now.

21 COMMISSIONER FERNANDEZ: Okay.

22 CHAIR TOLEDO: Okay. So we'll leave it at that. So
23 the committee will be going back and working through some
24 of this language. We are at 3:20 now.

25 Do you want to tackle one more or do you want us to

1 move on to public comment?

2 And we do have Commissioner Sinay.

3 COMMISSIONER FERNANDEZ: Well, the next one in line
4 would be 3C, which is strikes by the legislature not
5 transparent. Should the legislature be allowed to strike
6 applicants from the subpool? How many strikes by the
7 legislature? It kind of sounds like that might be a long
8 conversation. But I'm not sure.

9 CHAIR TOLEDO: I'm not sure either. So let's hear
10 from Commissioner Sinay.

11 COMMISSIONER SINAY: So -- you know, earlier I said
12 that I didn't remember voting for the three-day whatever.
13 And I think part of it was, for me, when we voted it was
14 recommended that we would move it forward and that
15 something else was going to come back before it went --
16 or -- you know -- I don't -- I'm not sure what I was
17 thinking. But I want to be clear this time. I know
18 we're not voting. But when we say we recommend for the
19 committee to work on language, it still can change. It's
20 not that we're saying, hey, you guys. Just go -- I
21 mean -- I just -- that's why I'm glad we're not voting.
22 But I think we need to be clear when we do vote and we're
23 saying we'd like to move these forward. That we're not
24 just saying move them forward -- I'm realizing that one,
25 if I voted for it, which I think I did. It wasn't a

1 clear understanding on my part.

2 I feel like we've gone really fast on this clarify,
3 provide definition of what public input means. We had
4 prior discussion on it, but I think that the subcommittee
5 said more than what's on here on the notes. There's very
6 little. And so I'm not feeling comfortable saying yes,
7 let's move it forward; when we were on -- well, I guess
8 I'm the only one. So yes, move forward since we work as
9 a democracy. But I just want to be careful that when
10 we're saying move something forward, we're not saying run
11 ahead. We're just saying keep working on it and bring it
12 back.

13 CHAIR TOLEDO: Yeah. What we're saying is that
14 they'd be developing language that they're going to be --
15 in some cases multiple alternatives of a positive
16 possible language that can be used. But it's all going
17 to come back and it will require a super majority in
18 order to move forward with specified language.
19 Commissioner Fernandez and then Andersen.

20 COMMISSIONER FERNANDEZ: Yes. I just wanted to
21 clarify that as well. It was just as a prior motion that
22 we did a few months ago. It's to move forward. The
23 final language still has to be approved by the
24 Commission. So it's not -- everything will come back and
25 there's still, you know, the opportunity to decide not to

1 do it or to change it or whatever the case may be.

2 CHAIR TOLEDO: Thank you. Commission Andersen and
3 Commissioner Sinay.

4 COMMISSIONER ANDERSEN: Yeah. I think there might
5 be a little confusion there because 3A is really just the
6 idea of -- on a business meeting you don't -- it has to
7 be ten days. You don't have to have it fourteen. In the
8 event that someone in the public comment wants to do some
9 public input. That's not a public input receiving
10 meeting it's a business meeting. So it only needs ten
11 days instead of fourteen. That is 3A.

12 Defining public input is 4A. It's on the next page.
13 So that's -- I think, you know, that's a bit of a
14 slightly more involved. It's, you know, we're -- we're
15 not actually -- in this particular -- by moving 3A
16 forward, we're talking about the ten-day, fourteen-day
17 issue. Not the -- what actually is public input. And
18 that's 4A and then 4B, or you know that's redistricting
19 matters. Which are a little more involved. So I just
20 want to clarify that.

21 But then I thought 4C was also another easy one that
22 we -- I'm surprised we only had two, but -- I thought
23 there was just a minor language just to clarify --
24 nothing impedes -- you know, you don't -- the Commission
25 can rotate Chairs if they want to. We're just going to

1 put a small little notation in the language. Say hey, it
2 doesn't mean you can only have one Chair and that's it.
3 Because it was a little bit vague. It could be
4 interpreted, it might not be interpreted, I thought that
5 was an easy one that was sort of a slam dunk. We're
6 going to put it -- move that forward. I thought we were
7 just trying to clarify some wording on that one.

8 Where I understand that the others were a little
9 more involved. So I just want to -- I'd like move -- I'd
10 like us to talk, maybe about -- if we're getting close
11 to, we can only move so many forward. I'd like to talk
12 about 4C, because I understand 3C is going to be very
13 difficult.

14 CHAIR TOLEDO: Do you mean to tackle that today or
15 at --

16 COMMISSIONER ANDERSEN: Correct.

17 CHAIR TOLEDO: -- the next meeting, or?

18 COMMISSIONER ANDERSEN: If we're running out of
19 time, I'd like us to tackle 4C because that's sort of a
20 low hanging fruit.

21 CHAIR TOLEDO: Commissioner Fernandez, 4C? In your
22 mind just what that is?

23 COMMISSIONER FERNANDEZ: Okay. So 4C. What that
24 is, it received two votes. It's a prior C12 and that's
25 to add language to note nothing impedes the Commission

1 from rotating the Chair. And it just provides for
2 clarification that the Commission, any Commission, can
3 rotate the Chair if they want. And so it's just
4 providing clarification.

5 CHAIR TOLEDO: Any concern with moving that forward?
6 Just clarifies our current practice that we're able to --
7 and future Commissions are able to rotate Chairs. I
8 don't see any -- Commissioner Akutagawa?

