

STATE OF CALIFORNIA  
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

WEDNESDAY, JULY 13, 2022

9:31 a.m.

Reported by:

Jacqueline Denlinger



APPEARANCESCOMMISSIONERS

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

STAFF

Alvaro E. Hernandez, Deputy Executive Director  
Anthony Pane, Chief Counsel  
Wanda Sheffield, Office Technician

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

**Also Present:**PUBLIC COMMENT

Helen Hutchinson

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P R O C E E D I N G S

1  
2 July 13, 2022

9:31 a.m.

3 CHAIR TURNER: Good morning, California. I'm  
4 Commissioner Trena Turner, and I'd like to welcome you to  
5 our July 13 California redistricting business meeting.  
6 I'll be your chair for today's session. The vice chair  
7 is Commissioner Akutagawa. And with that, we will ask,  
8 please, for the roll call.

9 MS. SHEFFIELD: Good morning, Commissioners.

10 Commissioner Vazquez?

11 Commissioner Yee?

12 COMMISSIONER YEE: Here.

13 MS. SHEFFIELD: Commissioner Ahmad?

14 Commissioner Akutagawa?

15 VICE-CHAIR AKUTAGAWA: Here.

16 MS. SHEFFIELD: Commissioner Andersen?

17 COMMISSIONER ANDERSEN: Here.

18 MS. SHEFFIELD: Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Present.

20 MS. SHEFFIELD: Commissioner Fornaciari?

21 COMMISSIONER FORNACIARI: Here.

22 MS. SHEFFIELD: Commissioner Kennedy?

23 COMMISSIONER KENNEDY: Here.

24 MS. SHEFFIELD: Commissioner Le Mons?

25 COMMISSIONER LE MONS: Here.



1 MS. SHEFFIELD: Commissioner Sadhwani?

2 COMMISSIONER SADHWANI: Here.

3 MS. SHEFFIELD: Commissioner Sinay?

4 COMMISSIONER SINAY: Here.

5 MS. SHEFFIELD: Commissioner Taylor?

6 COMMISSIONER TAYLOR: Estoy aqui.

7 MS. SHEFFIELD: Commissioner Toledo?

8 COMMISSIONER TOLEDO: Here.

9 MS. SHEFFIELD: And Commissioner Turner?

10 CHAIR TURNER: Here. Thank you, Ms. Sheffield.

11 MS. SHEFFIELD: You're welcome.

12 CHAIR TURNER: I'd like to go through the run of  
13 show so that those that may be listening in will know  
14 exactly what to expect.

15 It is so good to see all of the commissioners again.  
16 We went from seeing each other daily to now just a couple  
17 of times, perhaps a month. So it is always a pleasure.  
18 So you all are looking well and I hope that is in  
19 alignment with how you feel.

20 So today our run of show, we're going to first of  
21 all, so prepare yourself, if there are any general  
22 announcements from commissioners, we'll start there. At  
23 the top of our meeting, we will go through the director  
24 updates from both our Director Hernandez and Chief  
25 Counsel Pane and then we'll take -- and that will be

1 probably a good chunk of time that the information that  
2 has to be shared. And we will go then to a public  
3 comment for item number two, at which time we'll go  
4 through our subcommittees -- the subcommittees that I  
5 have that we'll be presenting today and we'll go in this  
6 order.

7 First of all, it will be our Legislative and Long-  
8 Term Planning, Commissioner Akutagawa, and Fernandez, and  
9 they will probably still be presenting through our first  
10 break and we'll come back and complete that task. And  
11 we'll move then into the incarcerated populations with  
12 just Commissioner Fernandez, Commissioner Turner into  
13 Lessons Learned, Commissioner Kennedy and Yee website.

14 Oh, I'm going through this because there was a -- I  
15 wanted to give you a heads up. We do public comment at  
16 the end, of course, of every agenda item. I will be  
17 taking public comment after Legislative, Long-Term  
18 Planning, and Incarcerated Populations, just in case the  
19 public wants to weigh in on either of those items. So we  
20 will have public comment at the end of every agenda item.

21 And in addition to that, when we complete  
22 Legislative Long-Term Planning and Incarcerated  
23 Populations, there will be a special call for public  
24 comment at that time. Once we finish that, we'll move to  
25 Lessons Learned website. We will take a lunch.

1           After lunch, we will go into closed session to talk  
2 about possible litigation and maybe a personnel issue,  
3 and that should last no longer than one hour. We'll come  
4 back and continue with our subcommittee, and that will be  
5 our Redistricting Engagement, Commissioners Sinay and  
6 Fornaciari. Our Audit Subcommittee Commissioners Taylor  
7 and Le Mons. And then we'll end with our Staff Services,  
8 SSM-1 Subcommittee, Commissioner Turner, and Fernandez.

9           At that time, we will see if there are any other --  
10 I think everyone I think that's everyone that said they  
11 had something to present, we then will have our general  
12 public comment. So we may be finished before break. We  
13 may go after. We'll do the work to get it done.

14           So at this time, I'd like to ask for all of the  
15 commissioners, if there are any general comments that you  
16 have for this session. Okay. Seeing none, we'll get  
17 into our day.

18           Director Hernandez, take it away.

19           EXECUTIVE DIRECTOR HERNANDEZ: Thank you, Chair.

20           And good morning, Commissioners. Again, today, I'll  
21 be covering just what staff has been doing. We'll go  
22 over a budget presentation that I put together for you  
23 and I'll be able to answer any questions at the end of  
24 the presentation as well.

25           I'll start off talking about our staffing and it

1 ties into the BCP that we have submitted and also in our  
2 budget requests that we had submitted. So on July 5th,  
3 the Department of Finance and to JLBC release post-map  
4 funds in the amount of \$2,797,000. Staff worked very  
5 closely with DOF, JLBC to identify the needs for the next  
6 fiscal year, including our staffing needs. And a lot of  
7 the information came from the long-term planning  
8 worksheet that was put together, the number of meetings,  
9 how often and so forth.

10 So that information was very helpful in conveying  
11 our needs to the Department of Finance and Joint  
12 Legislative Budget Committee. And based on all our  
13 reduction or closing activities, we've estimated that our  
14 current staff would off board by the end of December  
15 2022, and I'll go over some of the activities during my  
16 presentation.

17 So one of the things that we are trying to do as  
18 we're winding up our activities or reducing our  
19 activities, is making sure that we're systematic in our  
20 approach to capturing all our information, storing our  
21 information. So in essence, what we're trying to do,  
22 we're trying to organize the closet in talking with Raul,  
23 the last commission, because it was shut down so  
24 abruptly, they basically threw everything into the  
25 closet, closed the doors and left everything to you to

1 figure out and organize. And so we're trying not to do  
2 that.

3 We're trying to organize that closet as best we can  
4 so that the next commission can open the door and find  
5 things where they should be. And so that's essentially  
6 what we're trying to do in the next six months is  
7 organize everything for the next commission, as well as  
8 organizing the information for our staff person who will  
9 be with you for the next eight years that SSM-1 that  
10 you'll hear more about later on today and they will  
11 basically be on board soon, hopefully.

12 And beginning in January, they will be your primary  
13 contact person for anything and everything. Okay. Any  
14 questions on that part of it? And like I said, I'll be  
15 adding and sharing additional information on what those  
16 reduction activities or closing activities will be and  
17 during the presentation. Okay. I'm going to go ahead  
18 and move on.

19 These are some updates regarding our transcripts.  
20 Our new vendor who's doing the transcripts is making  
21 tremendous progress in completing the missing  
22 transcripts. So we're getting very much to the point  
23 where we're almost caught up. Our map request -- there  
24 was a request a couple of months ago to have ZIP codes  
25 available.

1           As you recall, we reached out to the U.S. Postal  
2 Service and we have yet to hear back from them. However,  
3 in the interim, we did find another website that did  
4 provide essentially what we were looking for. It's  
5 UnitedStatesZIPcodes.org website. We have a link on our  
6 website to that. And again, the data sources for that  
7 website are the U.S. Postal Service, the U.S. Census  
8 Bureau, Yahoo!, and the IRS. So I just want to update  
9 you on that.

10           Regarding our website, we'll have some additional  
11 information today. I'm going to defer to the Website  
12 Subcommittee for that update. Regarding our database  
13 beginning in August will be providing the State Archive a  
14 copy of our database and corresponding PDFs.

15           In addition, we're looking at possible long-term  
16 solutions beyond our table to improve access and ease of  
17 use by the public. That also connects the maps and the  
18 map viewer, the ESRI. So that will be available for the  
19 next eight years as well. So that's a long-term plan  
20 that we're looking at. More information is going to come  
21 in the future as we're identifying some of these possible  
22 solutions for you to consider. Any questions?

23           Okay. I'm going to go ahead and move on to some  
24 budget updates. As I mentioned earlier, DOF and JLBC  
25 approved the release of the post-map operations funds in

1 the amount of 2,797,000. As part of our justification to  
2 them, we identified those funds -- what those funds would  
3 be used for, and that'll be part of my presentation. On  
4 July 1st, we also, with the input of our Chief Counsel,  
5 Chief Counsel Pane, submitted another letter requesting  
6 the release of funds for litigation for the litigation  
7 contract because we're unable to finalize that contract  
8 at this point.

9 So we've explained in that request a bit more detail  
10 that is not just for litigation, but it also includes for  
11 advice, memoranda, and other legal services regarding the  
12 finalized boundaries. So we're getting -- we're hoping  
13 to have additional conversations with them to have the  
14 funds released for that.

15 An update on the COVID funds, we did ask JLBC and  
16 the DOF to consider releasing the remaining COVID funds.  
17 They asked for us to go back and see if we can identify  
18 any expenditures related to COVID funds beginning July  
19 2020 through December 2021 that we can directly identify  
20 as COVID related.

21 And so after our review, we were unable to identify  
22 any additional COVID expenditures. And therefore, those  
23 funds that were remaining from the COVID that we did not  
24 request originally have reverted back to the general fund  
25 as of June 30th, 2022.



1           So essentially that request was canceled because we  
2 wouldn't have been able to use those funds. As I have  
3 mentioned before, the COVID funds will not be used to  
4 calculate the 2030 Commission Baseline Appropriation.  
5 And that's important to note because when we did look  
6 back, I think when we did look back, we wanted to make  
7 sure that whatever activities the Commission was involved  
8 in or performed that would need to be performed by the  
9 next commission were not assigned to COVID in the sense  
10 that those need to be included as part of the baseline  
11 for the next commission.

12           So we took a lot of care to identify and make sure  
13 that we weren't identifying activities that would need to  
14 be done regardless of COVID. So just wanted to make sure  
15 I clarified that piece of it, why we went back and why we  
16 weren't able to identify any additional funds.

17           So in regards to our expenditures, today I'll be  
18 providing you an update of our budget and expenditures in  
19 a PowerPoint presentation. The PowerPoint presentation  
20 is posted under the handouts for today's meeting, and  
21 we've also posted several PDF documents that show the  
22 detailed expenditures.

23           All of this was reviewed and discussed with the  
24 Audit Subcommittee and approved to be posted. So all  
25 that information is out there and is available. And with

1 that, I'm going to go ahead and start the PowerPoint  
2 presentation. Can you all see the presentation?

3 CHAIR TURNER: Yes.

4 EXECUTIVE DIRECTOR HERNANDEZ: Okay, wonderful. All  
5 right. So I'll take questions as they come up. I can't  
6 see everybody on the screen.

7 So Chair Turner, if you don't mind letting me know  
8 if there is a question, I can go ahead and pause at that  
9 point.

10 CHAIR TURNER: Will do.

11 EXECUTIVE DIRECTOR HERNANDEZ: Thank you. Okay. So  
12 first I started off, here's our appropriations. We have  
13 the 2019 which was 16,811,000. 2020, we had 92,000.  
14 2021, we had 8,594,000. So total appropriation that the  
15 commission received was 25,497,000. Of that, 5,200,000  
16 was directly transferred to the State auditors, and  
17 that's to perform the activities as the commission was  
18 standing up. So commission specific funding was  
19 20,297,000.

20 Now, they've also identified the expenditure  
21 authority, which has a little bit more detail than just  
22 the lump sum amounts. So the baseline cost, you'll see  
23 that it was 3,936,000. 2019, operational cost was 1.3.  
24 Outreach, 2.065 million. Operational costs in 2020 was  
25 92,000 that they gave us then. And then we requested --

1 as you recall, we did request additional funds when we  
2 evaluated whether or not we needed them because of the  
3 delays to COVID and also the data from the Census Bureau.

4 So the adjustments will be reflected there as part  
5 of the 2021 allocation. So we just received as of July  
6 5th, the 2,797,000. I did not include it in this report  
7 as it was after the June -- end of the fiscal year. And  
8 so just makes it for a clean break or separation of  
9 information. So total amount that was released to the  
10 commission is \$14,778,614.

11 So unreleased funds -- as I mentioned, we did have  
12 some unreleased funds from the COVID pot. If you  
13 would -- that we did not use even though we did go back  
14 and try to identify additional covered expenditures.  
15 This is the amount that has been reverted back to the  
16 general fund and this is the amount that is available  
17 through June 2023. And that's the post-map funds.

18 And we did have those funds released prior to June.  
19 So that's why they're included as part of this report  
20 because they were released prior to the June 30th. Those  
21 post-map activities carried us from January through June.  
22 And now the additional funds that we've received as of  
23 July 5th will carry us through --

24 CHAIR TURNER: And --

25 EXECUTIVE DIRECTOR HERNANDEZ: Yes?

1 CHAIR TURNER: And Alvaro, Commissioner Kennedy has  
2 a question.

3 EXECUTIVE DIRECTOR HERNANDEZ: Okay.

4 COMMISSIONER KENNEDY: Thank you, Commissioner  
5 Turner.

6 Director Hernandez, I just want to make sure that  
7 I'm understanding on that last line where it says  
8 reappropriated 2019 Budget Act funding. We're not double  
9 counting anything that was in that budget act of 2019  
10 baseline operational costs or the Budget Act of 2019  
11 Additional operational costs are we?

12 EXECUTIVE DIRECTOR HERNANDEZ: We are not. So in  
13 the original 2019 budget, they appropriated 4.297 million  
14 for litigation. That amount was reallocated in the 2021  
15 Budget Act and it allowed for the Commission to use it  
16 for post-map operations, including litigation. So that  
17 same amount just carried over and we're not double  
18 counting on that.

19 COMMISSIONER KENNEDY: Okay. So have we taken out  
20 of the Budget Act of 2019 anything that we're showing  
21 under this reappropriate action of 2018 funding?

22 EXECUTIVE DIRECTOR HERNANDEZ: No.

23 COMMISSIONER KENNEDY: Okay.

24 EXECUTIVE DIRECTOR HERNANDEZ: Any other questions?  
25 Okay.

1 CHAIR TURNER: Yes, Commissioner Yee?

2 COMMISSIONER YEE: Thank you, Chair. So Director  
3 Hernandez, just theoretically, if we had in fact expended  
4 the post-map litigation funds on litigation, then what  
5 would have happened to what we -- would we need an  
6 additional allocation for post-map operations?

7 EXECUTIVE DIRECTOR HERNANDEZ: That would have been  
8 one option. The other option would be basically to shut  
9 the door and say good-bye to staff and then we're done.  
10 And we didn't want to do that. So we would most likely  
11 request additional funds to get us through to the point  
12 where we were completed and had everything organized.

13 Fortunately, that hasn't happened. If there were to  
14 be any additional litigation moving forward, we would  
15 need to request those additional funds for that activity,  
16 for that litigation from the Department of Finance and  
17 JLBC as well.

18 COMMISSIONER YEE: Okay.

19 EXECUTIVE DIRECTOR HERNANDEZ: That would be a  
20 separate process, a separate activity that we would have  
21 to be involved in for that. Okay. Moving on.

22 So this was a preliminary budget. It was discussed  
23 in August of 2020. We discussed in October and discussed  
24 again in December 2020. This was before we knew all the  
25 delays of the Census, the COVID mandate. This was all

1 before then. So this is the original amount that the  
2 Commission looked at and established as the budget.

3 And you'll see in the next slide here that our total  
4 expenditures were less than that. But we did make some  
5 adjustments throughout the process and this was the  
6 adjusted budget. So it went down a couple of hundred  
7 thousand from the previous from the original estimate.  
8 So 15,339,000 is what we estimate in our budget, and we  
9 came in our total expenditures at 12,200,000.

10 So here you'll see that there's an additional  
11 breakdown. We have the pre-map expenditures, we have  
12 post-map expenditures and then we have the total and then  
13 we have the total amount that is remaining and we're  
14 using the adjusted budget.

15 CHAIR TURNER: Alvaro?

16 EXECUTIVE DIRECTOR HERNANDEZ: Yes?

17 CHAIR TURNER: Yeah. I'm sorry to interrupt. In  
18 case the questions that are coming now is based on the  
19 previous slide before you get too far, Commissioner  
20 Akutagawa and then Commissioner Fernandez.