9 COMMISSIONER AKUTAGAWA: Yeah. I was just curious.
10 There's nothing in the language that impedes us from
11 doing it. Nor is there language that requires us to do
12 it either. And so I wasn't quite sure if it's something
13 that's absolutely necessary to change. If it -- if we
14 already have the flexibility to allow the Commissions,
15 whichever future Commissions, you know, to do either one.

16 CHAIR TOLEDO: I guess it goes back to the problem.
17 What's the problem we're trying to solve here?

18 COMMISSIONER AKUTAGAWA: Yeah.

19 CHAIR TOLEDO: Commissioner Kennedy?

20 COMMISSIONER KENNEDY: Thank you, Chair. The
21 government code at 8253A4 says the Commission shall
22 select by the special voting process, blah, blah, blah,
23 one of their members to serve as the Chair and one to
24 serve as Vice Chair. The Chair and Vice Chair shall not
25 be of the same party. I mean, to me, a plain language

1 reading of one, is you choose one to serve as Chair for
2 the whole time. One Vice Chair to serve for the whole
3 time. 2010 did it with a rotation. We decided to adopt
4 a rotation. I don't have a problem with the rotation.
5 But I think that it would be helpful to the public to
6 have something somewhere. Regulation, policy -- well, a
7 formally adopted policy. But I think in this case, since
8 it's here in the government code, I think it would be
9 better to have clarification that it's not just one for
10 the whole time or doesn't have to be on the whole time.
11 Thank you.

12 CHAIR TOLEDO: Thank you Commissioner Kenney.
13 Commissioner Andersen and Le Mons.

14 COMMISSIONER ANDERSEN: Yeah. The reason why I --
15 thank you for that, Commissioner Kennedy. And that
16 exactly defines where -- the only reason we realized hey,
17 you can do something different, is because the 2010
18 Commission did. And they told us, "Hey, we rotated by
19 the way". Otherwise, it says one. And the code also
20 says for the first eight you choose a Commissioner.
21 Doesn't say, "oh, you can rotate if you want." You
22 choose a Commissioner. So for the first eight there was
23 one Commissioner. And if the 2010 Commission had not
24 rotated, chances are we would have had one Commissioner
25 all the way through.

1 And I think there's a lot of benefit. We've all
2 talked about how beneficial it's been to rotate. And
3 that's what the 2010 did, they also told us. But timing
4 of how often, when the rotations are, that's certainly up
5 to each Commission. But the fact that you could is not
6 written in -- you know, if you just read the code, for
7 the period there's one Commission.

8 And I recommend that we do put in you have the
9 option of rotating. Because -- not because -- otherwise,
10 it doesn't say that. And people could go, you can't.
11 You know, because it doesn't say you could. So therefore
12 you can't. Where if we just give them the flexibility to
13 put in the code, since it is in the code that you have
14 one. So that's why we brought that up.

15 CHAIR TOLEDO: Thank you, Commissioner Andersen.
16 Commissioner Le Mons?

17 COMMISSIONER LE MONS: Yes. I follow that logic.
18 It also doesn't address frequency, which is what I would
19 consider rotation to be. Because we chose a Chair and a
20 Vice Chair. We just chose them over and over and over.

21 As opposed to choosing two Chairs and a Vice Chair,
22 or three Chairs and two Vice Chairs simultaneously. So I
23 think like anything you can interpret it that that's what
24 it means. But I don't know that it's saying you have to
25 choose one of each for the duration or the life of the

1 Commission. So again this might be one of those things
2 where I get wanting to clarify it. I guess if it's no
3 big deal why not? But we did it. It was done before.
4 The new Commission is going to have the history of what
5 we did and what the one before did. So I don't know why
6 they would suddenly potentially think they couldn't do
7 it. If that's what we're trying to solidify. That it
8 can be done.

9 CHAIR TOLEDO: Thank you, Commissioner Le Mons.
10 Commissioner Vazquez, then I'd like to hear from Chief
11 Counsel Pane.

12 COMMISSIONER VAZQUEZ: I agree with Commissioner Le
13 Mons. And just want to add that I'm not sure who -- I'm
14 not sure who this really is a real problem for. Who --
15 I'm struggling to understand, sort of from a community
16 perspective, why I would intervene and ask a court to
17 interfere with a rotating Chair? I'm just not sure I see
18 an actual policy problem. Again I get that's there's
19 some ambiguity. That there's ambiguity in law all over
20 the place and thinking about taking on meaningful change
21 efforts. I'm just not sure that this one feels
22 particularly meaningful. Because I'm not sure that I see
23 an actual policy problem to be solved for here. So I'm
24 fine if the Commission wants to move this forward but to
25 me it doesn't seem especially meaningful.

1 CHAIR TOLEDO: Thank you, Commissioner Vazquez.

2 Commissioner Yee?

3 COMMISSIONER YEE: Yeah. I mean on one hand I agree
4 with Commissioner Vazquez that, you know, there's not a
5 lot of risk here. That we're trying to save the future
6 Commissions from. It's just trying to make the language
7 match what has turned out to be a better practice, right?
8 And just make it cleaner and more -- and more explicit.
9 So for comparison, the current North Carolina draft bill
10 mandates fixed three-month terms. And I commended them
11 for having the idea of rotation, but I said you're
12 probably going to want more flexibility than that. Not
13 everybody can serve three months. Not everybody wants to
14 serve three months.

15 You may not want everyone to serve three months.
16 You know? So I really like the way it turned out for us.
17 You know, we had -- we had a rotation. We had very
18 differing terms just depending on workload or personal
19 circumstances and so forth. And I think that all worked
20 out really well, so. And I do like the idea of having
21 the language match more closely what turned out to be a
22 better practice. So not a big risk but I think it's
23 still worth at least a little bit of time to change.

24 CHAIR TOLEDO: Thank you, Commissioner Yee.

25 Chief Counsel Pane. Can you weigh in on this matter

1 in terms of -- in terms of our president? And the lack
2 of -- and how it relates to the code?

3 MR. PANE: Sure. I think this discussion right now
4 is just whether or not the Commission wants to provide
5 additional clarity to an existing statute. And I --
6 that's definitely a policy call. As you all have
7 mentioned this Commission, the 2010 Commission did it
8 without such a change. Should the Commission want to
9 pursue a change, it certainly would be additionally
10 clarifying beyond what's there. There really isn't, I
11 would say, a legal requirement that you would need to
12 pursue a legislative change. But by the same token, if a
13 future Commission wanted, they could also create a policy
14 on rotating Chairs as well. But legislative change is
15 another avenue as well. So it really is just a policy
16 decision point for the Commission. Whichever way they
17 want to go.

18 CHAIR TOLEDO: Thank you. So it goes back to
19 clarification. Just clarifying the code to explicitly
20 permit this sort of rotating Chair process. Any concern
21 about moving this forward to the committee to draft some
22 language around this? Doesn't mean that we'd be -- put
23 moving this forward just to have some language drafted
24 around this.

25 Commissioner Le Mons and then Sinay.



1 COMMISSIONER LE MONS: This is just more of a global
2 consideration in terms of how we utilize our time and
3 what -- how we focus on what we want to take to the
4 legislature. We do understand that this is not a simple
5 friendly phone call to get a change, right? And I think
6 if we're going to prioritize, which is the process that
7 we're doing right now, and making some decisions about
8 how we want to, you know, use our position at this point
9 to get these clarity points, improve things, clarify et
10 cetera. I would say that in the context of priority,
11 this is a low priority for me.

12 CHAIR TOLEDO: Thank you, Commissioner Le Mons.
13 Commissioner Sinay?

14 COMMISSIONER SINAY: I was going to say something
15 similar. Chair, you had said that there wasn't anybody
16 saying no, but I had heard several people saying I'm not
17 sure why we're moving this forward. And that a
18 diplomatic way of saying no to a certain extent. So I
19 think -- I mean we can do thumbs up thumbs down. But it
20 seems like a good compromise is just moving it down
21 because -- you know one thing we have to always think
22 about, if we say yes to something we're saying no to
23 something else. And I definitely don't see saying yes to
24 this being worth taking our time, effort, or political
25 capital to say -- to get some -- do something else.

1 CHAIR TOLEDO: Thank you. So I am seeing some nods
2 there. All right. So at this point, perhaps the
3 committee will just lower this in terms of priority.
4 Doesn't mean we won't get to it eventually. But right
5 now the items that we'll focus on are the ones that we
6 have already approved in terms of developing language for
7 and we don't develop language for this. Unless there's a
8 resource to do so at a later time. Does that -- that
9 works?

10 That works for you Commissioner Fernandez and Ms.
11 Akutagawa?

12 COMMISSIONER FERNANDEZ: Yes. Sorry.

13 CHAIR TOLEDO: Perfect. All right. With that we're
14 going to -- we have a meeting scheduled for -- oh,
15 Commissioner Fernandez and then we'll go on from there.

16 COMMISSIONER FERNANDEZ: I just would like to --
17 if -- because you're going to move on from this. I want
18 to establish the responsibilities in terms of --
19 Commissioner Akutagawa and I -- we started this process
20 for this cycle. And moving forward, I think it's
21 important that we define roles and responsibilities
22 because we've been questioned many times in terms of why
23 we're the ones leading this effort. So I just want to
24 make sure that if there's a new subcommittee that needs
25 to be established, or whatever the case may be, just so

1 that roles are clarified. Thank you.

2 CHAIR TOLEDO: All right. So this is -- so
3 establishing a legislative committee for the next cycle.
4 We have this current cycle. This current cycle is
5 currently Ms. Akutagawa and Fernandez. And I do -- the
6 question becomes do we want to -- I mean you're not
7 technically serving in the legislative cycle, but you
8 are. You're functioning in that capacity so having you
9 finish that out. And then I guess the question becomes
10 do we want this sub-group to continue on -- to fill --
11 to continue on the work that they are doing, given that
12 they've built a relationship with legislature, et cetera,
13 and have the deepest knowledge in these issues, or are --
14 I know it's a lot of work. So is it -- are their others
15 who are interested in participating in this as well? So
16 that's the question at this point. Commissioner
17 Akutagawa, and then Sinay.

18 COMMISSIONER AKUTAGAWA: Yeah. Thank you for that.
19 And I just wanted to also add to what Commissioner
20 Fernandez said. I think we just want to make sure that
21 there's clarity with everybody about what we're doing.
22 And it did start with, you know, having the need to do
23 the long term planning around the budget. Which then
24 also transitioned into -- because of the work that we
25 were doing, transitioned into some of the immediate needs

1 to get some of our changes, desired changes, in front of
2 the legislature. And since we were already working on
3 it, we were appointed by Commissioner Yee to do so. On
4 the one hand, I think we -- while we're happy to continue
5 because of the relationship we've built, we also are more
6 than happy to step aside. We're coming into a good
7 transition time where we could finish out and then we
8 could transition to a new committee that, Commissioner
9 Toledo, if you want to appoint a very distinct committee
10 that is going to work on this, so that there's no
11 questions about scope and responsibility and mission
12 creed and other things like that. We're happy to
13 transition as well, too. And this is -- we're at a good
14 place where we can easily transition. At the same time,
15 yeah. I just wanted to give that context for this topic.