21 VICE-CHAIR AKUTAGAWA: Yeah, just a quick question.  
22 I know that you had reported that the new vendor for the  
23 transcripts is working at a good pace. Is it's  
24 interesting that the budget is significantly -- the  
25 actual, I guess, expenditures, much less than what was

1 actually budgeted. Is it because of the delay of the  
2 previous vendor?

3       Essentially, they didn't get the work done. So you  
4 know, they just didn't have to charge for as much of the  
5 work. And so you know, it's small, but it still adds to,  
6 you know, to the size of the budget as we look at the  
7 future. Is that a discrepancy due to nonperformance,  
8 basically?

9       EXECUTIVE DIRECTOR HERNANDEZ: I would say, yes. As  
10 you recall, the contract is they get paid when the  
11 transcript is completed. So if they didn't complete the  
12 transcript, they would not get paid. And so that's where  
13 you would find that discrepancy. There's quite a bit of  
14 difference. And then moving forward, the transcripts  
15 that are being completed that were passed meetings, those  
16 funds will be coming out of the post-map operation fund  
17 because that's an activity that's being performed after  
18 the maps.

19       VICE-CHAIR AKUTAGAWA: Okay. So it is --

20       EXECUTIVE DIRECTOR HERNANDEZ: After June.

21       VICE-CHAIR AKUTAGAWA: -- it is skewing it then.

22 And then also why is the translation interpretation  
23 contract costs so much lower than what was budgeted?

24       EXECUTIVE DIRECTOR HERNANDEZ: We didn't have that  
25 many requests. If you recall, we did share the

1 opportunity for people to call in and ask for translation  
2 or interpretation in the meetings. And we didn't have a  
3 whole lot of folks calling in for that, but we did have  
4 and make that available to them if they needed it. So  
5 that is part --

6 VICE-CHAIR AKUTAGAWA: Okay.

7 EXECUTIVE DIRECTOR HERNANDEZ: -- of the  
8 discrepancy. We just didn't have the volume of  
9 interpretation that we anticipated.

10 VICE-CHAIR AKUTAGAWA: Okay. That's helpful to  
11 know. I think I just want to put a note, though, that we  
12 shouldn't reduce it just because it wasn't used as much.  
13 I think that doesn't mean that it won't in the future. I  
14 think this was the first time that it's been offered as  
15 extensively as it has, and I think it'd be important to  
16 ensure that we continue to account for that and ensure  
17 that in the future budgets, you know, that that is at  
18 least at the full cost. And then if they don't use it,  
19 then, you know, that's fine, but it should be made  
20 available. Thanks.

21 CHAIR TURNER: Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Thank you, Chair. Director  
23 Hernandez, I think my question is similar to Commissioner  
24 Akutagawa and has to do with the total expenditures,  
25 because there are expenditures that are delayed that, you

1 know, as of July 1st, we hadn't paid yet. There's  
2 outstanding invoices and some of the salaries and TDC's  
3 and per diems. So I just want to make sure that I  
4 understood. So these are just the expenditures that you  
5 have as of June 30th. So would it necessarily reflect  
6 all the expenditures of June 30th? It's just what has  
7 been paid to that date; is that correct?

8 EXECUTIVE DIRECTOR HERNANDEZ: I would say so. And  
9 for the most part, all of the activities we estimated  
10 based on previous amounts from the previous months, there  
11 may be some changes to that final amount if we have an  
12 additional invoices that come in after the fact. But as  
13 far as salaries, those are pretty much static. They're  
14 not going to fluctuate too much. Commissioner per diem  
15 and travel, as far as the travel, that's not going to  
16 that may change a little bit, but the per diem may not  
17 change all that much. All the other ones are pretty  
18 caught up.

19 COMMISSIONER FERNANDEZ: Okay. So like for the  
20 salaries, you projected it?

21 EXECUTIVE DIRECTOR HERNANDEZ: Correct. And we  
22 projected --

23 COMMISSIONER FERNANDEZ: Okay.

24 EXECUTIVE DIRECTOR HERNANDEZ: -- primarily for June  
25 because we don't have the actuals for June yet.

1 COMMISSIONER FERNANDEZ: Yeah. And that's probably  
2 one of the major costs. Thank you.

3 EXECUTIVE DIRECTOR HERNANDEZ: Yeah. The other note  
4 I wanted to make here is that we added some additional  
5 line items, for example, the ASL, the transcription and  
6 the translation. And the reason that we did that is  
7 because there were the higher dollar amounts and there  
8 were very specific contracts that we were tracking and so  
9 we added those. Obviously, we have many, many more  
10 contracts. And if you look at the contract services PDF,  
11 you'll see a list of all the different contracts that we  
12 have.

13 But these were the primary ones that the Commission  
14 identified that they wanted to track, and they were  
15 associated with a lot of the meetings that we had. So  
16 that's why we have added those into this chart and that's  
17 why we're tracking them like this. Any other questions?

18 CHAIR TURNER: Looks like we're good.

19 EXECUTIVE DIRECTOR HERNANDEZ: Okay. So here, this  
20 is a bigger picture with some detailed breakdown. We  
21 have the adjusted budget, we have the pre-map  
22 expenditures. Oh, I don't know what happened there. And  
23 you'll see that we estimated or we calculated the  
24 expenditures through December and that's the pre-map.  
25 The maps were completed December 27th, so we just carried

1 it all the way through the end of December.

2 Our total expenditures up until that date was  
3 10,832,000, and then post-map expenditures was 1,376,000.  
4 So that's kind of where we separated. And part of the  
5 reason that we separated that out is because the  
6 Legislature has requested and the statute requests that  
7 we provide a specific information on the costs to  
8 complete the maps. So all the activities up to the map  
9 completion is what we're capturing, and that's a  
10 distinction that has been asked for us to provide details  
11 on. Any questions? Okay.

12 So of the release funds, the 14 million, we have 2.5  
13 million remaining. If we subtract out those funds that  
14 were not expended, that leaves us with 1,503,000. That  
15 1,503,000 coincides with the amount that was released for  
16 post-map activities. So you'll see that. And this is --  
17 I find this very unique.

18 And I think it was a testament to how efficient this  
19 commission was in conducting their business, that we were  
20 able to come and be under budget because we had to pivot  
21 so often throughout the process. We added things  
22 throughout the process and so we were very good at  
23 tracking and making sure that we didn't overspend. So  
24 the total amount that we had available was 44,300,000 for  
25 all our closeout activities.

1           Okay. So here are projections through July 20, 22  
2 through June 2023. Now, we're going on a fiscal year for  
3 the previous information that was shared, that was two  
4 fiscal years, actually, 2021 and 2022. Now, moving  
5 forward, we're in a new fiscal year is a '22/'23 fiscal  
6 year. And this is what our projections are. And this is  
7 based on, again, the information that was shared from the  
8 Long-Term Subcommittee, where they estimated the number  
9 of meetings that we would have for the for the next year.

10           Also, based on the salaries that we anticipated and  
11 some of the other activities for closing operations or  
12 reducing operations. And I'll get into more details at  
13 the end of the presentation as to what is involved in  
14 some of these activities.

15           I see a hand, Commissioner Fernandez.

16           COMMISSIONER FERNANDEZ: Thank you, Executive  
17 Director.

18           I just wanted to make a comment that I really  
19 appreciate you showing that there's office space, because  
20 that's really one of my concerns. I want to make sure  
21 that there -- last time with the 2010, they kind of  
22 didn't have a home after they closed shop. So I want to  
23 make sure that there is some sort of office space for our  
24 staff and potentially our meetings. Thank you.

25           EXECUTIVE DIRECTOR HERNANDEZ: Yes.



1 CHAIR TURNER: Commissioner Kennedy?

2 COMMISSIONER KENNEDY: On that, this -- we pay rent  
3 on the space that we currently have or that's provided?  
4 So I'm not understanding why we pay rent in the future if  
5 the requirement in the legal framework is that the  
6 Governor's office provide us with office space. I don't  
7 recall there being a time limit on that provision that  
8 the Governor's office provide us with office space.  
9 Thank you.

10 EXECUTIVE DIRECTOR HERNANDEZ: We are looking at  
11 that. Our understanding from the last Commission at the  
12 end of the activities of drawing the maps, essentially  
13 everything ended. So we're being a little bit more  
14 precautionous, anticipating that that may change. We'll  
15 certainly pursue that and see if we can have that  
16 available to us at no cost. But in the event that we  
17 don't, we wanted to make sure we have the funds available  
18 to move forward.

19 Again, as Commissioner Fernandez mentioned, the last  
20 time we didn't have an office space, it was basically  
21 you're done, you know, figure it out. And we had staff  
22 that figured it out. You know, they were working  
23 remotely before it was the thing to do.

24 So moving forward, we'll look into it. But we want  
25 to be cautious and want to be prepared. We're looking at

1 particular office space here so that we don't have to  
2 change everything. And hopefully that will work out.  
3 More information will follow on that piece of it. Thank  
4 you.

5       Okay. I'm going to go ahead and talk a little bit  
6 more details about the pre-map and the post-map  
7 expenditures. And this will be more of a visualization  
8 piece of it. We'll have some graphs that will help you  
9 kind of see our activity peaks and valleys. So the pre-  
10 map budget, again, this is through the end of December.  
11 Those are the activities that we performed through that  
12 time frame.

13       This was the budget for that time frame. Our  
14 expenditures were 10,832,000. From January through June,  
15 this is kind of the breakdown. We budgeted 1 million for  
16 salaries. It came up a little bit higher. But in the  
17 end, we were below what we originally estimated to be the  
18 budget. We're at 1.3.

19       So again, this is a slide that I showed earlier.  
20 This shows you the big picture. I'll move on here. This  
21 is a visual. The majority of our budget was spent on  
22 salaries, wages and per diem and videography costs. And  
23 you'll see that our operations was a lot less than what  
24 we originally estimated.

25       One of the big things that we realized was that a

1 lot of the contract services were included in the -- and  
2 all references from this point on OE&E bucket, if you  
3 would call it. OE&E stands for operation expenditures  
4 and equipment. And so a lot of these contract services  
5 were included there.

6 We separated them out so that we can track them  
7 individually. So that's why you'll see that originally  
8 our operations cost was extremely high and ultimately it  
9 was reduced because we pulled information out to itemize  
10 it a little bit better.

11 Here, this slide is just to show the activities for  
12 the salaries. And you'll see as we picked up our  
13 activities in December of 2020, it's the hiring of our  
14 Communications Director, Executive Director, Deputy  
15 Executive Director and some other staff. We peeked a  
16 little bit there. We had some changes and then we went  
17 up again in February, March.

18 And then as we started doing the outreach activities  
19 through the end of December and January, actually, we  
20 were at full staff, full capacity. And you'll see the  
21 activities of the of the staff as well as the  
22 commissioners.

23 This here, this is our meeting expenditures. This  
24 shows and reflects the expenditures to put on a meeting  
25 essentially without the commissioners or the salaries of

1 the staff. This is just meeting expenditures. So we  
2 have videography, ASL, interpretation and translation.  
3 As I noted, that wasn't as high as we anticipated it  
4 would be. In August, we had kind of our peak of our  
5 interpretation services, so that is reflected there.

6 I see a hand there, Commissioner Kennedy.

7 COMMISSIONER KENNEDY: Thank you, Director  
8 Hernandez. M

9 I'd like to go back and endorse Commissioner  
10 Akutagawa's point about making sure that there is an  
11 ample budget for interpretation for the 2030 Commission.  
12 I think part of the reason that we see the interpretation  
13 costs varying so much during this period is that we did  
14 not implement a policy of offering Spanish interpretation  
15 for all meetings.

16 And I think we've generally, my sense at least is we  
17 generally reached agreement that that should in fact be  
18 the case going forward. So I would have met I would  
19 imagine that if we had had Spanish interpretation for all  
20 of our meetings, that the interpretation costs would be  
21 more significant and a little more even throughout the  
22 period. Thank you.

23 EXECUTIVE DIRECTOR HERNANDEZ: Okay. The next slide  
24 here is in regards to our line drawer and legal services  
25 and we didn't have them before March. And so that's why

1 it doesn't reflect any information there. But you'll  
2 see, you know, all the activities ramped up from November  
3 through December as we were completing the maps. So it's  
4 just a nice visual to kind of capture that activity.

5 And then here it everything together, all the  
6 different activities that we have going on. As I  
7 mentioned, these are our projections from July 2022  
8 through June 2023. The funds that were allocated for  
9 post-map operations, they revert back in June of 2023.  
10 So just to note that. These are some of the activities  
11 that will be performing during that time frame. The  
12 staff that is remaining.

13 Now, obviously the SSM-1 will have carryover of some  
14 of these activities as well as some additional activities  
15 moving forward. We would work with them to ensure that  
16 they -- there is a smooth transition to any of the  
17 activities that were not completed or were upon  
18 completion so that they can carry them forward and also  
19 provide additional information to the Commission as  
20 needed on any activities that were not yet completed or  
21 any follow ups that needed to be done.

22 But obviously the Budgets and Accounting, we're  
23 working on that on a regular basis. The majority of the  
24 information for the previous fiscal year is going to be  
25 available in the latter part of July, early August, is

1 our understanding. So we'll be working on a lot of  
2 information to put together a report, and we will be  
3 working with the Finance and Admin Subcommittee to  
4 provide that information so that they can work on that  
5 report as well.

6       Property inventory: We're going to be conducting a  
7 property inventory. That means all our equipment that we  
8 have, all the laptops, our office equipment, things of  
9 that nature. A lot of it is going to go back to the  
10 State warehouse and we're going to work with the  
11 Department of Rehabilitation, which is the building in  
12 which we are in, and the Department of General Service to  
13 identify an office space for the next eight years.

14       Accounts and Contracts: We've identified some of  
15 the contracts that will remain. For example, the  
16 videography ASL, transcription, some of the other  
17 contracts will include our contract services will include  
18 our Verizon contract for our cell phones, AT&T, things of  
19 that nature that will carry forward to ensure that the  
20 commission continues and is able to conduct their  
21 business.

22       Commissioner Sinay?

23       COMMISSIONER SINAY: Thank you. This presentation  
24 is really well done and it's really helpful. A quick  
25 question you had said about returning equipment and

1 property. It's an inventory, but we're not returning our  
2 laptops and cell phones until the end of the ten years or  
3 what's the thought there? It just feels like we have  
4 really good laptops.

5 EXECUTIVE DIRECTOR HERNANDEZ: Yes.

6 COMMISSIONER SINAY: They are probably not being  
7 used as much as somebody else may be able to use.

8 EXECUTIVE DIRECTOR HERNANDEZ: The laptops that the  
9 commissioners have will stay. I'm referring mostly to  
10 the other laptops, other equipment that we have from  
11 staff that is no longer with us or won't be with us. The  
12 Commissioner's equipment will continue on.

13 CHAIR TURNER: Commissioner Fornaciari?  
14 Commissioner Andersen?

15 COMMISSIONER ANDERSEN: Yes. Sorry.

16 CHAIR TURNER: That's okay.

17 COMMISSIONER FORNACIARI: Yeah, I, too, want to  
18 thank Executive Director Hernandez and his team for  
19 putting this together. This was really, really helpful.  
20 Really well-done snapshot of what we did and what we  
21 spent. It's going to be very helpful, obviously, for  
22 writing the report that we need to write to the  
23 Department of Finance and for those committees that are  
24 looking to the future for work.

25 I just want to say to the -- to you and the

1 Commission that, you know, while there were some  
2 additional expenses that -- COVID related expenses that  
3 the Commission undertook, there are also some savings.  
4 So we need to be really deliberate about how we think of  
5 that and how we present to the Legislature, you know,  
6 what our estimated actual costs, what we believe the  
7 costs will be for the next commission. Sorry. But thank  
8 you again for this this report. Really well done. Thank  
9 you.

10 CHAIR TURNER: Thank you. Commissioner Andersen?

11 COMMISSIONER ANDERSEN: Thank you, Chair. Yes.  
12 also concur with the congratulations and thank you on  
13 this document. It really is very helpful. I also concur  
14 with the thought. We did have a lot of savings in what  
15 we did over this time period based on travel specifically  
16 and many other items that would have had to been done in  
17 a much shorter time period, which causes in inefficiency  
18 usually and more time.

19 So I want us to be really careful about that. But  
20 the item I want to talk about just briefly is the office  
21 space for the next eight years, and this is going to the  
22 close of '23. But as it stands now, July 1st of '23, we  
23 have to -- any of our meetings have to be in public so  
24 you know where our office is and the cost of how we do a  
25 public meeting.

1           It needs to be in the budget somehow because we are  
2 planning on actually having some meetings and I'm not  
3 sure I didn't see where that would be quite included in  
4 specifically where it might be included. So that's an  
5 item I want us to keep in mind when we look at office  
6 space for the next eight years.

7           EXECUTIVE DIRECTOR HERNANDEZ: Sure. And if I can  
8 answer that question. The budget moving forward from  
9 July 1st, 2023 and thereafter until the new commission is  
10 seated, that was part of the BCP and there is an  
11 associated expenditure or budgeted amount for meetings to  
12 be held in person. That's one of the things that when we  
13 were discussing it with Department of Finance, we made  
14 clear that we don't know if the law will change.