16 CHAIR TOLEDO: And that's helpful. It's helpful.
17 Commissioner Sinay and then I'll come back.

18 COMMISSIONER SINAY: I want to thank the two
19 Commissioners for really successfully -- we were
20 successful this legislative cycle in working with the --
21 with Bryan -- Assemblyman Bryan? Thank you. Assemblyman
22 Bryan. And getting things moved forward. And so I do
23 want to acknowledge the success that was had by the
24 subcommittee -- them. I do feel that the budget issue is
25 different than the legislative issues and that some of

1 the issues that are coming forward are -- we need some --
2 it might be good to have people who understand the
3 advocacy side and the players.

4 Not to say -- and you may all both have that. I'm
5 not sure -- I've always thought that we had a legislative
6 committee, I think our government committee, I can't
7 remember what we named them. But also, I know this is an
8 area where Commissioner Vazquez has a lot of experience,
9 along with you, Chair Toledo, on knowing the players and
10 knowing how to get through -- navigate some of the --
11 what you need to be able to get -- get someone to sponsor
12 a bill and stuff. This time we were -- I consider it
13 luck, but maybe it's not luck. Someone came to us and
14 said, "Hey, I'm interested in working on this". And I
15 want to thank, again, the two Commissioners as well as
16 Anthony, just for all the success that we have had up to
17 now.

18 CHAIR TOLEDO: Absolutely. I want to thank the
19 committee, too. And I'm always of the opinion if it's
20 not broke, fix it. So I'm always -- so I want to hear
21 from the two Commissioners if they're still -- if this is
22 still something that, I mean, they've been they've built
23 the relationships. They have been working with us. If
24 they want to continue doing this, because that would be
25 or if there's other folks who have an interest and want

1 to move forward, because I think it is an issue of
2 engagement.

3 And just getting -- we had we canceled the May
4 meetings partially because of engagement, partially
5 because of schedule, partially because we're all going
6 back to our regular lives. And I want to make sure that,
7 you know, it is a lot of work to move this legislative
8 work forward, to put the policy proposals together. And
9 so whoever it is who does this, they need to have the
10 time, the energy, and the commitment to do it. And also
11 and I think that's actually the most important thing.

12 The other piece there are, you know, we can all work
13 together on moving things forward. So I want to hear
14 from those two and then also Commissioner Andersen and
15 anyone else who has comments.

16 Commissioner Andersen.

17 COMMISSIONER ANDERSEN: Yeah. Thank you. This
18 is -- I thank you very much to both of the Commissioners
19 who've been doing all this and following through. And it
20 is a lot of work. And I do see -- I appreciate
21 Commissioner Sinay's perspective on there is an advocacy
22 part and then there's, as I see it, there's also then
23 some of the, you know, there's -- okay, moving the ideas
24 forward, get new ideas, keeping the ideas in track. And,
25 you know, we still want to keep track of this idea and

1 that idea, like, you know, these numbers. Which one do
2 we want to do next? And then there's the actual writing
3 the specific wording for.

4 It's almost like there could also -- almost, like,
5 two committees working on this. There's the committee of
6 the here's the idea. We're making the contacts. And
7 then, it would be nice to have someone, like, you could
8 say, yeah, but this is what we'd like to see. What do
9 you think? I see as we could actually have -- the reason
10 why I believe that our two Commissioners are, like, more
11 than willing to hand it off sort of to someone is because
12 it is a lot of work. And I see it more of an almost to
13 subcommittee work which I think that, you know, part of
14 it, Commissioner Fernandez, Commissioner Akutagawa could
15 certainly continue on.

16 And then, possibly have another, like, subcommittee
17 actually almost be a hand-off and say, yeah, but now can
18 you work out the actual details of it? Now, there's --
19 that's one perspective.

20 That's an idea I'm throwing out. What do people
21 think about that?

22 CHAIR TOLEDO: I think the challenge there and I
23 know that Commissioner -- or Chief Counsel Pane to weigh
24 in on this a little bit, was having -- there's
25 potentially interaction between four individuals at that

1 point, and that could lead to a bag of issues. So really
2 having one group lead the policy issues or the
3 legislative issues would make the most sense. But there
4 may be a process by which we have staff that help us, but
5 increasingly we have less and less staff. Right?

6 So it's that -- even that becomes a challenge. So
7 the committee would have to be -- would be responsible
8 for moving a lot of this forward and doing a lot of the
9 work that potentially in the past was handled by staff.
10 Commissioner Fernandez, then Vasquez, Akutagawa.

11 COMMISSIONER FERNANDEZ: Okay. And I'm just
12 responding to Commissioner Toledo. And then I don't want
13 to say that we are, like, just so willing to hand it off.
14 The reason we needed to bring this forward is that it's
15 been at almost every single meeting when we've brought
16 forward this list, we've been questioned as to why we are
17 the ones that are charged with this task. After a while,
18 it is a lot of work and to continue to be questioned is
19 really frustrating because we are putting a lot of work
20 into it.

21 And no, I'm not saying that I want to stop doing
22 this. I think what Commissioner Akutagawa and I have
23 done so far has been great, and especially establishing
24 the relationship with the legislative staff that we're
25 working with and also with our Chief Counsel Pane. He's

1 been very instrumental in terms of the language,
2 researching law, researching government code sections.
3 So I think it's a really strong, good working team that
4 feels that we're dedicated to move this forward and
5 advance whatever changes we want forward to the
6 legislature.

7 Thank you.

8 CHAIR TOLEDO: Thank you, Commissioner Fernandez,
9 Commissioner Vazquez, and then Andersen.

10 COMMISSIONER VAZQUEZ: Yeah. I am willing to step
11 up to support this effort on a new committee. I also
12 want to acknowledge and defer to the folks who have
13 already put in time and effort into this. I don't
14 personally feel like -- feel strongly one way or the
15 other, just wanted to acknowledge that I do feel like I
16 have the skill set to at least play a committee role in
17 terms of both strategy and I think writing. I've written
18 or supported writing legislation and budget proposals, so
19 I don't feel like that's too far outside of my skillset
20 either.

21 So yeah, just wanted to put that out there, but also
22 again acknowledging that there's been a lot of work in
23 leadership on these relationships as well. So I'm open
24 to whatever the Chair and the current committee members
25 would prefer.

1 CHAIR TOLEDO: Commissioner Andersen.

2 COMMISSIONER ANDERSEN: Yeah. I -- thank you, I
3 appreciate all that. And what I was thinking is I
4 like -- thank you, I like the idea that the committee is
5 more than willing to go forward. If -- I would like to
6 say if the committee sees a couple of sections that they
7 could like, look, why do we give those -- or even if it's
8 a certain part of the code, why don't we give that
9 portion to a different team rather than having all of it
10 together? Maybe just to work up to then ultimately
11 unite, like, both, essentially, two subcommittees work
12 with Anthony to then put it all together.

13 Just so in terms of, you know, rather than having
14 two people do everything with no -- with no other support
15 until they come back to the meeting. If the -- if the
16 subcommittee thought, you know, hey, we could use some
17 hand -- we could actually portion this for -- this bit
18 off to another group. And I think, you know, maybe
19 Commissioner Vazquez, another Commissioner, could jump in
20 and help out because I do see this as a huge amount of
21 work. And I -- while I really appreciate the two
22 Commissioners taking it on, I would like to see if they
23 see a way forward to actually helping themselves out by
24 handing some of it off where needed and when needed. So
25 I'd just like to bring that one forward. Thank you.



1 CHAIR TOLEDO: Thank you, Commissioner Andersen,
2 Commissioner Akutagawa, Sinay, and then, I'll call on
3 Chief Counsel to help us see if there's an alternate
4 process.

5 Akutagawa.

6 COMMISSIONER AKUTAGAWA: Yeah. Thank you very much.

7 First off, I just want to say that Commissioner
8 Fernandez and I know what we're getting into and what we
9 were getting into when we agreed to participate on this.
10 So I think any concern about the level of work, while we
11 appreciate the concern, we know what we were doing and
12 when we agreed to do this.

13 So I don't think that that should be a consideration
14 in, you know, whether or not we continue or if anyone
15 else wants to do it. I think this is really -- and I'll
16 just be blunt, I mean, this is really coming from a place
17 of, if anyone else wants to do this, we're happy to step
18 aside so that others can participate in this. That's
19 really what we're saying. And I think that's what
20 Commissioner Fernandez said, but I wanted to just repeat
21 it.

22 It is going to be a lot of work. But as
23 Commissioner Fernandez said, we've been really, you know,
24 fortunate to have the support of Chief Counsel Pane. So
25 that's one thing. The second other thing that I want to

1 mention is that splitting it into two committees would
2 be -- I would strongly advise against it. I think that
3 whoever is going to do this has to be one committee
4 working with the legislative staff.

5 If we have two committees coming at them, they are
6 going to -- they're like, no, this is not going to work.
7 Because you now have, you know, too many, too many
8 people, you know, kind of trying to move this along. And
9 I think it's going to get confusing. And so my advice on
10 that would be it should remain with just one committee,
11 not two separate committees, to try to spread the work
12 around. Just know that whoever wants to do this, you
13 know, just know what you're going to get into as
14 Commissioner Fernandez and I know and we're willing to
15 take on.

16 But we're also, you know, we also understand that
17 others may want to participate and engage in this part,
18 and we're happy to turn this over.

19 Thank you.

20 CHAIR TOLEDO: Thank you, Commissioner Akutagawa,
21 and think, well, let's go to Commissioner Sinay and then
22 we'll go to Chief Counsel Pane.

23 COMMISSIONER SINAY: Go ahead and go to Chief
24 Counsel Pane.

25 CHAIR TOLEDO: Chief Counsel Pane, any thoughts

1 about how there may be, going to Jane's point, some
2 assistance without violating Bagley-Keene. I think we've
3 looked at options and didn't come up with any but just
4 want to -- but I know you were thinking through these
5 through alternative processes.

6 MR. PANE: Yeah. I --you know, I -- is the
7 Commission is just sort of looking back, the Commission
8 has created quite a number of subcommittees and doing
9 that is very typical for state public bodies to create
10 subcommittees or a smaller subsection of a state body.
11 And then, have them do a lot of the legwork that can be
12 done sort of quickly and do a lot of the heavy work and
13 then bring back recommendations to the larger body.

14 That's the more efficient way to do it, rather than
15 have the large public body do all of the heavy lifting at
16 once. So functionally, those are sort of the guardrails
17 that we have to work from. We couldn't do three without
18 having to do, you know, the agenda, the posting, and all
19 of that. And so, it's you know, it's that rule of three
20 and it's still there. So I don't really see there's not
21 really a way around that.