15           We need to have and make sure that we have available  
16 funds for travel, for the commission and for a venue site  
17 if we are now -- if we go back to in-person meetings.  
18 That is yet to be seen. Obviously, the things have  
19 changed considerably now that we're back to remote  
20 meetings. Come July 1st of 2023, I don't know what that  
21 will be, but we have considered that and we have funds  
22 available for those activities.

23           CHAIR TURNER: Commissioner Kennedy?

24           COMMISSIONER KENNEDY: Thank you, Chair. Going back  
25 to my previous comment regarding office space, Government

1 Code Section 8250 3.6(A), in the middle of that paragraph  
2 says the governor shall also make adequate office space  
3 and meeting space available for the operation of the  
4 commission.

5 Now, admittedly, there are references elsewhere in  
6 that paragraph to a period of three years. So we would  
7 need Chief Counsel Pane's advice on whether that three-  
8 year period also refers to the Governor making available  
9 adequate office space and meeting space. But to the  
10 extent that there is a -- that we would see -- might see  
11 a statutory limit to a three-year period on providing  
12 adequate office space and meeting space, this might be  
13 something that we add to our list of Legislative changes  
14 that we want to make it clear that that sentence the  
15 governor shall also make adequate office and meeting  
16 space available for the operation of the Commission is  
17 for the entire term of the commission.

18 And I would also encourage us to focus on the fact  
19 that this does say both. This does refer to both office  
20 space and meeting space. Thank you.

21 CHAIR TURNER: Thank you, Commissioner Kennedy.  
22 Director Hernandez?

23 DIRECTOR HERNANDEZ? Oh, thank you. That concludes  
24 my presentation.

25 CHAIR TURNER: Okay. Thank you for the

1 presentation. Is that for your full report today? Do  
2 you have anything else?

3 EXECUTIVE DIRECTOR HERNANDEZ: No, that is my  
4 complete report. The PowerPoint is available and it was  
5 posted on our website under the handouts, along with the  
6 other handouts that detail the expenditures by month.

7 CHAIR TURNER: Okay. And just a quick question.  
8 Chief Counsel Pane or Director Hernandez, the concern to  
9 questions that was lifted today, what is the expectation  
10 on path forth to be able to determine how we should move?

11 EXECUTIVE DIRECTOR HERNANDEZ: So just for  
12 clarification, are you referring to the office space  
13 question?

14 CHAIR TURNER: Um-hum.

15 EXECUTIVE DIRECTOR HERNANDEZ: Okay.

16 CHAIR TURNER: Yeah, yes.

17 EXECUTIVE DIRECTOR HERNANDEZ: That's the one I have  
18 listed here. We're going to look into that a little bit  
19 more. Based on our experience or Raul's experience from  
20 2020 -- from 2010, it was very different. And so we're  
21 charting a different path. And so we'll look into this a  
22 little bit further. I'll consult with Chief Counsel Pane  
23 as to what will happen next and what path we should take.

24 CHAIR TURNER: Um-hum. Okay. Okay. And to then  
25 the commissioners, I was also writing and listening. Was

1 there something else? Do we have clarity on all of the  
2 piece parts that was lifted as far as what we need and  
3 who's taking -- who's going to check into it, I know  
4 there was the request to ensure that translation services  
5 are not minimized and you took that one. Is everything  
6 else clear in our minds?

7 Commissioner Sinay?

8 COMMISSIONER SINAY: I just want to make sure that  
9 the right subcommittee took on the recommendation from  
10 Commissioner Kennedy to create language around that last  
11 piece that Commissioner Kennedy brought up.

12 CHAIR TURNER: Is that your -- whose subcommittee is  
13 it?

14 COMMISSIONER SINAY: Yeah. Commissioner Fernandez  
15 and Akutagawa.

16 CHAIR TURNER: Okay. Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes, I did jot it down.  
18 Obviously, it won't be on the spreadsheet that we go over  
19 today because we've already we already have that out  
20 there. But it can be discussed in future meetings. And  
21 I did have one more thing. I missed this -- I missed my  
22 hand on this one, Executive Director Hernandez. On the  
23 transcripts, I think it's important with -- to provide  
24 feedback on the initial vendor that we had that did not  
25 perform.

1 I think it's important to provide feedback to  
2 Department of General Services in terms of them not  
3 completing what we had requested. And I think it's  
4 important for other agencies who may be wanting those  
5 services as well. I think it's very important to provide  
6 that feedback. Thank you.

7 CHAIR TURNER: Thank you.

8 Commissioner, Yee?

9 COMMISSIONER YEE: Thank you, Chair. Thank you, Dr.  
10 Hernandez, for this presentation and all the details that  
11 you and your staff put together. I'm wondering if I can  
12 risk digesting it down to a sound bite version. I'm  
13 hoping you can check me on this. So as I understand it,  
14 so the auditors spent a little over 5 million to see  
15 this. We then spent a little over 12 million through  
16 June this last month to do all our work. So that's a  
17 little over 17 million.

18 We're projecting about 3 million for the coming year  
19 or so until all staff are wrapped up. So that's 17 plus  
20 3, about a little over 20 million for all operations and  
21 everything through the end of next year. And then you  
22 said at the very beginning there were initial  
23 appropriations, the total of all the appropriations was  
24 about 25 million.

25 So total appropriations, 25 million, actual

1 expenditures through in the next year, about 20 million.  
2 And so we end up not spending almost 5 million that was  
3 appropriated. Does that sound right? And basically,  
4 that was litigation. Post map litigation we didn't have  
5 to spend money on. So in round numbers does that sound  
6 about right?

7 EXECUTIVE DIRECTOR HERNANDEZ: That sounds about  
8 right to me.

9 CHAIR TURNER: Thank you. Any other questions or  
10 comments for Director Hernandez?

11 Director Hernandez?

12 EXECUTIVE DIRECTOR HERNANDEZ: Yes, I just wanted to  
13 thank my staff, Terry, our budget officer, Raul, and our  
14 Audit Subcommittee. They were very helpful in providing  
15 guidance and going through and looking at the PowerPoint  
16 to make sure that it made sense and we were able to get  
17 through it. So I wanted to thank them for all their  
18 assistance.

19 CHAIR TURNER: Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Yes, thank you. Just  
21 quickly, I also wanted to thank Director Hernandez and  
22 his staff and also the subcommittee. This is what  
23 Finance Admin Subcommittee. That's what we're looking  
24 for, all the detail, all the information. So thank you  
25 so much. I know it was an easy task and it was a lot of

1 work. And I appreciate you presenting it in a  
2 information -- in a in a method that was easy to  
3 understand. Thank you so much.

4 CHAIR TURNER: All right. Director Hernandez, do  
5 you feel appreciated? A lot of the commissioners have  
6 said one-on-one. We've all went through. We are very  
7 much pleased with the report. We look forward to the  
8 just the tweaks, the upgrades, the answers to the  
9 questions. But job well done for sure. Thank you.

10 EXECUTIVE DIRECTOR HERNANDEZ: Thank you.

11 CHAIR TURNER: Commissioner Sinay?

12 COMMISSIONER SINAY: It took a long time to get  
13 here. And so I really appreciate the report we have and  
14 that we finally can understand everything. What I would  
15 hope is, Director Alvaro, that you may write a good memo  
16 to whoever heads up the commission 2030 on what is a good  
17 financial accounting and good report for the public and  
18 for commissioners, because it took us a long while to get  
19 here. And of course, they're going to want to do it  
20 their own way. But I think just having a template or  
21 something is always a great place to start and then build  
22 from there.

23 CHAIR TURNER: Beautiful. Okay. Thank you. Thank  
24 you. At this point, then we'll go ahead and move to our  
25 Chief Counsel Pane for any updates or announcements you

1 have for us there.

2 MR. PANE: Thank you, Chair. Good morning,  
3 Commissioners. I did want to make one mention, as you  
4 all may know, that the Governor had signed the budget.  
5 And there's a provision in that in SB 189, which was  
6 signed for the budget that allowed suspension of the  
7 Bagley-Keene requirements for the in-person locations  
8 essentially to continue what was happening under  
9 executive orders, where there's not a requirement for a  
10 physical location and all -- where members are able to  
11 participate remotely. And so we will -- are able to  
12 continue that until July 1st of 2023, at which point that  
13 statute is repealed.

14 In the interim, it's very likely that a more  
15 permanent solution is going to be worked out  
16 Legislatively. We don't know what that is yet, but  
17 that's something we will certainly monitor and work  
18 closely on. So I'll be engaging the commission on that  
19 when we know more. So just sort of -- there's sort of  
20 two pieces. There's the bridge to July 1st of 2023 and  
21 then in the interim, there's likely to be a permanent  
22 solution. And that may or may not be what it looks  
23 like -- what keeps us going until July 1 of 2023.

24 CHAIR TURNER: Thank you, Chief Counsel Pane. We  
25 appreciate that. And I'd like to say yay. And we have

1 all fourteen commissioners online. So I'm super excited  
2 about that. And I'm just really hopeful that with the  
3 work that's being done and with our adding into that  
4 work, we're able to have something a little bit more  
5 permanent, even beyond the year in place, so that we  
6 won't keep tripping over this depending on what's going  
7 on in the world. So yes, thank you for the update and  
8 I'm glad for our reprieve. We have, at least for the  
9 next twelve months, to be able to still conduct business  
10 in a safe manner.

11 At this point, I'm going to call for public comment  
12 on item number 2. Kristian?

13 PUBLIC COMMENT MODERATOR: Yeah. I can help you  
14 with that, Chair. Just a moment. In order to maximize  
15 transparency and public participation in our process, the  
16 commissioners will be taking public comment by phone. To  
17 call in, dial the telephone number provided on the  
18 livestream feed. It is 877-853-5247. When prompted,  
19 enter the meeting ID number provided on the live stream.  
20 It is 81170012495. When prompted to enter a participant  
21 ID simply press the pound.

22 Once you've dialed in, you'll be placed in a queue.  
23 To indicate you wish to comment, please press star 9.  
24 This will raise your hand for the moderator. When it's  
25 your turn to speak, you'll hear a message that says the



1 host would like you to talk. Press star 6 to speak. If  
2 you'd like to give your name, please state, and spell it  
3 for the record. You are not required to provide your  
4 name to give public comment.

5 Please make sure to meet your computer or livestream  
6 audio to prevent any feedback or distortion during your  
7 call. Once you're waiting in the queue, be alert for  
8 when it is your turn to speak. And again, please turn  
9 down the livestream volume. And there are no callers in  
10 the queue at this time, Chair.

11 CHAIR TURNER: Okay. Then we will go ahead and move  
12 on to our subcommittee reports. We have a good chunk of  
13 time about thirty minutes before our first break. So we  
14 will begin with our Legislative and Long-Term Planning,  
15 Commissioners Akutagawa and Commissioner Fernandez.

16 COMMISSIONER FERNANDEZ: I thank you, Chair. We had  
17 quite a few documents, handouts, and I was trying to  
18 figure out which order we should go in. I think  
19 hopefully Commissioner Akutagawa will agree. I think  
20 we'll start with the letter of support. Is that part of  
21 the best? Okay. So one of the one of the documents is a  
22 letter of support for Assembly Bill 1848. And this is  
23 the bill that would make the change related to how we --  
24 how future commissions handle the incarcerated population  
25 in our state facilities instead of the Legislature

1 requesting that we count the incarcerated population at  
2 prior residence, that it will be an automatic, that they  
3 will do it that way. Also provided as handout was a copy  
4 of the -- or a link to the bill, or maybe there was a  
5 copy of the latest bill. And you can look at that  
6 language and you can see what the changes are. And so  
7 what this is a letter of support as we as the bill moves  
8 forward. It has I think right now it's at the State  
9 appropriations. I think that's the last place it's going  
10 to be. Before then it would move forward to the  
11 governor's office. The Legislature is on recess this  
12 month, so it won't be heard until next month. So we felt  
13 that it was important to move this forward as soon as  
14 possible, because for the appropriations, they may not --  
15 there may not be a chance to testify because there is not  
16 a fiscal financial impact or the financial impact is  
17 under a certain amount. So what's brought forward is a  
18 letter of support. So we're asking the commission to  
19 hopefully vote to forward this to the Legislature. Thank  
20 you. Or to the Governor's office. Sorry. Thank you.

21 CHAIR TURNER: And Commissioner Fernandez -- oh,  
22 Commissioner Kennedy?

23 COMMISSIONER KENNEDY: Thank you, Chair. I'm trying  
24 to get back to the copy of the letter that I just got.  
25 Okay. The last sentence in paragraph 3 is to me, I can't

1 figure out what the intent of that sentence is, and I  
2 hope we can redraft it before the letter goes out. I  
3 don't know whether it's trying to convey that once the  
4 last -- the incarcerated person's last known address is  
5 known or because it's known and it just -- it comes  
6 across as very awkward and I think we can help. We can  
7 come up with better wording for it. Thank you.

8 CHAIR TURNER: Commissioner Kennedy, you're  
9 referring to the as the as opposed to one of your other  
10 word choices?

11 COMMISSIONER KENNEDY: That whole sentence,  
12 basically.

13 CHAIR TURNER: Okay.

14 COMMISSIONER KENNEDY: I think it needs to be. I  
15 mean, I keep coming back to the purpose of language is to  
16 make it impossible to be misunderstood. And I think this  
17 sentence has many possibilities of being misunderstood.

18 CHAIR TURNER: Okay. We'll look at that.

19 Commissioner Andersen?

20 COMMISSIONER ANDERSEN: Thank you, Chair. Yeah.  
21 First of all, I want to say, while the committee -- the  
22 subcommittee has done amazing amounts of work and I  
23 really love so much of all of the items and I had very  
24 little comment, unfortunately, this particular one I  
25 have -- I do have a lot of comments on. I agree with

1 Commissioner Kennedy. It tries to be concise and say  
2 what it means, but it's a little vague. And I would -- I  
3 was trying to come up with proper wording for it.

4 And you know, rather than take a bunch of commission  
5 time, I'd like to actually say that I possibly even  
6 worked with Commissioner Kennedy or just suggest ideas to  
7 the subcommittee to quickly revise this because  
8 basically, I think it's simpler than that.

9 Right now, all the other jurisdictions are required  
10 to do this. But we were only requested. So we're just  
11 trying to be consistent with the other jurisdictions.  
12 It's sort of that simple and put into law. And we sort  
13 of get around to saying that. But it's just a little  
14 to --

15 CHAIR TURNER: God bless you.

16 COMMISSIONER ANDERSEN: I did not have a chance to  
17 actually work up exactly what the -- oh, how about this  
18 passed everybody? But I would really like us to  
19 reconsider because I think it -- well, this letter does  
20 not reflect all the fantastic work the subcommittee has  
21 been doing and all the precise wording and changing that  
22 I think they've been doing. And this one, I still don't  
23 understand it.

24 CHAIR TURNER: Yeah. Okay. So I'd ask Commissioner  
25 Akutagawa and Fernandez your intent for this letter. The

1 intent and what is your desire?

2 COMMISSIONER FERNANDEZ: Well, the intent of the  
3 letter is so that we go on record as a commission to  
4 support the Assembly bill.

5 CHAIR TURNER: Right. So not necessarily reflection  
6 of all the other work you're doing is just to say --

7 COMMISSIONER FERNANDEZ: No, not at all.

8 CHAIR TURNER: -- yes, we support what you are  
9 already doing.

10 COMMISSIONER FERNANDEZ: Yes.

11 CHAIR TURNER: Okay.

12 COMMISSIONER FERNANDEZ: Yes, yes.

13 CHAIR TURNER: Yes. Okay. And with that --

14 COMMISSIONER FERNANDEZ: -- just for this piece of  
15 it.

16 CHAIR TURNER: Yeah.

17 Commissioner Andersen?

18 COMMISSIONER ANDERSEN: Yes. Could I ask, what is  
19 the time frame of -- do we need to -- if we don't send  
20 this forward right now is it too late?

21 COMMISSIONER FERNANDEZ: I would say yes because we  
22 won't meet until next month. And next month is when it  
23 will be heard and sent to the Governor's office. And  
24 we've been able to get around it in terms of the support  
25 because I have been able to carve-out some time to

1 testify at each of the committee meetings.

2 But as I mentioned earlier, for the next step, there  
3 may not be a chance to testify because it may go on a  
4 consent calendar due to the low fiscal impact of this  
5 bill.

6 CHAIR TURNER: Yeah, and I'm certainly hoping we  
7 don't delay and miss the opportunity to support it. So  
8 maybe with just a couple of word choices that can even be  
9 sent and submitted while we're in this meeting, we can  
10 have something that we will land on.

11 Commissioner Sinay?

12 COMMISSIONER SINAY: Pass.

13 CHAIR TURNER: Commissioner Akutagawa?

14 VICE-CHAIR AKUTAGAWA: Yes. Thank you, Chair  
15 Turner. I think you did say what I wanted to say. I  
16 think, you know, we just need to go on record that we're  
17 in support of this. And I think that's essentially what  
18 we were trying to just say. It's as simple as possible  
19 and just get something out there before the Legislature  
20 reconvenes in August. So yes, sooner than later, please.  
21 Thank you.