22 So I mean, the Commission can, if they want to keep
23 it going with who they've got there's a subcommittee or
24 if they want to create a new subcommittee, I don't know
25 that there's a way to create two different subcommittees

1 and have that sort of go down parallel tracks because the
2 functions are essentially the same, which is legislative
3 advocacy to change and stand up the next Commission.

4 VICE-CHAIR TURNER: Which makes sense.

5 Commissioner Sinay.

6 COMMISSIONER SINAY: Thanks. So there's two pieces
7 in my mind. One is that I feel like we need a plan for
8 the next legislative cycle and not -- and some of these
9 that are big like the -- I'll bring it up again in the
10 legislature, you know, take -- saying no, you know, they
11 get to say no to certain applicants within a private
12 area. We need to think through that and we need some
13 input from outside. And so that needs a different
14 strategy. Whatever we move forward, I would like us to
15 have more of a plan on how we're strategizing, who we're
16 thinking, and kind of working in that way because we're
17 going to need to mobilize not just one person to move it
18 forward, but various.

19 I'm really thankful for all the work that
20 Commissioner Fernandez has been doing for all of us. I
21 mean, you know, Commissioner Le Mons brought it up
22 earlier, and we definitely need -- we've definitely
23 survived because of her skill set. But I also I'm aware
24 that there's a lot that we're doing right now that's
25 critical that is being done, you know, Commissioner

1 Fernandez sits on various committees. And all of them,
2 maybe in a month or two, they won't all be critical. But
3 I do think it's important to always have as -- more
4 people engaged versus less people engaged. And one of
5 the ways to have them engaged is by diversifying our
6 different subcommittees.

7 And that's the main reason I'm bringing this up is
8 just for people to feel like they can step up and so that
9 we can have more people engaged. Obviously, Commissioner
10 Le Mons, I don't think you're on a subcommittee right
11 now. I'm just kidding. You should see that look. But,
12 no, I just -- I was just trying to be funny and that
13 didn't work. So anyway, I just want to, you know, I
14 think it's okay to step up and step back and creating
15 that space for others.

16 CHAIR TOLEDO: Thank you, Commissioner Sinay. With
17 that, given the that the Commission the committee has
18 been doing a great job very successfully. We'll charge
19 them with developing a legislative plan, and to work
20 through some of these legislative issues for the next
21 cycle. And I think as we move forward, and there may be
22 a portion of this work that isn't legislative, that is
23 more on the advocacy side, and maybe that falls under
24 either advocacy or government relations. And that's
25 because that may be more of the policy that as opposed to

1 the legislative because legislative is really getting
2 legislation enacted versus the crafting of.

3 So there may be some other that we'll think through
4 at a later time. I don't think it's something we need to
5 do right now. The last thing before we take public
6 comment is meeting. Whether we need a meeting on the.
7 It sounds to me like we have venues scheduled. Correct
8 me if I'm wrong, Alvaro. I believe we have a venue on
9 the 13th of July.

10 DIRECTOR HERNANDEZ: That is correct.

11 CHAIR TOLEDO: And a meeting on the 15th. Is that
12 correct as well or --

13 DIRECTOR HERNANDEZ: Oh, I'm sorry, yes, it should
14 be on the 13th. That's my mistake.

15 CHAIR TOLEDO: Okay. The meeting is on the 15th and
16 we have a venue on the 15th request -- or rather is it
17 the 15th or the 13th?

18 DIRECTOR HERNANDEZ: Okay, I jumped the gun. Our
19 next meeting is scheduled for June 15th. The following
20 meeting would be scheduled for July 13.

21 CHAIR TOLEDO: Got it. Okay. So we have a meeting
22 for July -- for June 13th scheduled. Okay. Thank you.
23 Too many dates. June 15th. And the question becomes, do
24 we have enough on the agenda at this point to schedule a
25 meeting?

1 Most of the work would be legislative in nature at
2 this point and potentially long term or other Lessons
3 Learned.

4 But the question is, can -- is that enough time to
5 get a meaningful agenda together? And I'm going to look
6 to Commissioner Fernandez, and Commissioner Kennedy, and
7 Akutagawa for that. For whether there's enough -- if
8 there -- if we should schedule a meeting to go through
9 more of these legislative priorities or can it wait until
10 July? Is there anything pressing that we need to do in
11 June? And then Commissioner Kennedy as well for Lessons
12 Learned?

13 COMMISSIONER FERNANDEZ: Oh, okay. And I think --
14 Commissioner Akutagawa, I think we have enough that we
15 can work on and especially since we won't be able to get
16 any of these any of the changes into our government codes
17 sections this cycle. I'm thinking we may not need a
18 meeting on the 15th of June. I mean, again, we could
19 still go through the list continually to -- there will
20 always be items for the agenda if you want to have a
21 meeting. But it's whether or not -- I don't know, Linda?

22 COMMISSIONER AKUTAGAWA: Yeah, I was going to
23 actually suggest that. Could we just go ahead and agenda
24 for June 15, so that we move forward with it if we need
25 to? I do believe we have a meeting with the -- with our

1 legislative partners or the staff that we been talking
2 with. And we could maybe check with them to make sure
3 that we will not need the June 15th meeting.

4 And if we don't, then we could cancel it. It's
5 easier to cancel, I think, than it is to try to schedule
6 at the last minute. And then, if they -- if turns out
7 that we don't need the June 15th meeting, then we'll work
8 towards the July 13th meeting for any additional work.
9 Because our understanding or my understanding from this
10 process is that everything does need to be wrapped up by
11 the end of July.

12 So -- and Alicia or Commissioner Fernandez, correct
13 me if I'm wrong on that or Anthony, please correct me if
14 I'm wrong on that. But I do believe that by July for
15 sure, we will need to -- we will be coming forward with
16 the, I believe, the final bill language, I think.

17 COMMISSIONER FERNANDEZ: The bill language would
18 be -- it affects the election codes. So it's not
19 something that needs to be approved by the Commission --

20 COMMISSIONER AKUTAGAWA: Okay.

21 COMMISSIONER FERNANDEZ: -- because our specific
22 government code section.

23 COMMISSIONER AKUTAGAWA: Oh, okay.

24 COMMISSIONER FERNANDEZ: Only if we were going to
25 update our --

1 COMMISSIONER AKUTAGAWA: Our government --

2 COMMISSIONER FERNANDEZ: -- code section, would we
3 need to have the approval.

4 COMMISSIONER AKUTAGAWA: Okay.

5 COMMISSIONER FERNANDEZ: But I do agree there might
6 be a need. I'm just not sure right now. It would be
7 nice to check with our group first.

8 CHAIR TOLEDO: Do we know -- when is your group
9 meeting? Because I -- we have venues scheduled. So if
10 we're not meeting have it's expensive to have venue, and
11 audio, and all the other issues.

12 COMMISSIONER FERNANDEZ: I actually believe we have
13 it scheduled for tomorrow, I think.

14 CHAIR TOLEDO: Okay. So if he has --so I think
15 Commissioner Fernandez is also -- so, all right. So if
16 it turns out -- well, we'll hear back from the
17 subcommittee. And if it turns out that we need a
18 Commission meeting, we will schedule one. We'll leave it
19 on the -- it's scheduled right now. We'll cancel it if
20 we don't need it. And hopefully we'll hear back by the
21 end of the day tomorrow.

22 Commissioner Akutagawa.

23 COMMISSIONER AKUTAGAWA: Yeah, I just want to just
24 make sure that we -- and I just have some clarity as to
25 where we landed. Because I'm unclear. So I know that

1 Commissioner Fernandez and I did offer to step aside, but
2 it also sounded like you wanted us to keep on going. I
3 wasn't sure.

4 CHAIR TOLEDO: Oh.

5 COMMISSIONER AKUTAGAWA: And then I also know that
6 Commissioner Vazquez had also volunteered as well, too.
7 So I just want to make sure that there's clarity and just
8 recap everything on this discussion.

9 Thank you.

10 CHAIR TOLEDO: Okay. Thank you. I thought it was
11 clear, but obviously I wasn't. So we are establishing a
12 legislative committee. The legislative committee is made
13 up of Commissioner Fernandez and Commissioner Akutagawa.
14 They're charge is to come up with a legislative calendar,
15 a legislative agenda, and as well as to develop the
16 language around the priorities that we have set forth at
17 this point. And of course, to help us through the
18 legislative prioritization process. It's a big charge,
19 but I think they've done a great job thus far.

20 And of course, if there's any need from the rest of
21 us, we can always work through Chief Counsel or through
22 staff. So if there's anything -- of course, we have to
23 work through staff to ensure compliance with Bagley-
24 Keene. Commissioner Akutagawa?

25 COMMISSIONER AKUTAGAWA: Sorry. Yeah, sorry. And

1 Chair -- oh, I was trying to get my hand raised. Just
2 for clarification, I checked with my subcommittee partner
3 and with Chief Counsel Pane. I guess I have my calendar
4 wrong. It is not tomorrow. It is the following
5 Thursday. So my apologies.

6 So just to let you know, we will update everybody or
7 we'll update Executive Director Hernandez next Thursday
8 after we meet so that he can then determine the space.
9 Thank you.

10 CHAIR TOLEDO: I'm just wondering, in terms of
11 space, Alvaro, is that enough time to cancel and not
12 incur significant cost?

13 DIRECTOR HERNANDEZ: I'll have to circle back on
14 that and look at the contract, I believe we're -- if we
15 get confirmation by next week, we might be within the
16 time frame that we won't be charged.

17 CHAIR TOLEDO: So let's --

18 DIRECTOR HERNANDEZ: But I want to circle back on
19 that.

20 CHAIR TOLEDO: That and we'll touch bases with Vice
21 Chair Turner and I and you can coordinate on that. And
22 then we'll promptly let the Commission know if we decide
23 to cancel.

24 So it does sound like we are moving towards
25 canceling, unless there's something legislatively

1 important. Commissioner Kennedy, did you have anything
2 for Lessons Learned for this month or can it wait until
3 July?

4 COMMISSIONER KENNEDY: It can certainly wait until
5 July. I mean, I've nearly completed compiling the raw
6 notes. We have over fifty pages of raw notes from
7 myself, Commissioner Yee, and the fifteen-page letter
8 from community organizations. But I don't see the point
9 in just circulating those raw notes until I get them
10 coded, sorted, deduced, and grouped so that it makes some
11 sense. And then, I can -- I think I'm confident that I
12 can get that done by the July meeting.

13 CHAIR TOLEDO: Excellent.

14 COMMISSIONER KENNEDY: Thank you.

15 CHAIR TOLEDO: And I did hear that we need two
16 weeks' notice for venue cancelation. So I have to check
17 in with Commissioner Turner and Alvaro after. Just to
18 verify. So we may be able to get a response earlier --
19 sooner rather than later. With that, let's go to public
20 comment on the full agenda.

21 PUBLIC COMMENT MODERATOR: Sounds good. The
22 Commission will now take public comment on the entire
23 agenda. This is general public comment.