22 CHAIR TURNER: Yes. Good, good.

23 Commissioner Sinay?

24 COMMISSIONER SINAY: I passed, but then I just -- I  
25 hear what's being said. You know, the letter is shorter

1 than the headers. And so it is a good, simple letter.  
2 But I don't want us to take for granted that everybody  
3 understands the issue and why this is important. And you  
4 know, when Commissioner Fernandez and I first presented  
5 it to the -- to you all, to the commissioners, we really  
6 did a good background piece.

7 And maybe what I think what I'm hearing is it might  
8 be good to just add a couple of the bullets from the  
9 background piece so that all the member -- we don't make  
10 any assumptions that the members that are sitting on this  
11 committee or the greater Assembly and Senate when they  
12 have to vote, know what we mean by prisoner or even using  
13 the word prisoner gerrymandering, but that's what we're  
14 trying to get around.

15 So it might be good just to add a couple of bullets  
16 as a primer because we kind of stuff everything in that  
17 last sentence. But if you're not in the know, it doesn't  
18 really make sense.

19 CHAIR TURNER: Okay. And are those bullets that  
20 you'd have prepared tonight, Commissioner Sinay, to send  
21 over to Commissioners Fernandez and Akutagawa for this  
22 meeting? Are you suggesting that we do some work and --

23 COMMISSIONER SINAY: I could probably look at the  
24 original memo that Commissioner Fernandez and I created  
25 and just pull some from there because that we -- there

1 was a lot of that went into that.

2 CHAIR TURNER: Okay, great. So we won't -- so  
3 Commissioners, I'm going to -- Fernandez and Akutagawa,  
4 I'm going to punt back to you to continue with the rest  
5 of your report.

6 COMMISSIONER FERNANDEZ: Okay. Thank you. And I  
7 guess I want to go on record and I've read that last  
8 sentence like three or four times. It's probably 20  
9 times by now and I guess I wasn't confused by it, but I  
10 think maybe I'm just a little too close to it. So I'm  
11 not sure -- yeah, again, I don't know if we'll have time  
12 to make changes and maybe we just omit that last sentence  
13 if it is that confusing, which we can discuss that  
14 further.

15 CHAIR TURNER: Commissioner Sinay?

16 COMMISSIONER SINAY: I guess I wouldn't want to omit  
17 that sentence just because that kind of is the heart of  
18 why this is important from how I read it. And I could be  
19 reading it incorrectly.

20 CHAIR TURNER: Well, to Commissioner Kennedy's  
21 point, we want no possibility that she'll read it  
22 incorrectly or very little possibility.

23 So let's see, Chief Counsel Pane?

24 MR. PANE: Thank you, Chair. Just to reiterate what  
25 Commissioner Kennedy recommended earlier. I think he

1 recommended the word once instead and replacing that  
2 instead of the other two words that begin that sentence.  
3 So I mean, that sounds like that could be a concrete  
4 solution, easy replacement. And I think that would work  
5 out fine as well.

6 CHAIR TURNER: Except he said that was not just that  
7 first part, that whole sentence read a little wonky, for  
8 lack of a better term for him. So if we go with the once  
9 and then maybe just let's sit with it for the next little  
10 bit. And if we because we read that once the last known  
11 incarcerated person's address is known, it is a far  
12 fairer determination to count incarcerated persons at  
13 their last known address rather than at the correctional  
14 facility. Okay. Once the last known incarcerated  
15 person.

16 Yeah. So we're talking about in this letter, the --  
17 that the fact that we want the last known then  
18 incarcerated persons last known address known. So  
19 perhaps we can just even say, what do you think,  
20 Commissioner Kennedy, about, just lose the first part of  
21 that sentence entirely and just kind of double down on  
22 the last part.

23 It is a fair determination to count incarcerated  
24 persons at their last known address rather than at the  
25 correctional facility. Maybe it's a repeat it. Oh,

1 there you go. Maybe it's the repetition of that first  
2 part that causes some problem. I'm not certain.

3 Commissioner Kennedy?

4 COMMISSIONER KENNEDY: It is -- I'm just making sure  
5 I'm unmuted, that that is certainly part of it. I think  
6 if we said something like because an incarcerated  
7 individual's previous address is known, it is a far  
8 fairer determination to count incarcerated persons at  
9 their last known address rather than at the correctional  
10 facility.

11 CHAIR TURNER: Beautiful.

12 COMMISSIONER FERNANDEZ: Just one more time, please.  
13 I started to write, and then I lost my train of thought.

14 COMMISSIONER KENNEDY: Sorry.

15 COMMISSIONER FERNANDEZ: That's it. No, that's me.

16 COMMISSIONER KENNEDY: Because an incarcerated  
17 person's previous address is known and then the part  
18 after the comma remains the same.

19 COMMISSIONER FERNANDEZ: Okay. No, I gotcha. Okay.  
20 Because an incarcerated person's --

21 CHAIR TURNER: I like that a lot.

22 COMMISSIONER FERNANDEZ: Yeah.

23 CHAIR TURNER: Commissioner Kennedy?

24 COMMISSIONER KENNEDY: Pass.

25 CHAIR TURNER: Okay. Commissioner Taylor?

1           COMMISSIONER TAYLOR: Good morning, everyone, if I  
2 haven't said it already. So as I'm reading through the  
3 letter, I'm a little concerned that it feels like we're  
4 advocating for a specific population knowing that we have  
5 to represent all Californians. So I just think there  
6 should be a slight statement in there that says how this  
7 affects our work. I'm not saying that it's not a correct  
8 advocacy, but how this lends itself to gerrymandering,  
9 how it lends itself to an improper count. We just state  
10 that it's not fair to this specific population.

11           But again, we have to represent all of California.  
12 So I think in the last sentence, we say doing the latter  
13 artificially drives up numbers in a county -- in a city  
14 with a correctional facility. And that lends itself to  
15 gerrymandering from our from our point of view. I think  
16 that has to be stated why -- I think we have to stay why  
17 we're doing. And how it affects everyone. If we have an  
18 improper count, it affects everyone. And we're not just  
19 advocating for a specific population of people in my  
20 opinion, since the Commission represents all.

21           CHAIR TURNER: Got it. Thank you.

22           COMMISSIONER TAYLOR: Thank you.

23           CHAIR TURNER: Commissioner Sinay?

24           COMMISSIONER SINAY: Thank you, Commissioner Taylor.  
25 That's what I was trying to say. I did go back to the

1 original memo and we -- that when we voted on this and we  
2 said, by inflating the apparent size of the political  
3 influence of areas within incarceration facilities,  
4 prison gerrymandering violates our Constitutional right  
5 to equally -- to equal political power based on  
6 population size.

7 This problem is especially urgent and harmful in  
8 today's mass incarceration era and may limit the voices  
9 and power of communities of color. So we might want to  
10 tweak it a little, but that was what we used as our  
11 reason why we voted to do this back in May.

12 CHAIR TURNER: Thank you.

13 Commissioner Kennedy?

14 COMMISSIONER KENNEDY: Thank you, Chair. It also  
15 occurs to me that if a major part of our rationale for  
16 supporting this change is to make the provisions  
17 regarding statewide redistricting compatible with the  
18 requirements for local redistricting, let's go ahead and  
19 say that. You know, it's mandatory that other  
20 jurisdictions do it this way. So why not go ahead and  
21 make it mandatory for the statewide redistricting? Thank  
22 you.

23 CHAIR TURNER: I like it.

24 Commissioners Sinay? Nope. Okay. Okay. Chief  
25 Counsel Pane, you know, you got all of that. And

1 Commissioner Fernandez and Akutagawa, we're going to sit  
2 with those suggestions and our little busy people in the  
3 back that doesn't exist, really, those elves, will start  
4 to put that letter together while we're talking so that  
5 we'll be able to present it at the end and conclusion of  
6 this part of the session. So yep, we'll be working on it  
7 behind the scenes.

8 So Commissioner Fernandez and Akutagawa, if you will  
9 continue.

10 COMMISSIONER FERNANDEZ: Okay. We're we the elves?  
11 Commissioner Akutagawa and I were working on it. I thank  
12 our Chief Counsel Pane --

13 CHAIR TURNER: Chief Counsel Pane.

14 COMMISSIONER FERNANDEZ: -- which I have to go on  
15 record and say that he has been invaluable to the long-  
16 term and also -- what do we call -- the Legislative  
17 Subcommittee. And when drafting letters, drafting  
18 Legislative language, pretty much keeping us on track.  
19 So thank you so much for that, for being such a wonderful  
20 ally, I guess. I think should the next -- you want to  
21 move on Commissioner Akutagawa. Should we move on to the  
22 language for the areas?

23 CHAIR TURNER: Commissioner Fernandez, I guess your  
24 mic -- something just happened. You were clear earlier  
25 and now there's --

1           COMMISSIONER FERNANDEZ: Yeah, Kristian told me  
2 there's something going on. So how about Commissioner  
3 Akutagawa, could you take over and I'm going to reboot,  
4 please?

5           VICE-CHAIR AKUTAGAWA: All right. Sounds good.  
6 Okay, so we had a number of handouts. I will start with  
7 the draft proposed Legislative changes with support  
8 handout. So that way then we will all be on the same  
9 page. There's a lot of documents in this round. So in  
10 it you could see that we had voted and agreed upon  
11 certain areas in which we wanted to see Legislative  
12 changes.

13           So as part of the last discussion that we had, there  
14 was a request to come back with some proposed language,  
15 draft language, for the Legislative changes. So in the  
16 order in which you'll see on the document, I'll start  
17 here. So we have we have language -- and this is so that  
18 everybody, again, is on the same page. We have a draft.  
19 I'm sorry. I guess the document is called Draft Proposed  
20 Legislative Changes with Support.

21           And then the other document is called Potential  
22 Legislative Changes 711 2022 So the potential Legislative  
23 changes document, what that shows is all of the changes  
24 that have been brought up previously. The ones that are  
25 highlighted in Gray are the ones in which we are coming

1 forward with language under the document that is called  
2 Draft Potential Legislative Changes with Support.

3 So on that document, you'll see that the first one,  
4 which is it is labeled A1 and A2 because we were using a  
5 different document that we ported over. So the first one  
6 is in the changes to the elections code regarding  
7 reallocation of state and federal inmates residences.

8 We did just present the support letter that is for  
9 AB 1848, which does impact the reallocation of state  
10 incarcerated people in state facilities. The federal  
11 incarcerated people, we are still working on that right  
12 now. So I wanted to just note that. So we are not going  
13 to be presenting anything.

14 I know that after we finished the Federal  
15 Incarcerated People Subcommittee, who is working on the  
16 federal level are going to be making a report as well  
17 too. I also want to, now, just keep moving forward. On  
18 the document that I'm looking at, which is the Draft  
19 Proposed Legislative Changes. We have also A4, which is  
20 a procurement exemption on this. What we wanted to do is  
21 to make it for the next commission easier for them to be  
22 able to procure or enact contracts, especially given the  
23 limited time frames that the Commission is working in.

24 And you'll see that at the very end of this  
25 particular public contract code, which is section 10430.

1 There is a simple change in which you'll see highlighted  
2 in green that transactions covered under Chapter 3.2,  
3 commencing with 8251 of division one of title two of the  
4 Government code. The Commission shall annually file a  
5 report disclosing the total amount of money paid or to be  
6 paid to the contractor under the contract. The  
7 Commission shall provide notice to the Joint Legislative  
8 Budget Committee within thirty days of posting the  
9 report.

10 Part of this is, we have requested to be added to a  
11 procurement exemption list so that we can be able to  
12 enact these changes. But with the also known -- I guess  
13 I'll just say the accountability of us as a commission or  
14 the future commission, not just doing things on their own  
15 without any accountability. And so what we've written  
16 into here is language that will also ensure that there is  
17 going to be public disclosure and also accountability to  
18 this particular topic.

19 Next one, and I'm just going to go through all of  
20 them real quick, and then we can go back through and then  
21 talk about each one individually. The next one is A5,  
22 which is a request to have three days' notice in the  
23 Legislative language so that as we're closer to the time  
24 of line drive --

25 CHAIR TURNER: Commissioner Akutagawa?

1 VICE-CHAIR AKUTAGAWA: Yes?

2 CHAIR TURNER: May I may request just a slight  
3 upgrade to that so that we'll know if any of these we can  
4 kind of put to bed we're good with it? But some may have  
5 a little more discussion than the other. Like, so you  
6 just went through that A4 and its -- and just to see if  
7 there's anything there so that we're not then going back  
8 to them again.

9 VICE-CHAIR AKUTAGAWA: Okay.

10 CHAIR TURNER: Is that okay?

11 VICE-CHAIR AKUTAGAWA: Okay.

12 CHAIR TURNER: So for -- Commissioner Kennedy?

13 COMMISSIONER KENNEDY: Yeah. Just some small  
14 concern on the within thirty days of posting of the  
15 report. Just wondering if we need thirty days? If we're  
16 posting it, we should be able to alert the JLBC  
17 concurrently or within, I don't know, three days', not 30  
18 days of the posting of the report. Thank you.

19 VICE-CHAIR AKUTAGAWA: And actually, I'm going to  
20 ask Commissioner Fernandez to step in on this one about  
21 the procurement exemption. I believe that we wanted -- I  
22 think, Commissioner Kennedy, are you asking for -- are  
23 you commenting that it should be less than thirty days to  
24 post the report versus --

25 COMMISSIONER KENNEDY: Yes.

1 VICE-CHAIR AKUTAGAWA: Okay.

2 COMMISSIONER KENNEDY: But not so much the posting  
3 of the report, it's the providing notice to the JLBC that  
4 we have posted the report. That last sentence in green.

5 VICE-CHAIR AKUTAGAWA: Oh, I see what you're saying.  
6 Okay.

7 COMMISSIONER KENNEDY: Yeah.

8 VICE-CHAIR AKUTAGAWA: Okay.

9 COMMISSIONER KENNEDY: So if we're posting it, we  
10 should be able to let them know immediately or know  
11 within three days' rather than thirty days.

12 VICE-CHAIR AKUTAGAWA: Oh, okay. I see. So it's a  
13 clarification of language in terms of when we'll notify  
14 them when the report is posted versus --

15 COMMISSIONER KENNEDY: Correct.

16 VICE-CHAIR AKUTAGAWA: Okay. Okay. Thank you.

17 COMMISSIONER KENNEDY: Thank you.

18 VICE-CHAIR AKUTAGAWA: We'll note that. Any other  
19 questions --

20 COMMISSIONER FERNANDEZ: Did you just want me to  
21 respond? I think that was fine.

22 VICE-CHAIR AKUTAGAWA: Yeah, I think I misunderstood  
23 what he was asking originally, so. Okay, that makes  
24 sense. We will note that clarification and make that  
25 language clearer.

1 COMMISSIONER FERNANDEZ: What I'm thinking -- I  
2 don't know. This kind of makes sense as the Commission  
3 shall provide notice to the Joint Legislative Budget  
4 Committee when the report is posted. That way it's done  
5 simultaneously. Is that -- okay.

6 VICE-CHAIR AKUTAGAWA: And that'll probably happen  
7 anyway, so.

8 COMMISSIONER FERNANDEZ: Yeah, but that's good to  
9 have that so you don't forget to do it and it's all in  
10 one.

11 VICE-CHAIR AKUTAGAWA: Yeah.

12 COMMISSIONER FERNANDEZ: Yes.

13 VICE-CHAIR AKUTAGAWA: Thank you for that  
14 clarification. That's great. Okay.

15 CHAIR TURNER: Okay.

16 VICE-CHAIR AKUTAGAWA: Okay. We'll go on to A5,  
17 which is three days' notice proposed legislation --

18 CHAIR TURNER: I'm sorry, Commissioner Akutagawa.  
19 Commissioner Andersen?

20 VICE-CHAIR AKUTAGAWA: Oh, sorry. Okay.

21 COMMISSIONER ANDERSEN: Yeah, sorry. Thank you  
22 about that. You know, I appreciate this, but and please  
23 correct me if I'm wrong here. I thought the procurement  
24 exemption actually had to do with our ability -- it's  
25 that we did not have the ability to actually go and do

1 contracts and things like that because we didn't have the  
2 proper channels of it.

3 I thought that was what we were trying to get at.  
4 And I don't see how this -- what we've done here  
5 addresses the issue at all. Now, maybe I mixed -- I'm  
6 confusing issues, but it was, you know, the issue that,  
7 you know, we couldn't just we everything had to go to  
8 contract. Everything had to, you know, we couldn't  
9 except for something like \$5,000. We always had to go  
10 back and get full contracts.

11 And I thought that was the idea of the procurement  
12 exemption. Am I just mixing up two different issues  
13 here? I'm seeing a head nod from Commissioner Fernandez.  
14 In which case, what are we doing here? Where does it  
15 come from?

16 COMMISSIONER FERNANDEZ: So this is -- the language  
17 for this as you remember, I think Commissioner Sadhwani  
18 remembers how long it took to go through. Like for  
19 the -- our attorney are the legal ones and also the line  
20 drawers some of these other contracts that took anywhere  
21 four to seven months and then Commissioner Akutagawa and  
22 Commissioner Le Mons having trying to get through the  
23 whole grant process and the back and forth.

24 So this would provide an exemption from having to go  
25 through all of that process. Not to say that we would

1 use it at every opportunity, but it would be available to  
2 us. But if we do go through this process and we don't  
3 go -- if we don't go through the regular procurement  
4 contracting process, we would have to notify, you know,  
5 we'd have this report at the end of the year notifying  
6 which contracts we did not go through the process with.

7 COMMISSIONER ANDERSEN: Great. Okay.

8 COMMISSIONER FERNANDEZ: Does that make sense?

9 COMMISSIONER ANDERSEN: No, it's -- yes. No. And I  
10 get it because by just adding our, you know, Section 8251  
11 into this then we're covered, correct.

12 COMMISSIONER FERNANDEZ: Yeah.

13 COMMISSIONER ANDERSEN: All right. Great. Thank  
14 you very much.

15 CHAIR TURNER: Thank you.

16 VICE-CHAIR AKUTAGAWA: I'm just making sure no more  
17 questions.

18 CHAIR TURNER: No more questions.

19 VICE-CHAIR AKUTAGAWA: Okay. All right, then we'll  
20 go to the next proposed language. We combined two  
21 topics. One is three days' notice proposed Legislative  
22 language and clarifying purpose of public input meetings.  
23 Since it's in the same code that that governs our  
24 commission, 8253, it didn't make sense to have the same  
25 language on two separate documents.

1           So we did combine it together into one, and this is  
2 the one in which we would be able to provide three days'  
3 public notice in the three months prior to the final map  
4 deadline, three days' public notice for meetings in the  
5 three months prior to the final map deadline. And also,  
6 we wanted to clarify the purpose of public input  
7 meetings, which is here you'll see that in that first  
8 paragraph, 8253, Section A, subsection 1, which speaks to  
9 the commission, shall comply with the Bagley-Keene Open  
10 Meeting Act, Article 9, commencing with Section 11120 of  
11 Chapter one, a part one of Division three or its  
12 successor.

13           And we added, however, the Commission shall provide  
14 not less than 14 days public notice for each meeting held  
15 for the primary purpose of receiving public input  
16 testimony. Except that meeting held three months prior  
17 to the final map deadline may be held with three days'  
18 notice. So what it does is it clarifies meetings that is  
19 for the primary purpose of public -- receiving public  
20 input and also giving us the flexibility to be able to  
21 notice meetings within three months of the final map  
22 deadline.

23           And I see that Commissioner Kennedy has a -- and  
24 Commissioner Fernandez, since you're back, do you want to  
25 add anything to what we're presenting or what I've said



1 so far?

2 COMMISSIONER FERNANDEZ: No, I think that was  
3 very -- I think just the clarification, the first part of  
4 the changes and hopefully you've had a chance to review  
5 it. That deals with the public comment portion of it.  
6 And the last part deals with the three days.

7 But I'm thinking, Chair Turner, the conversation  
8 might go longer than two minutes, so it might be a good  
9 time to break and then come back.

10 CHAIR TURNER: Um-hum. That sounds great. We'll be  
11 back at 11:15. So 11:15. Thank you.

12 (Whereupon, a recess was held from 10:58 a.m.  
13 until 11:15 a.m.)

14 CHAIR TURNER: And welcome back to our California  
15 Redistricting Commission Business Meeting. We are in the  
16 midst of our subcommittee reviews and updates, and we're  
17 in our long Legislative, Long-Term Planning in the hands  
18 of Commissioners Fernandez and Akutagawa.

19 We had questions coming at this point from  
20 Commissioner Kennedy, all of my commissioners and I.

21 COMMISSIONER KENNEDY: Thank you, Chair. Three  
22 items in relation to 8253 A1. So first of all, are we --  
23 I just want to make sure that we're adequately defining  
24 public input testimony somewhere if we're not doing it  
25 here, because that's part of what's been tripping us up

1 is what does public input testimony mean.

2 Second of all, I would just suggest that we say that  
3 meetings held less than three months prior, maybe held  
4 with at least three days' notice. Thank you.

5 CHAIR TURNER: I'm just going to give a space to  
6 make sure the commissioners could capture that. Good.

7 Okay. Commissioner Sinay?

8 COMMISSIONER SINAY: I'm still not comfortable with  
9 the three days' notice for such a large, long period of  
10 time, a three-month period. It just is really hard for  
11 the community to engage, especially when these are  
12 meetings where, you know, a lot of changes take place and  
13 then the community has to organize around the changes  
14 that we made.

15 Looking at this, though, I was like, Oh, wait, we've  
16 always had three-day notice. But I believe that the  
17 three-day notice piece of it, you know, was for a shorter  
18 period of time. And so you know, I keep thinking that it  
19 might make sense to do the three-day notice from after  
20 the draft maps are presented till the final maps, you  
21 know, to just shorten that time because it just feels  
22 like three months is a really long amount of time. And  
23 that's what we heard from the community as well.

24 CHAIR TURNER: Thought? Comments?

25 Commissioner Kennedy? Commissioner Andersen?

1           COMMISSIONER KENNEDY: Thank you, Chair. I'm happy  
2 to support that change. I think that making that three-  
3 day period operative once the draft maps are out, is  
4 reasonable. We know that community attention to  
5 redistricting really ramps up once those draft maps are  
6 out.

7           And I think our biggest concern was that by the time  
8 the three-day notice period came into effect, we were  
9 pretty much past a point where it would have been useful  
10 to us, you know, given the time required to work on the  
11 final report and so forth. But I do think that that  
12 starting a three-day notice period with the publication  
13 of the draft maps is reasonable. Thank you.

14          CHAIR TURNER: Commissioner Andersen?

15          COMMISSIONER ANDERSEN: Thank you, Chair. I  
16 certainly agree with the sentiment here. I'm just  
17 wondering how it's going to be presented. And remember,  
18 the reason for that three-day is so the agenda would  
19 actually be substantive rather than our sort of general,  
20 you know, well, we're going to cover all these things.  
21 This could actually be almost like a scope of work  
22 agenda, which is extremely important. And I -- what I'm  
23 considering, though, is if, you know, this was originally  
24 written, you know, way back when now, as the three  
25 months, the draft maps that could actually be maybe

1 before that, you know, would people be, you know,  
2 agreeable? You know, as soon as the draft maps come out,  
3 we go to three days'. That's a thought to consider. But  
4 I do like that idea.

5 CHAIR TURNER: Subcommittee?

6 COMMISSIONER FERNANDEZ: Okay. So what would I have  
7 captured -- I want to make sure I captured it correctly.  
8 Commissioner -- well, Commissioner Kennedy wanted to make  
9 sure we had adequately defined public input testimony  
10 somewhere. And he also commented less than three months  
11 and at least three months' notice. I believe that was  
12 the change that he had.

13 Commissioner Sinay was not comfortable with the  
14 three days' notice for three months. And so she was  
15 wondering for a shorter period of time, possibly from the  
16 draft maps. And it appears that Commissioner Kennedy was  
17 also supportive of that. And it sounds like Commissioner  
18 Andersen was as well. I will say when we initially  
19 talked about it, I was thinking more of between the draft  
20 maps and the final, but then the three months came up so  
21 that for me personally, my opinion from the draft maps  
22 does make more sense.

23 So if there's any additional comments to that, or.  
24 Yeah. Please.

25 CHAIR TURNER: Commissioner Andersen?

1           COMMISSIONER ANDERSEN: Yeah. Thank you. You know,  
2 rather than saying, you know, taking up three months, I  
3 think we might leave that in -- and because there could  
4 be other reasons we don't think of that -- we might need  
5 that and add the three months, add the note, make a  
6 little clarity in there about the draft maps.

7           But the item I really want to say is we say,  
8 however, and I don't know why we're saying however that  
9 word is not that it doesn't relate to the first sentence.  
10 So I believe it could just say the Commission should  
11 comply with that Bagley-Keene. Then the Commission shall  
12 provide not less than fourteen days' notice da, da, da,  
13 da. But we definitely have to define primary purpose  
14 somewhere in there. You know what is public input? But  
15 I don't believe we need the word however at all.

16           CHAIR TURNER: Commissioner Sinay?

17           COMMISSIONER SINAY: I just think the reason we  
18 need, however, is, if I'm not mistaken, Bagley-Keene says  
19 ten days and we are doing fourteen days. So that's why  
20 the, however is in there. But the other question, I  
21 mean, so I'm going to go back to the three days because I  
22 kind of jumped over that last time and check in with  
23 everybody. I know three days was there originally, but  
24 does five days -- would we be comfortable with five days?

25           I mean, it's still better than fourteen days, but it

1 gives a little more time or this is actually input for  
2 first step. And I mean, the public has already said that  
3 they would like five versus three. And so I just wanted  
4 to put it out there. Again, I'd like to do it from draft  
5 map on. And change it to five days versus three days.

6 CHAIR TURNER: Commissioner Akutagawa?

7 VICE-CHAIR AKUTAGAWA: I was just going to comment  
8 on ensuring that we define which draft maps. So I think  
9 we should say from the first set of draft maps or initial  
10 set of draft maps or something like that, so that -- as  
11 I've found through this process, I think adding in some  
12 specificity where we can so that there's less  
13 interpretation and it's clear for the next commission  
14 would be better.

15 So in terms of the three days, I think, I can  
16 support both. I think the three days as we found through  
17 our process, there were times when we were making some  
18 big pivots at times, and the three days was where we  
19 thought was somewhat reasonable. But if it's -- if  
20 everybody else is in support of five days, then I don't  
21 think it's anything that I -- for me, I'd be opposed to.  
22 Thanks.

23 CHAIR TURNER: Is there any other alternative or  
24 contrary thought to the five days?

25 Commissioner Andersen?

1           COMMISSIONER ANDERSEN: Yeah. You know, I'll be the  
2 thorn here. You know, we had more time. The next  
3 commission probably will not. And if they are also down,  
4 oop, we can't do that by five days. Now, you can get  
5 around that by having it posted every single day, which  
6 is what we've sort of done before. But that's -- and I  
7 understand the public really wants to participate, which  
8 is absolutely crucial. But I do not want us to change  
9 something and then we prevent a -- for future commission  
10 from not being able to get the work done. So I'm kind of  
11 let's -- why don't we say with three days? Because if  
12 they need to get around it, they're going to put -- just  
13 put it down for every single day.

14           CHAIR TURNER: Commissioners Fernandez and  
15 Akutagawa?

16           COMMISSIONER FERNANDEZ: Thank you, Chair. And I  
17 think I do like the three day and I do understand the  
18 five day as well. As we were really getting into it, the  
19 line drawing, if we had the three days, the major thing  
20 aside from the agenda were the times that we posted. We  
21 there were times where we thought, oh, why don't we start  
22 earlier so we don't have to end so late? And we couldn't  
23 because we were bound by either the fourteen days or the  
24 three days at the end.

25           So I think the only difference or one of the major

1 impacts would be being able to adjust that time schedule  
2 of what you've already posted as your start time.  
3 Because we know, as we know, we can go past our -- the  
4 end time or projected end time, but we can't go we can't  
5 start earlier than what we posted if we're not within  
6 that time frame.

7       So I think that was a major thing. And the other  
8 thing is, yes, we can get around it by posting agenda  
9 every day. But again, I just feel that we really should  
10 be more meaningful with our agendas for the public so  
11 that they know this is what we will be discussing on this  
12 day and also with the ability of maybe scheduling some  
13 days off instead of just like, okay, if we get done  
14 early, which Commissioner Kennedy was, so you know, he  
15 was hoping that maybe if we had the three days, we can  
16 actually let people know that we're not going to meet on  
17 a certain day ahead of time instead of waiting until the  
18 day before or whatever the case may be.

19       Just a few thoughts I -- three-day versus five days.  
20 Five days is still better than fourteen days, I will  
21 grant you that. So it's not something that's critical on  
22 my part, but I do believe that we do need to lengthen the  
23 time of when the agenda time period is shortened. Thank  
24 you.

25       CHAIR TURNER: Commissioner Fornaciari?

1           COMMISSIONER FORNACIARI: I'll just chime in with my  
2 thoughts. I'd rather stick with the three days. And I  
3 do like the idea of starting the three days after the  
4 release of the initial draft maps.

5           CHAIR TURNER: Um-hum. Um-hum. Thank you. Okay.  
6 We have a sense of the room. Subcommittee, please  
7 continue.

8           VICE-CHAIR AKUTAGAWA: Actually, if Commissioner  
9 Fernandez is okay, I think I've done enough.

10          COMMISSIONER FERNANDEZ: Oh.

11          VICE-CHAIR AKUTAGAWA: She'll take over.

12          COMMISSIONER FERNANDEZ: Well, I'm actually going to  
13 backpedal a little bit because we do -- there was some  
14 language posted for the federally incarcerated  
15 population, and that was something that Commissioner  
16 Turner and I worked on as the Federal Incarcerated  
17 Subcommittee. I'm trying to think what was it noted as  
18 A1, A2, the amended elections code changes.

19                 So this will not be part of this year's Legislative  
20 process with the bill with AB 1884, because we haven't  
21 finalized the information we have. So right now, it's  
22 kind of just there for your FYI. We have sent it out to  
23 Karin to make sure that this does encompass what the  
24 information that she needs. Another piece of it that  
25 we've also shared it with our Legislative committee.

1           And another thing we want to talk about or consider  
2 as a subcommittee of Commissioner Turner and myself is to  
3 decide if they can get us all the information, but maybe  
4 not the race and ethnicity. Would that still be okay?  
5 So I mean, there's still -- we're still working on it,  
6 but we've kind of wanted to give you an idea of what  
7 we're looking at right now.

8           So it's really not a discussion item per se right  
9 now unless you have something major feedback, because we  
10 do know it's going to change. We just wanted to give you  
11 an idea of what we're looking at right now, and it  
12 somewhat mirrors what we as a commission did because we  
13 did not get the information from the Federal Bureau of  
14 Prisons.

15           What we ended up doing was taking that population  
16 out and we were not able to redistribute it to other  
17 areas in California. So that's kind of an FYI unless  
18 there's anyone has a burning comment or anything that  
19 wants to be okay. Okay, it'll come back at some point.

20           Okay. So Commissioner Akutagawa, you did 5 and 7.  
21 Okay, so --

22           VICE-CHAIR AKUTAGAWA: We're on A6.

23           COMMISSIONER FERNANDEZ: Oh, I see you're getting me  
24 6. Thanks, I appreciate that. So at our last meeting,  
25 trying to define a day, we actually had two discussions

1 in terms -- or two different thoughts. And when I say  
2 we, I mean the commissioners. One thought was to define  
3 a day as right. The twenty-four-hour period starts right  
4 after a motion or a decision is made.

5 And then the other, so you're actually going to  
6 have -- there are two separate wordings. One is for  
7 it'll happen as soon as a decision is made and the other  
8 one would be to implement Black's Laws Dictionary or  
9 defining -- definition of a day, which would start on --  
10 at midnight of the day that it happened. So if that --  
11 if we made a decision at eight in the morning, the clock  
12 wouldn't start until midnight of that day.

13 So one of them says the start of a day is calculated  
14 as a period of elapsed time that begins at midnight and  
15 ends twenty-four hours later at the next midnight. And  
16 that's the Black's Law definition. And the other one is  
17 the calculation of a day starts from the time of the  
18 decision and ends twenty-four hours later. So we've got  
19 two to choose from or maybe there's a third one out there  
20 somewhere.

21 CHAIR TURNER: Commissioner Fernandez, Commissioner  
22 Kennedy has a question.

23 COMMISSIONER FERNANDEZ: Okay.

24 CHAIR TURNER: And for this part Commissioner  
25 Akutagawa is going to field the questions.

1 COMMISSIONER FERNANDEZ: Perfect.

2 COMMISSIONER KENNEDY: Thank you, Chair. One of the  
3 things that we need to be careful of and I think this is  
4 part of what has been or this is what has been part of  
5 the confusion is whatever definition we use or whatever  
6 definition we put in place needs to be useful, both  
7 prospectively and retrospectively.

8 In other words, it's not just, you know, no later  
9 than three days later. It's also the no later than three  
10 days before. So if you say, you know -- if we're if  
11 we're looking at a situation where we're saying, you  
12 know, three days' notice for a meeting that has nothing  
13 to do with a period starting after the meeting, it has to  
14 look retrospectively and tell you where that starts.

15 And this was part of what we dealt with Bagley-Keene  
16 and the ten-day and the fourteen-day requirements. Do we  
17 need fourteen clear days or do we say, okay, if today is  
18 the meeting yesterday -- the day before is one day, two  
19 days before, it is two days before, et cetera, et cetera

20 So in that case, if you had a three-day meeting  
21 requirement do you -- from the start of the meeting, do  
22 you countback one, two, three, which is kind of a common  
23 sense, logical counting of days, or do you need three  
24 clear days? So if I have to have three days' notice of a  
25 meeting on Friday, does that mean notice has to be given

1 on Monday in order to have Tuesday, Wednesday, and  
2 Thursday, three clear twenty-four-hour periods available?