24 To give comment, please call 1-877-853-5247 and
25 enter meeting ID number 83291110985. Once you've dialed



1 in, please press star 9 to enter the comment queue. The
2 full calling instructions are read at the beginning of
3 the meeting and are provided on the live stream landing
4 page and we do have a caller in the queue to give public
5 comment.

6 And I want to remind those who are with us here in
7 person today, if you want to give public comment, please
8 go to the public comment laptop and press raise hand.
9 Are we enforcing a two-minute time limit, Chair?

10 CHAIR TOLEDO: Yes.

11 MR. SINGH: Sounds good. We have caller 6252,
12 please follow the prompts to unmute. The floor is yours.

13 MS. HUTCHINSON: Thank you. This is Helen
14 Hutchinson with the League of Women Voters of California.
15 And I wanted to reinforce the message that we and common
16 cause sent in our letter to you about reducing the amount
17 of time for your -- notice period. Mapping is your core
18 work and it's critical that the public be there to both
19 observe and to comment on what is -- what they see during
20 those meetings. And it's also critical that the public
21 be as representable -- as much representation as
22 possible. If you reduce the public notice period to
23 three days during your critical mapping period, you are
24 going to limit who can attend. You will still have some
25 people there, but it will be heavily weighted towards



1 what I call the professional public. You will have far
2 less representation. Thank you very much.

3 MR. SINGH: Thank you. Up next, we have caller
4 0003. Please follow the prompts. The floor is yours.

5 MS. NIMMERS: Hi, Commissioners. My name is Kristin
6 Nimmers and I'm calling on behalf of the California Black
7 Power Network, formerly the California Black Citizen and
8 Districting Hub. I wanted to uplift our letter sent on
9 February 4th advocating for proposed changes to how the
10 Commission deals with federal prison population data.

11 We know that Assemblymember Isaac Bryan has
12 introduced a bill, AB 1848, on the topic of the
13 Commission's handling of prison population data. And we
14 wanted to offer a proposition as you weigh your own
15 position.

16 This bill may be an opportunity to provide future
17 Commissions with more guidance on what to do if federal
18 data is not provided. As you may remember, we wrote to
19 urge the Commission to take two actions to address the
20 built-in inequities in the system around county federal
21 prison population. The first of those actions is
22 advocate to the Biden administration that they act now to
23 ensure that home address data with the proper privacy
24 protection mechanisms for people incarcerated in federal
25 prisons is released as a matter of course for the 2030

1 Redistricting Commission. We also outlined how privacy
2 of the data should be protected.

3 The second of those actions was to advocate to the
4 2030 Commission that it should adhere to two inextricably
5 connected and equally important principles. The first
6 that everyone is counted, and second, that they are
7 counted in the most equitable -- equitable way possible.
8 These principles can be accomplished through accurate and
9 secure --

10 PUBLIC COMMENT MODERATOR: Fifteen seconds.

11 MS. NIMMERS: -- data provided by the Bureau of
12 Prisons. If these principles can't be met completing
13 federal due to federal data challenges, we advocate that
14 the Commission follow -- that the future Commission
15 follow your lead and include federal prison populations
16 to ensure that we're avoiding those inequities created by
17 counting populations where they're held in custody rather
18 than where they typically live.

19 We also wanted to call in support of the League of
20 Women Voters' Common Causes letter sent on May 12th
21 linking concerns about the recommendation to shorten the
22 public notice period. Shortening the public notice
23 requirement creates additional barriers to engagement and
24 participation for traditionally underrepresented
25 communities and a longer period, if necessary, to ensure



1 the diverse communities continue to engage in the
2 process. Thank you.

3 CHAIR TOLEDO: Thank you. Can you repeat your name
4 and spell -- repeat your name with spelling?

5 PUBLIC COMMENT MODERATOR: Caller 0003 could please
6 follow the prompts again unmute.

7 The recorder would like --

8 MS. NIMMERS: Yes. My

9 PUBLIC COMMENT MODERATOR: -- your name spoken and
10 spelled for the record, please.

11 MS. NIMMERS: Yes. My name is Kristin Nimmers,
12 K-R-I-S-T-I-N, N-I-M-M-E-R-S representing the California
13 Black Power Network.

14 CHAIR TOLEDO: Thank you very much.

15 PUBLIC COMMENT MODERATOR: And that is all of our
16 public comments at this time, Chair.

17 CHAIR TOLEDO: Thank you so much, Kristin. And
18 thank you to the public for commenting and continuing
19 their engagement with us -- with our process. We did
20 find out that we do have a two-week window to cancel our
21 venue. And that deadline would be today. Given the
22 amount of cost and also the -- and our limited budget,
23 we're going to convert quickly with our Vice-Chair.
24 We're going to cancel the meeting for next month and free
25 up our calendars.



1 Given that there's nothing for this month, for the
2 month of June, so we will not be having a June 15th
3 meeting, will have a July meeting instead. That
4 shouldn't be too much of an issue. If it is, well, we'll
5 confer with our executive team. But at this point, it
6 doesn't make sense to have two venues given the amount of
7 time we need to cancel and to give notice to our vendors.

8 Well, with that, thank you so much for joining us.
9 Great seeing everyone. I hope you had a great Memorial
10 Day weekend and good catching up with all of you and
11 we'll see each other next month.

12 (Whereupon, the CRC Business Meeting
13 adjourned.)

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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 17th day of June, 2022.



PETER PETTY
Certified Court Reporter
CER-493

CERTIFICATE OF TRANSCRIBER

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

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

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



LORI RAHTES, CDLT-108

June 17, 2022

DATE