3 And my sense all along has been kind of the logical  
4 counting is more useful. More people are likely to say,  
5 okay, if the meeting's on Friday, three days' notice,  
6 Thursday, Wednesday, Tuesday, so notice has to be out on  
7 Tuesday. But yeah, then whatever definition has to be  
8 suited to calculating both a deadline before something as  
9 well as a deadline after something. Thank you.

10 VICE-CHAIR AKUTAGAWA: Thank you, Commissioner  
11 Kennedy. Any other comments?

12 Commissioner Andersen?

13 COMMISSIONER ANDERSEN: Yeah. That's a really good  
14 perspective, Commissioner Kennedy, that the only bugaboo  
15 in that is when if you ask a person to say, okay, so  
16 three days before and they would literally do, as you  
17 say, Friday, okay, Thursday, Wednesday, so Tuesday. But  
18 if you say three days from now, Friday, they would often  
19 go the other way.

20 I mean, they might go okay, but they'd often go,  
21 okay. So we have done so it can't be we have two, three  
22 days', so it wouldn't be Saturday, Sunday, Monday, it  
23 would actually be on Tuesday. And that's where I think,  
24 you know, you're absolutely correct. That is our  
25 bugaboo. As I see it, if we say by midnight to midnight.

1 We are clarifying it is three clear days either way. And  
2 if we do the other, it looks -- it works really well  
3 going backwards. Going forwards, the issue would be if  
4 we're talking in three days, it's not quite as much, but  
5 it's really two.

6 And in terms of the public's notification, that's  
7 where, you know, we're trying to give the public more  
8 notice. Like, say, we end something at 5 o'clock. Well,  
9 actually, at eight in the morning. So they would have  
10 since it's three days, they'd have, you know, say eight  
11 in the morning on Monday, they would have Tuesday,  
12 Wednesday. And but then on Thursday and before eight the  
13 morning they haven't said anything that's that. So and  
14 that that's an item to consider, the actual meaning of  
15 the difference of the two. But it's an absolute valid  
16 point, a consideration, I should say. And now it's which  
17 we do want.

18 VICE-CHAIR AKUTAGAWA: Thank you, Commissioner  
19 Andersen.

20 Commissioner Kennedy?

21 COMMISSIONER KENNEDY: Thank you for that. Some of  
22 this, you know, can easily be cleared up through just  
23 additional definitions or additional work on the  
24 definition. If you say, you know, that any decision  
25 taken during a meeting. The clock doesn't start until

1 the end of that meeting. You know, and I'm just saying  
2 there are ways to provide further clarity.

3 And you know, I recall a couple of meetings back  
4 when we were talking about three days. We were also  
5 talking about changing within a certain small window  
6 around something changing from a definition based on days  
7 to a definition based on hours to give people that much  
8 more certainty. You know, when I've seen that done in  
9 places where I've worked that, you know, the definition  
10 of a day is a little more malleable or you know, maybe  
11 it's the Black's Law Dictionary definition of the day.

12 But then when you get down to, you know, the last  
13 month or the last week or something, then you count hours  
14 so that people have a very clear understanding of what  
15 you're doing. And again, you know, all of this can be  
16 done by just adding further definition. Thank you.

17 VICE-CHAIR AKUTAGAWA: Commissioner Fornaciari?

18 COMMISSIONER FORNACIARI: Yeah. I appreciate the  
19 conversation on this topic. It's kind of a bit of a  
20 challenge to figure out. And I do like Commissioner  
21 Kennedy's thoughts about, you know, when we're getting  
22 towards the end of things, everybody's under an enormous  
23 time pressure and an extra day -- having an extra day is  
24 helpful. So maybe we ought to consider defining it in  
25 hours at that at that time. I mean, maybe for other

1 applications, we can define it in days and try to be  
2 clear on that.

3 One thing popped into my head, Commissioner Kennedy,  
4 when you said at the end of a meeting, I think we really  
5 need be careful with that, because we had meetings that  
6 were five days long. And if we made a decision on the  
7 first day, we'd be eight or nine days later before we get  
8 to something like that. So just something to think  
9 about.

10 VICE-CHAIR AKUTAGAWA: Thank you, Commissioner  
11 Fornaciari.

12 COMMISSIONER FERNANDEZ: I think that what would be  
13 helpful at this point, is to -- if we can maybe get to a  
14 decision point as to which definition. And I understand  
15 that, you know, the difference that Commissioner Kennedy  
16 and Commissioner Fornaciari said, as we get closer do it  
17 to the hours versus days. I think that would probably be  
18 a little bit more challenging to get through it. I guess  
19 it would be similar to an agenda item, you know, from the  
20 draft maps on. Maybe it'd be something similar to that.

21 So is there -- I'm just trying to see what the  
22 general consensus, which Commissioner Toledo always like  
23 to get to in terms of is it a -- starting at the time of  
24 a decision or Black Laws starting at midnight. Is there  
25 any preference either way or stronger preference?

1 VICE-CHAIR AKUTAGAWA: It looks like Commissioner --  
2 Chair Turner is back.

3 CHAIR TURNER: No, I'm here. I'm just off camera  
4 for a bit and wanted you to do the questions. I'm  
5 thinking if we go for midnight would provide more  
6 consistency instead of the time in the meeting, which  
7 could fluctuate depending on when it came up on the  
8 agenda, how long, you know, how many -- how much of the  
9 comment that pushed it overall? A bunch of different  
10 things. And so I like midnight.

11 VICE-CHAIR AKUTAGAWA: Thank you, Chair Turner. All  
12 right. Now, we're getting. Okay.

13 Commissioner Taylor?

14 COMMISSIONER TAYLOR: Commissioner Turner took the  
15 words right out of my mouth, just as a point of  
16 consistency I'd go with midnight. It's the next day.  
17 Thank you.

18 VICE-CHAIR AKUTAGAWA: Thank you. Commissioner  
19 Taylor.

20 Commissioner Andersen?

21 COMMISSIONER ANDERSEN: I concur. I also want to  
22 say that that is consistent with -- I've mentioned this  
23 before, but in contracts of protest period. Those are  
24 clear days the midnight, midnight. So that would be a  
25 well-known quantity, midnight to midnight.

1           VICE-CHAIR AKUTAGAWA: Thank you, Commissioner  
2 Andersen. I see no other hands right now. I'll just  
3 also weigh in on this. And it's similar to what  
4 Commissioner Taylor, Commissioner Turner and Commissioner  
5 Andersen has just said. I think given the preciseness of  
6 what we have to do, I think anything that ensures utmost  
7 clarity in terms of what is a day, so starting at  
8 midnight, even though in some cases, for example, if we  
9 end the meeting at 5 o'clock, we're going to lose seven  
10 hours as maybe as could be said that if we're going from  
11 a twenty-four-hour clock, I think starting at midnight to  
12 midnight ensures consistency and clarity.

13           And I would hate for there to be some type of  
14 challenge to a future map, because there is an argument  
15 about what time the twenty-four-hour clock started. And  
16 so I think if we just keep it clear, I think that would  
17 create the best conditions for the least challenge for  
18 any future maps. Let's see if anybody else wants to  
19 comment. I know that, Commissioner Fernandez, you're  
20 looking for some sense of consensus. Anyone else who has  
21 not yet weighed in want to weigh in with your thoughts on  
22 this?

23           Okay. Commissioner Kennedy?

24           COMMISSIONER KENNEDY: I mean, I'm okay with that.  
25 The only thing that I would say at that point is would

1 probably do well to go through the legal framework, see  
2 where the definition is relevant, and make sure that the  
3 wording of each of those cases is a good solid wording  
4 that doesn't in and of itself contribute to any  
5 possibility for confusion. Thank you.

6 VICE-CHAIR AKUTAGAWA: Thank you, Commissioner  
7 Kennedy. All right, not seeing any other hands,  
8 Commissioner Fernandez, I'm turning this back over to  
9 you.

10 COMMISSIONER FERNANDEZ: Okay. Thank you. So we'll  
11 move forward with the midnight. So we won't do the -- so  
12 that definitely helps. It cuts down -- and then we will  
13 look -- continue to look at language, the legal  
14 framework, as Commissioner Kennedy mentioned.

15 Okay. So the next one, wait, did we have another  
16 one? Yes, we did.

17 VICE-CHAIR AKUTAGAWA: A8.

18 COMMISSIONER FERNANDEZ: Oh, okay. So this one is  
19 one of the easiest edits we had to do. I shouldn't say  
20 we -- Anthony had to do. And that one has to do with  
21 exemption from ability to hire outside counsel without  
22 the attorney general's prior approval. And so that one,  
23 if you look at Government code section 11041, there  
24 already is a Government code section that has other  
25 agencies that are exempt from the AG prior approval. And

1 the only edit we made was to add California Citizens  
2 Redistricting Commission to the list. Yay. Any  
3 comments?

4 I think Commissioner Sadhwani's probably really  
5 happy with that one. Right.

6 VICE-CHAIR AKUTAGAWA: Yeah. So is Commissioner  
7 Yee.

8 COMMISSIONER FERNANDEZ: Oh that's true. And  
9 probably Commissioner Toledo too, probably all three of  
10 them. Okay. So I think that's it for what we have so  
11 far on the eight that we have moved -- somewhat, moved  
12 forward to come up with language. We will come back  
13 again with any changes that we have. And at some point  
14 during the next Legislative process, we will find --  
15 hopefully find an author for the changes for our language  
16 for our specific government section as well as one of  
17 them is elections code. So we'll look for that as well.

18 CHAIR TURNER: And Commissioners Fernandez and Vice-  
19 Chair Akutagawa, do you want to go back to the draft  
20 letter, the support letter at this time?

21 COMMISSIONER FERNANDEZ: Sure, we can do that.

22 Oh, Commissioner Sinay, did you have something  
23 before we go over the letter?

24 COMMISSIONER SINAY: I know that we had agreed on  
25 moving forward that this group, but that we haven't put

1 to bed all the other thoughts we had. We'll just bring  
2 that that list back to keep moving things forward.

3 COMMISSIONER FERNANDEZ: Yes, correct. We were  
4 going to continue to go through that list today. Go  
5 through the next items.

6 Is that what you're asking, Commissioner Sinay?

7 COMMISSIONER SINAY: Yeah, I mean, that there was a  
8 lot of other -- we never said no to anything completely.  
9 We didn't say let's get rid of anything. And so I feel  
10 like we still need to say if there's some items on our  
11 Legislative changes and I'm using Legislative changes  
12 broadly. You know, if there's something that we put on  
13 there because it sounded good, but the more we thought  
14 about it, we should get rid of that would be great. But  
15 I just wanted to make sure that we haven't forgot -- that  
16 that list still exists somewhere.

17 COMMISSIONER FERNANDEZ: Yes. And it's posted as a  
18 handout. So we were going to discuss it today and we're  
19 going to continue to discuss it. And if you looked at  
20 the handout -- well, we'll go over to hand out after we  
21 do that.

22 COMMISSIONER SINAY: I did look at handouts. I just  
23 didn't get one.

24 COMMISSIONER FERNANDEZ: Oh, okay.

25 COMMISSIONER SINAY: Sorry.

1 COMMISSIONER FERNANDEZ: That's all right.

2 COMMISSIONER SINAY: I'm like, I'm going to be  
3 protected. I did prepare.

4 COMMISSIONER FERNANDEZ: So we'll go back to the  
5 letter. Chief Counsel Pane, would you mind sharing your  
6 screen with the changes that we made during break?

7 MR. PANE: Sure. Let me try to pull it up here.

8 COMMISSIONER FERNANDEZ: And as he brings that up,  
9 we did meet during our break and the letter will have the  
10 highlighted areas so that will make it easier for our  
11 review in terms of the changes -- some of the wording  
12 changes.

13 MR. PANE: Okay. Can everyone see that?

14 CHAIR TURNER: Yes.

15 MR. PANE: Okay. So the first highlighted area is  
16 to try -- Commissioner Taylor, I'm not sure if that  
17 captures kind of the sentiment you were you were  
18 expressing. Can certainly make further changes.

19 CHAIR TURNER: Commissioner Andersen?

20 COMMISSIONER ANDERSEN: Yeah. Thank you. I really  
21 appreciate the idea what we're trying here. I would  
22 actually almost like -- I have also done a quick little  
23 modification here. Unfortunately, I don't type quickly  
24 at all. So me trying to put it into something into a  
25 document that I could also through on the screen did not

1 happen in my fifty minutes. But because what I would  
2 like to do is actually just put it -- actually it  
3 mentioned this is to address the issue of prison  
4 gerrymandering and then below that actually describe,  
5 which is kind of what we're trying to do in this  
6 paragraph.

7 But it's we're being very verbose and not kind of  
8 getting to exactly what we're trying to say. And I  
9 appreciate the inflating apparent sizes is very -- is  
10 accurate. It's just I think we could maybe get it  
11 simpler. I know I haven't actually heard. But  
12 Commissioner Fernandez has been very eloquent when she's  
13 been testifying, saying different things I've heard. And  
14 I wonder if we can maybe shorten this a bit.

15 And what I'd like to do is if I could just maybe  
16 even read, going back to the beginning, what I have --  
17 what I'm proposing, and see if the commission likes this  
18 idea at all, in which case then I'll sort of stop there.

19 CHAIR TURNER: Okay. Let me ask this before you do.  
20 Commissioners Taylor and Sadhwani, do you want to comment  
21 on this current writing or should we hear -- do you want  
22 to have just general discussion?

23 COMMISSIONER TAYLOR: My answer was to Chief Counsel  
24 Pane. So yes, that addresses my concern, the why we're  
25 doing it, how it's a detriment to our to our working

1 hard. Thank you.

2 CHAIR TURNER: Okay, great.

3 Okay. And Commissioner Sadhwani?

4 COMMISSIONER SADHWANI: Yeah, I think this is good  
5 as it reads. I would just potentially add an opening --  
6 one opening sentence, something loftier, like your fair  
7 representation is at the heart of our democratic practice  
8 or something, something like that. And then go into all  
9 of this, right? Just something kind of grounding as to  
10 why we're doing this. But otherwise I think it's as good  
11 as it reads.

12 CHAIR TURNER: Okay. Thank you.

13 Commissioner Andersen, we want to hear your version.  
14 Ready?

15 COMMISSIONER ANDERSEN: Okay. Yes, if we go back to  
16 the first page. Yeah, here we go. I would start with,  
17 you know, we support this letter about da, da, da, da,  
18 that would make permanent necessary changes to the  
19 election's election code specifically on how incarcerated  
20 person or persons count for the purpose of redistricting.  
21 Then I would say current law requires local redistricting  
22 to, then essentially delete from request to the end of  
23 commission.

24 The current law requires local redistricting to  
25 count these individuals at their last known address

1 rather than the institution where they currently reside.  
2 This is to address the issue known as gerrymander and in  
3 parentheses, prisoner gerrymandering. However, current  
4 law only requests that the CRC also count these  
5 individuals at their last known address rather than at  
6 the institution where they currently reside.

7 Then, say, the 2020 Commission did so but believes  
8 the law should be made consistent and require for each  
9 feature committee would require that the commission, the  
10 California Citizens Redistricting Commission also count  
11 these individuals at their last known address. And then  
12 go into, you know, as you may know, prisoner  
13 gerrymandering is -- and then we can write that second  
14 paragraph.

15 So I'd kind of like to shorten to something you  
16 boom, boom, boom. This is why we're doing it. This  
17 needs to be consistent and then say that we can get into  
18 our -- essentially our advocacy point. And if we want to  
19 write that, how we want to write that, that's -- I have  
20 no objection.

21 CHAIR TURNER: Okay.

22 Commissioner Kennedy?

23 COMMISSIONER KENNEDY: Thank you, Chair. I see two  
24 additional potential benefits of harmonizing the  
25 treatment of incarcerated populations at the State level

1 and at the local level. One is it would reduce confusion  
2 among the public as to which version of the Statewide  
3 Database's redistricting database to use. Because if  
4 they're if harmonized, you run the risk of having two  
5 different versions and people are getting into squabbles  
6 over which version is being used.

7 And the second is, you know, it reduces the workload  
8 on Statewide Database, which at that point in time  
9 already has quite a workload. And I think it would be  
10 easier for them. So it may make sense for us to mention  
11 those two advantages as well. Thank you.

12 CHAIR TURNER: Okay. So I'd like to then suggest  
13 Chief Counsel Pane, if you would consider the two  
14 additional benefits.

15 And Commissioner Andersen because now we have it in  
16 writing and yours was verbal. I didn't see how it was  
17 shorter. So if you could take a bit, perhaps, during  
18 lunch or what have you, to write out what the suggestions  
19 are because you were trying to go through it quickly. So  
20 some of it was already there. And so maybe -- I don't  
21 know that we got the full appreciation for what you were  
22 lifting to be able to compare so that you could write  
23 that out. We can look at it and then perhaps make a  
24 determination on how we're going to move forward. But I  
25 think we are a lot closer. I think a lot of the issues

1 raised have been addressed. And so I certainly  
2 appreciate that.

3 And so Chief Counsel Pane, we ask your indulgence if  
4 you would work with that -- this latest offering and see  
5 if we can get a document that we are in agreement on.

6 Okay. Subcommittee, do you want to move to your  
7 next part?

8 COMMISSIONER FERNANDEZ: Sure. The next part is  
9 going to -- we're going to go back to the list that has  
10 everything. And again, that list will not have, at this  
11 point, office space that Commissioner Kennedy brought up,  
12 but will add it for the future list.

13 Commissioner Akutagawa, could you share screen?  
14 Because you know how technically not advanced I am.

15 VICE-CHAIR AKUTAGAWA: Yeah, hold on. Let me --

16 COMMISSIONER FERNANDEZ: Thank you.

17 VICE-CHAIR AKUTAGAWA: I just accidentally closed  
18 it, so my apologies. Of course.

19 COMMISSIONER FERNANDEZ: And as a reminder, it is a  
20 handout for the public. If anybody's out there watching  
21 it. And what we try to do is we left items on there, but  
22 we highlight them if we had potentially moved them  
23 forward so that we're not discussing it again, but we  
24 didn't want to remove it completely. Thank you. So as  
25 you can tell, the first four items, 1, 2, 3A and 3B,

1 those we've already moved forward to develop some  
2 language, so we won't discuss that one. And then also 4C  
3 that's on the second page. At the last meeting. Oops.  
4 There we go. There we go. That's a blue.

5 At the last meeting, the chair requested that we  
6 move it to a lower priority. So we'll discuss it at some  
7 time in the future. And that one had to do with adding  
8 language to note nothing impedes the commission from  
9 rotating the chair. So at this point, what we'll do is  
10 we will go back to 4C. And that one used to be a prior  
11 C9 and that one has to do with the strikes by the  
12 Legislature are not transparent and should the  
13 Legislature be allowed to strike.

14 And the prior discussion that we had was discussing  
15 that the entire process from the time that the State  
16 auditor conducts this process, gets the application and  
17 starts eliminating, I guess, candidates, it's all done  
18 publicly. The only part that is not public is when the  
19 strikes go to the Legislature and they're given the list  
20 and they come back and they've lined out, whichever ones  
21 are no longer on the list. So I will say my own opinion,  
22 I think this will --may be a difficult one to get through  
23 the Legislature, but we'll see.

24 CHAIR TURNER: Commissioner Sinay?

25 COMMISSIONER SINAY: I think this one is one that

1 needs a strategy. It's not just we change the language  
2 and we hope someone takes it on, but that we actually  
3 work with our community advocates and you know, hear from  
4 them why -- what, you know, why it makes sense and kind  
5 of in some ways make sure that we are going in with  
6 support from the community and then go to the  
7 Legislature.

8       This one is not -- this is different than the rest.  
9 But I think this is one of the more important ones that  
10 we can do, because as we learned last time, it has real  
11 effects on his on the first part of the ping pong ball,  
12 you know, random selection. So that would be what I  
13 would recommend is that we really create a strategy,  
14 bring in a panel to talk to us at the next meeting and  
15 then move forward from there versus just jump right into  
16 it.

17       CHAIR TURNER: Okay. Commissioner Sadhwani?

18       COMMISSIONER SADHWANI: Yeah. Sorry. This is on  
19 the Legislative strikes.

20       COMMISSIONER SINAY: Yes, yes.

21       COMMISSIONER SADHWANI: I would agree with  
22 Commissioner Sinay on that. I mean, in this round in  
23 particular that had -- that seemed to have particularly a  
24 detrimental effect on Latino candidates in the pool. So  
25 I'd be really curious to see what some of the Latino

1 community advocates might have to say about this concept.  
2 The Schwarzenegger Institute also had done a report on  
3 the commission and the commissioners very early on, which  
4 specifically identified the Legislative strikes as being  
5 the place where Latinos were removed from the candidate  
6 pool.

7       So I agree with Commissioner Sinay. And I think  
8 reaching out to many of the advocates who were very much  
9 involved in the result. There was a significant push  
10 from community advocates saying, hey, look, there's not  
11 enough Latinos on the commission. There were none.  
12 Right. Based on the ping pong ball process and really a  
13 strong push to make sure that that was improved upon.  
14 Those are the folks, I think, that should be involved in  
15 this if we're able to move it forward.

16       COMMISSIONER FERNANDEZ: Yeah. I mean, I would  
17 agree, I think. Absolutely right. It is a much bigger  
18 effort than drafting up some language.

19       Commissioner Vasquez?

20       COMMISSIONER VAZQUEZ: Yeah, I would agree. And I  
21 think also if this is going to be a Legislative attempt  
22 as opposed to ballot initiative change, we're going to  
23 need the support of the Legislature. And this is a  
24 particularly -- I bet they're not going to amend that  
25 power easily. And so I think if this is something we're

1 committed to working with community partners to ensure  
2 that we have the concept and the language of our solution  
3 really buttoned up, tight and has a groundswell of  
4 community support is what we're going to need to actually  
5 change this particular component of our of our mandate.

6 COMMISSIONER FERNANDEZ: Okay. I completely agree.  
7 I think it -- I'm thinking it'll be a different  
8 subcommittee, not our subcommittee. So that would go to  
9 Chair Turner.

10 CHAIR TURNER: So is there interest?

11 Commissioner Kennedy?

12 COMMISSIONER KENNEDY: Just a reminder that in my  
13 mind we still have a Government Affairs Subcommittee and  
14 this might be appropriately assigned to them. Thank you.

15 CHAIR TURNER: Let's see, who's our Government  
16 Affairs -- I have --

17 COMMISSIONER FERNANDEZ: That's Commissioner Toledo  
18 and Sadhwani.

19 CHAIR TURNER: How are you feeling about that?  
20 Commissioner Sadhwani?

21 COMMISSIONER SADHWANI: I am feeling like I could  
22 work on that later this fall, not right now. But only  
23 because I'm about to leave for a few weeks. But when I  
24 get back, that's something I could certainly start poking  
25 around on and see if there was interest in some. My

1 thought is not to remove the Legislative strikes  
2 entirely, but at least to provide the transparency part.  
3 Right. That's my explanation of why folks are being are  
4 being removed not to take that power away.

5 That being said, of course, as the Supreme Court,  
6 and I think we'll probably talk about this later, but as  
7 the Supreme Court takes on the State Legislature and  
8 whether or not the commission continues to have a role  
9 nationally, this this could be a moot point. But I would  
10 be happy to look into this and see what the possibilities  
11 are to advance something. Is Commissioner Toledo still  
12 on? I can't see --

13 CHAIR TURNER: I don't see him currently.

14 COMMISSIONER SADHWANI: Okay. Yeah, I could follow  
15 up with him and make sure he's comfortable moving it  
16 forward.

17 CHAIR TURNER: I think it a great suggestion and  
18 would support that for sure.

19 Commissioner Kennedy?

20 COMMISSIONER KENNEDY: Thank you, Chair. The other  
21 aspect of this that we're looking at, of course, is  
22 whether it makes sense for Legislative leadership to be  
23 able to eliminate a full forty percent of the remaining  
24 pool or whether twenty percent might be a more reasonable  
25 figure for the Legislative leadership to be able to

1 eliminate.

2 CHAIR TURNER: Um-hum.

3 COMMISSIONER KENNEDY: Just seems that 2424 may not  
4 sound like a huge number, but when it's twenty-four out  
5 of sixty and it's a full forty percent, that can have a  
6 huge impact, as we've said, on the outcome.

7 CHAIR TURNER: Um-hum.

8 COMMISSIONER KENNEDY: So I do encourage us to  
9 consider how reasonable a -- an ability to strike forty  
10 percent of the applicant pool is. Thank you.

11 CHAIR TURNER: Um-hum. I like that. The forty  
12 percent moving to a smaller amount. But for sure, I  
13 think my top priority as well would be just even an  
14 understanding and have some sort of accountability to  
15 Californians to say why the strikes were given, so.

16 Commissioner, Yee? I'm sorry.

17 COMMISSIONER YEE: Thank you, Chair. Yeah. Yeah.  
18 I'm trying to imagine, you know, Legislative staff coming  
19 up with publishable reasons why individuals were, you  
20 know, struck from that list. It's hard for me to be  
21 really optimistic that the reasons will be, you know,  
22 fully true and useful.

23 CHAIR TURNER: Um-hum.

24 COMMISSIONER YEE: So I'm wondering, you know, as we  
25 think about this, just to encourage us to keep a wide

1 sense of what the possibilities are. So for instance, to  
2 at least have the Legislative leaders who do the strikes  
3 own them, so who struck whom, to least have that  
4 information, you know, as some objective sense of what's  
5 going on, some objective transparency. There may be  
6 other possibilities. But I'm just trying to think of,  
7 you know, how this could actually happen and how it would  
8 actually be useful if it did exist.

9 CHAIR TURNER: Okay. And to just give us a sense,  
10 we certainly want to have complete and total and robust  
11 discussions. We have about twenty more minutes for -- to  
12 get through the potential Legislative changes to stay on  
13 schedule and more time if we want to adjust the schedule.  
14 So just a time check.

15 Commissioners Sinay?

16 COMMISSIONER SINAY: I think that's -- just to  
17 address what Commissioner Yee was saying. I think that's  
18 why we want to invite our community partners in and  
19 really think this through and have their input. And then  
20 from there come up with what would our suggestion be?  
21 Right now we're just saying, let's explore what do we  
22 think is reasonable? And we may have, you know, we may  
23 have several panels and one of the panels is Legislature.  
24 Yeah, some of the legislators there.

25 For instance, Senator Atkins won't -- you know,

1 isn't running again. So we can invite Senator Atkins to  
2 talk to it. You know, there is different options on  
3 this, but I think we're exploring, we're not --

4 CHAIR TURNER: Um-hum.

5 COMMISSIONER SINAY: -- we're learning right now.

6 CHAIR TURNER: That's good. It's good.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Okay. So with that 3C, we  
9 will note on it on the next update that Government  
10 Affairs will continue to work on this and then we'll  
11 report back at some point.

12 So thank you, Commissioners Sadhwani and Toledo.

13 And the next one is 4A is to clarify -- oops.  
14 Sorry. Phone's ringing. I have a water heater being  
15 replaced today. So here we go. Anyway, the next one is  
16 to clarify, provide definition of what public input  
17 means. And so that we did have prior discussions. Like  
18 some said, liked it to be broad, which allows for  
19 community input and other discussion was let's just leave  
20 it alone and let each commission decide how they want to  
21 define it. So any comments or feedback on that?

22 CHAIR TURNER: I like the flexibility of commissions  
23 deciding.

24 COMMISSIONER FERNANDEZ: I have to admit that I like  
25 that. I like each commission deciding as well. I

1 thought that was good conversation that we had early on  
2 and it definitely helps to see where everyone is on their  
3 definitions and hopefully come together on some sort of  
4 unified framework.

5 Any other comments? So if there are no comments or  
6 any no one's -- either way, I'm thinking that there isn't  
7 a need to amend this particular Government code section  
8 at this point. We can move it to the bottom of the list  
9 in case maybe we decide differently.

10 CHAIR TURNER: Okay.

11 COMMISSIONER FERNANDEZ: Okay. The next one is 4B  
12 in that one is clarify provide definition of what  
13 district matters means. As you know, as we are all aware  
14 of we did have a good conversation on what we felt that  
15 was as a commission. And I think that was really good  
16 for all of us to hear each other's thoughts and then come  
17 up with a united definition, which is great.

18 So prior discussion is what I just mentioned, and  
19 then also maybe just leave it as it is and let future  
20 commissions decide for themselves, how they are going to  
21 define it. And then there was also another comment that  
22 said, if we leave it too vague, then someone else may  
23 define it for the commission. So I guess you always run  
24 into that issue where somebody else could have their own  
25 definition of what it is. Any comments?

1 Commissioner Akutagawa?

2 VICE-CHAIR AKUTAGAWA: Yeah. I think I understand  
3 about, you know, someone else may define it for the  
4 commission, but I would also say then who's to say that  
5 that couldn't happen for public input either? I felt  
6 that us being able to define it for ourselves in the  
7 ensuing discussions all around it and it intertwined with  
8 public input and other topics that we talked about. I  
9 think to I think to impose it on the next commission I  
10 think could impact the way they work together.

11 And so for me personally, I like the previous one.  
12 I would I would just say, let's, let's leave it as it is.  
13 Let the next commission define it for themselves. It's  
14 all part of just how they're going to also learn to work  
15 together and understand each other as well, too.

16 CHAIR TURNER: Commissioner Sinay?

17 COMMISSIONER SINAY: I was on that comment that  
18 someone else may define it for you. At that point, I  
19 think the commission would have an opportunity to share  
20 their perspective as well. So it would allow the  
21 commission to come together, I mean. And so that was  
22 just my thought. I don't think anyone can define it for  
23 you without the commission being part of it.

24 CHAIR TURNER: Commissioner Yee?

25 COMMISSIONER YEE: Thank you, Chair. Yeah. You

1 know, I mean, the next commission, of course, could, you  
2 know, work on this on their own and to it for themselves.  
3 But they may not in the fact that we actually got us  
4 sued. Now, that suit got dismissed pretty readily, which  
5 was nice. But you know, it was a fairly serious and you  
6 know, important matter, this question of, you know,  
7 subcommittees meeting outside folks. Outreach pairs  
8 meeting outside folks, that redistricting matters or not?

9       You know, I mean, that's a I think it's an important  
10 question, and I think I would rather see it resolved  
11 rather than just leave it open because, you know, it got  
12 us in trouble and it can easily get the next commission  
13 in trouble as well.

14       CHAIR TURNER: Um-hum. Thank you.

15       Commissioner Andersen?

16       COMMISSIONER ANDERSEN: Thank you, chair. Yeah, I  
17 do see Commissioner Yee's point. I do feel, however, it  
18 was extremely valuable for us to decide on our own what  
19 these were. What I would like to see is this very  
20 specifically pointed out in our Lessons Learned for both  
21 this and public input, one that we strongly recommend  
22 based on previous litigation that the correct -- every  
23 commission defined both of these terms for themselves and  
24 give for them very specifically what the 2010 and 2020  
25 versions of them were. So they can actually see for

1 themselves compare and go, oh, but I think we should put  
2 that point that out. I'm kind of glad that we didn't --  
3 it wasn't specifically defined for us. However, I wish  
4 that we had been aware of how important to define it was  
5 before we eventually got around to.

6 CHAIR TURNER: Thank you.

7 Commissioner Kennedy?

8 COMMISSIONER KENNEDY: Thank you, Chair. The point  
9 about making this a prominent mention in the Lessons  
10 Learned. Our report is well taken. That was the first  
11 point that I was going to make after raising my hand.  
12 The second point, and this goes more to Commissioner  
13 Yee's statement is, you know, in political science and  
14 not just kind of theoretical political science, but you  
15 know, the real world of politics and elections, one of  
16 the lessons that we've learned over the decades is when  
17 you have critical decisions, it's often better to make  
18 them at a point in the cycle where you're not under the  
19 gun, where there can be both, you know, serious  
20 deliberation as well as, well, I'll leave it at serious  
21 deliberation.

22 Because often when you're under the gun, well, you  
23 might find yourself trying to make this decision at a  
24 point in time where your decision, one way or another,  
25 has a very clear known outcome. All right? And when

1 you're trying to set rules for elections and politics,  
2 you're usually better off setting the rules at a point in  
3 time where you're not pre determining who wins and who  
4 loses. So I just wanted to put those considerations on  
5 the table for us. Thank you.

6 CHAIR TURNER: Yeah. Okay.

7 Commissioner Fernandez?

8 COMMISSIONER FERNANDEZ: Thank you. And I think  
9 Commissioner Kennedy, because he actually did trigger  
10 something, a different train of thought is we did have  
11 extra time because of COVID and Census. If we were  
12 tasked with defining redistricting matters right off the  
13 bat, I don't know if we'd be ready to discuss it or if  
14 we'd know enough to discuss it. Right.

15 So I guess I am kind of torn as to whether to leave  
16 it to the next commission or each commission to decide or  
17 maybe alleviate that from happening for the new  
18 commission because they won't have the extra time that we  
19 had to discuss it. Thanks.

20 CHAIR TURNER: Commissioner Kennedy?

21 COMMISSIONER KENNEDY: Thank you, Chair. And you  
22 know, as we've said on a number of other topics, the fact  
23 that we decide something, you know, and this comes down  
24 to how this is dealt with. If it's dealt with through  
25 regulation, it's easier to change than if it's dealt with

1 through a change in a statute. But you know, to whatever  
2 extent, you know, there may be a possibility for a future  
3 commission.

4 I mean, but generally, if we if we make it through a  
5 quote/unquote policy decision, future commission would  
6 certainly have the opportunity to make changes to what we  
7 leave behind. But we will have left something that they  
8 can start from. Doesn't mean that it necessarily makes  
9 their discussion easier because yes, we will have Perhaps  
10 narrowed the options or narrowed the opportunity to  
11 change somewhat. There's a lot to be unpacked here. A  
12 lot to be considered. Thank you.

13 CHAIR TURNER: Yeah.

14 Commissioner Sadhwani?

15 COMMISSIONER SADHWANI: Yes, sorry. I would lean on  
16 the side of leaving it vague. I'd like to get Anthony's  
17 perspective on whether or not going to the lengths to  
18 legally define these terms is actually helpful or not.  
19 Sometimes there can be benefits to the ambiguity, and I  
20 think leaving the opportunity for the next commission to  
21 have that ambiguity could potentially be helpful. We  
22 don't know what this is going to look like in 2030.

23 And I just wanted to remind us all some of these  
24 terms, particularly redistricting matters, were defined  
25 for us by our attorney. Early on, Marion gave us a

1 different definition and her definition, her legal  
2 definition of redistricting matters and how to apply it.  
3 I think leaving detailed notes on how we use that  
4 definition, what that was for us, how it applied, some of  
5 perhaps even some of the questions that arose from it are  
6 really helpful.

7       And should issues arise for the 2030 Commission,  
8 certainly they could point to our -- the documents that  
9 we leave behind as a justification for how they want to  
10 define it in the future should they find themselves in  
11 court. But I think getting some input from Anthony and  
12 our Chief Counsel or others would potentially help guide  
13 this conversation.

14       CHAIR TURNER: Okay. Commissioner Sadhwani, if you  
15 would just indulge me, let -- since we had Commissioners  
16 Taylor and Fornaciari's hand popped up, Fornaciari and  
17 Taylor, can we have them comment because their hands were  
18 up prior to your request for him and so they won't be  
19 swayed or they can still state what they want to before  
20 Chief Counsel Pane speaks.

21       COMMISSIONER FORNACIARI: I will just concur with  
22 Commissioner Sadhwani's statement. I am apprehensive  
23 about codifying a definition, but I very much support  
24 forwarding all the information that we have and what  
25 definitions we use, why and what our experiences --

1 CHAIR TURNER: Um-hum.

2 COMMISSIONER FORNACIARI: -- were with to the future  
3 commission.

4 CHAIR TURNER: Beautiful.

5 Commissioner Taylor?

6 COMMISSIONER TAYLOR: Oh. Thank you, Chair. Yeah,  
7 I think I agree with Commissioner Sadhwani. Oftentimes  
8 ambiguity in the law is deliberate and it falls under,  
9 you know, especially when I look at it since we had the  
10 2010 and us the 2020 not pitting us against each other.  
11 Well, we fall under the sides of the coin that is the  
12 spirit and the letter of the law, neither one is --  
13 cancels out the other.

14 And I don't think that we should make it -- we  
15 should forward language that makes the spirit of the  
16 law -- the determinant or the letter of the law, the  
17 determinant going forward, I think it's deliberate, and  
18 you can interpret that law either side of the coin. So  
19 I'm probably -- I lean more towards leaving the verbiage  
20 as it is.

21 CHAIR TURNER: Okay.

22 Chief Counsel Pane?

23 MR. PANE: Thank you, Chair. And I appreciate the  
24 conversation from all the commissioners on this. This is  
25 certainly defining terms in a statute or is always a

1 double-edged sword. On the one hand, you think you're  
2 providing specificity, but in trying to provide  
3 specificity, you may create new ambiguities. And so it  
4 ends up becoming almost potentially a vicious circle.  
5 And I guess this is how attorneys have employment.

6       So it's really a very much a policy call for the  
7 commission. I think there's a lot -- it's strategy. And  
8 I think if you just forecast to a future commission and a  
9 future lawsuit in a future California Supreme Court, what  
10 are they going to have to go on? They're going to have  
11 to go on the same language that the commission at the  
12 time has. They're going to have to go on the same  
13 Constitutional language that the commission has. And  
14 there are going to be legal arguments as to why the  
15 commission's interpretation application is the preferable  
16 one.

17       I do think regardless of whether there's further  
18 specificity or not, there's going to be somewhat of a  
19 deference. Could be slight, but some deference to the  
20 commission in a future lawsuit because arguably you all  
21 are the future commissioners of the subject matter expert  
22 closest to this issue. And so there's going to be some  
23 deference to the arguments made by the redistricting  
24 commission as to why it came up with the application that  
25 it came up with.

1           That's tempered, though, obviously, with justices on  
2 the Supreme Court who will have their own understanding  
3 and their own interpretation application of it. So  
4 there's pros and cons, no matter which way you go. I  
5 don't think there is a right way to do it. I think there  
6 are strategies and burdens associated with each.

7           And so it really just does depend on do you want to  
8 give the future commission the flexibility and arguably  
9 the chaos that comes with it? Or do you want to define  
10 it more particularly understanding, of course, that in  
11 trying to define it, you -- there may be problems that  
12 get created by trying to solve one set of problems. So  
13 it really is a tough choice. It's a tradeoff.

14           CHAIR TURNER: Okay. Flexibility and chaos,  
15 latitude, and potential problems.

16           Okay, Commissioner Sinay and then Commissioner  
17 Toledo.

18           COMMISSIONER SINAY: I think a commissioner --  
19 sorry.

20           CHAIR TURNER: Chief Counsel.

21           COMMISSIONER SINAY: -- Chief Counsel -- thank  
22 you -- Pane brought up one side of it is what is our feel  
23 about the future of the Supreme Court? Right. And then  
24 there's the other, you know, if we're looking future  
25 wise, is how do we feel about, you know, the 2010 and

1 2020 commissions, really this election, you know we  
2 believed in in their maps as and we really use the  
3 definition.

4       You know, VRA became kind of one of our tenants.  
5 And so one of the questions and I trust the process and I  
6 that the 2030 Commission will look like -- yeah, will not  
7 look like, but it's just one of those questions we have  
8 to put out there as we're looking into the future and  
9 watching what's happening in other parts of the country.  
10 Do we trust -- it comes down to do you trust that the  
11 future commission and future Supreme Court and future da,  
12 da, da will interpret fair maps in the same way that  
13 therefore they'll have a good conversation about  
14 redistricting matters, all these different pieces.

15       And I guess that's part of what's playing into my  
16 mind as I -- I believe I have in the past I've said I  
17 completely want to leave it open for the next commission  
18 so they can have the conversations and they can grapple  
19 with it. But that is based on my assumption that it will  
20 be a reflective commission and of the State of  
21 California. And so I don't want to walk away from this  
22 without being a negative person and saying, you know, can  
23 this process be manipulated?

24       CHAIR TURNER: Commissioner Toledo?

25       COMMISSIONER TOLEDO: Thank you. Just if memory

1 serves me, we -- our definition of our redistricting  
2 matters was very consistent with the previous  
3 commissions, the 2010 commissioned definition. And I'm  
4 just curious to hear from Anthony whether it would make  
5 sense to have to go through the rulemaking process or  
6 some similar process, to try to move this sort of thing,  
7 to clarify what -- to essentially codify what's been done  
8 for the past two commissions.

9       And I don't -- given that it's been pretty  
10 consistent and something I can't remember if the courts  
11 have upheld or even looked at the question in the cases  
12 that have gone before it. So just wondering if he can  
13 speak to that.

14       MR. PANE: Sure. Thanks. Thank you, Commissioner.  
15 Whether to do regulations, I think first the issue would  
16 be getting regulatory authority in the first place. I  
17 think the commission would need to get that first. Let's  
18 assume we do get that. The advantage of a regulation is  
19 that it's still an open process -- transparent process  
20 for making changes. I do think no matter which process  
21 you go with, whether you go through a regulatory process  
22 or a statutory process to further clarify the term -- any  
23 term, frankly, not just necessarily redistricting  
24 matters, you -- but I would say with redistricting  
25 matters, you're probably going to get the most probably

1 the most vociferous debate on that because it's so  
2 central to what the commission deals with.

3 And so where do you, you know, maybe what you're  
4 getting at, Commissioner, is where do you want to have  
5 that discussion? Do you want to have that discussion  
6 over a regulatory hearing? As you're trying to define  
7 it, once we have regulatory authority, do we want to have  
8 that conversation amidst a potential statutory change or  
9 do we want to have that conversation as an argument in  
10 the courts where the commission is arguing one side of it  
11 and the other -- the opposing litigation firm or opposing  
12 side is arguing a different interpretation and the  
13 California Supreme Court is deciding what that means.

14 As you may know, we've already had one lawsuit  
15 interpreting what redistricting means, redistricting  
16 matters means. The California Supreme Court agreed with  
17 the Commission on what it meant. So you know -- so  
18 again, I think it depends where the redistricting  
19 commission wants to have this conversation. What's the  
20 venue? Different prospect regulation, a statute or a law  
21 or a court decision, those are different audiences,  
22 different environments. And so that is, I think --  
23 that's sort of based in your question, Commissioner, I  
24 think is where do you want to have that conversation?  
25 Because I think you will have the conversation. It will

1 be a very you know, as I said, a very vociferous  
2 conversation. But the question, I think, is where you  
3 have that.

4 COMMISSIONER TOLEDO: Can I respond to that,  
5 Commissioner -- or Chair Turner? Well, given that the  
6 Supreme Court has agreed with our interpretation and  
7 previously and we pretty much been consistent with the  
8 2010, and now our definition is pretty similar to the  
9 2010 definition it may make sense to go through reducing  
10 some of the risk to the commission.

11 Ultimately, this is a risk issue. Not having  
12 clarity around that may pose a risk to the work of the  
13 commission and may make sense to either go through a  
14 regulatory process to define -- that doesn't alleviate  
15 all of the risk. But it may reduce it for a future --  
16 for our current and future commission. Thank you.

17 CHAIR TURNER: Okay. Subcommittee, I'm not sure if  
18 you want to kind of test the consensus of the --

19 COMMISSIONER FERNANDEZ: Well, it kind of -- I don't  
20 think there is consensus at this point. I think we  
21 have -- and Commissioner Toledo, I just wanted to  
22 clarify, when you talk about -- are you talking  
23 regulatory, is us having our own regulatory authority or  
24 are you talking about going through the Legislative  
25 process and amending the -- our language, our government

1 code section?

2 COMMISSIONER TOLEDO: I would be in favor of getting  
3 regulatory authority so that we can go through the roll  
4 making process and us taking the lead on defining what  
5 our -- us interpreting and taking the lead on going  
6 through that process. It is a burdensome process because  
7 we have to have hearings and such. And I'm sure Chief  
8 Counsel Pane can give us a more detailed explanation of  
9 how that would work.

10 But it would be us being in the lead of defining our  
11 own statute and interpreting our statute and having the  
12 public weigh in and then having us be part of that. So  
13 instead of having the Legislature kind of frame the  
14 conversation, we'd be framing the --

15 CHAIR TURNER: Um-hum.

16 COMMISSIONER TOLEDO: -- conversation. And which I  
17 think is appropriate if we wanted to do something like  
18 this, because it is the independent commission deciding  
19 it's -- deciding the definition of this of legal term.  
20 And so I would have preferred to do it through the  
21 rulemaking process. I do know it's burdensome and would  
22 require resources to do so. But I just wanted to give  
23 that perspective. Thank you.

24 CHAIR TURNER: Thank you for your response.

25 Commissioner Fornaciari?

1           COMMISSIONER FORNACIARI: You know, that's not on  
2 our list of things you want to do. I mean, how do we do  
3 that, Anthony? I mean, Chief Counsel Pane.

4           MR. PANE: So I would say if we're trying to add  
5 terms and the consensus is to do it through regulatory  
6 action, the first thing we would need to do is get  
7 regulatory authority for making regulations. That I  
8 would defer to the subcommittee as to where it falls on  
9 this list. And you know, certainly if it's not on a  
10 particular list, then I guess there is a question then  
11 for the commission, is it important enough to put it on a  
12 list?

13           And that's very much a policy discussion for the  
14 commission to have. My understanding is the commission  
15 is sort of taking sort of -- there's one list that the  
16 commission has already at least edged towards as far as  
17 making recommendations on topics and concepts. And then  
18 there's another list that could still create topics for  
19 discussion that maybe isn't quite as far along, but you  
20 know, doesn't prevent further discussion of particular  
21 topics.

22           And so I'll leave it up to the commission as to how  
23 which list or if it falls into of the topic of getting  
24 regulatory reform.

25           COMMISSIONER KENNEDY: So just to be clear, though,

1 to get regulatory authority, we have to go through the  
2 Legislature to get it to us?

3 MR. PANE: We would need --

4 COMMISSIONER KENNEDY: That's the process?

5 MR. PANE: Yes, we would need statutory --

6 COMMISSIONER KENNEDY: Okay.

7 MR. PANE: -- authority that allows the commission  
8 to promulgate regulations.

9 CHAIR TURNER: Um-hm.

10 MR. PANE: And there's enough departments and  
11 enough -- I mean, the language itself is standard. It  
12 wouldn't be unique, but because it is standard, the  
13 absence of the commission, having that basic language, we  
14 wouldn't be on very solid ground by then saying, well,  
15 it's sort of implicit in our statutory scheme when the  
16 language itself is pretty clear as to how to have that.

17 So yes, I would say we would need the statutory  
18 authority which allows the Commission to promulgate  
19 regulations because not every department that exists in  
20 the State of California has that authority. So we would  
21 want to make sure and clear first that we have that  
22 authority.

23 CHAIR TURNER: Um-hm. Um-hm. Okay. I'm not  
24 feeling a lot of energy around it right now, but will  
25 absolutely support what the Commission decides.

1 Commissioner Akutagawa?

2 VICE-CHAIR AKUTAGAWA: Yeah. Thanks for this really  
3 interesting conversation. If I can make a suggestion  
4 because to the point that perhaps Anthony just made,  
5 could we just put this on the -- I'll call it the parking  
6 lot where we'll just table it for right now as something  
7 that we may want to do. I'm realizing that as we're  
8 going through each of these other things that we have not  
9 had really detailed conversations about yet, there are  
10 new things that are being added to our list.

11 And so perhaps we should just go through everything  
12 first, and then we could then determine what makes sense  
13 around at least this particular one. Because if there's  
14 other things in the course of the discussions of the  
15 other topics, there is -- let's just say, for example,  
16 that there are other things that come up that would meet  
17 this kind of statutory authority to be able to create  
18 regulations it maybe then something that would make sense  
19 for us to then more seriously consider in the pursuit of  
20 multiple changes versus just the one.

21 And then as we go through other things too, we may  
22 also decide some other things are going to be more  
23 important than other things. Also, remember that we got  
24 eight more years. It doesn't have to be all done in the  
25 first year. And that's also going to be important

1 because we're clearly going to be different than the  
2 previous commission in a sense that we're taking a much  
3 more active role in some of these things.

4 That also means that from a budgetary perspective,  
5 we will need to think about, you know, the kind of the  
6 budgets available for some of the work that we're hoping  
7 to enact. For example, if we do hearings and other  
8 things like that, obviously it's going to be much more  
9 than what we had estimated in our original BCP. So those  
10 are also things that I think we'll need to consider and  
11 to plan for as well, too.

12 CHAIR TURNER: Um-hum. Okay. And Commissioner  
13 Akutagawa, I think your mic is what Commissioner  
14 Fernandez said earlier. So you may need to log off and  
15 back on.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Glad you said that. I  
18 wasn't sure if it was me or my computer. Yeah, similar  
19 to what Commissioner Akutagawa said, I believe with this  
20 regulatory, I believe it's more staff consuming or  
21 intensive. And I just reminder we're only going to have  
22 one full time, but I do think it's something that we  
23 should look at. And when I say we, that doesn't mean me,  
24 the commission should look into if they are interested in  
25 obtaining that, regulate the regulatory authority is to

1 see what it entails in terms of getting the authority,  
2 what that entails, after you get the authority and what  
3 process you have to go through.

4 CHAIR TURNER: Um-hum.

5 COMMISSIONER FERNANDEZ: And if there is more  
6 responsibilities placed on the commissions -- because  
7 another piece of it is we also don't want to add more on  
8 to future commissions as well. So I think it's probably  
9 good to look into it so that we kind of know what the  
10 pros and cons are before we actually make a decision  
11 point -- a decision at that point.

12 CHAIR TURNER: Okay.

13 Commissioner Kennedy?

14 COMMISSIONER KENNEDY: Thank you, Chair. We have  
15 discussed rulemaking authority on a number of occasions,  
16 so we've discussed it in relation to defining fully  
17 functional. In that case, it's probably, though not  
18 necessarily, going to be a matter of working with  
19 California's state auditor's office, using their  
20 regulatory authority to modify the regulations that  
21 currently exist. Because CSA does have regulatory  
22 authority. We are at least the selection process for  
23 redistricting commissioners is already subject to those  
24 regulations.

25 And I believe, you know, to the extent that Chief

1 Counsel Pane may wish to offer us some advice on this as  
2 to whether it would be better dealt with through CSA  
3 regulations or through our potential eventual regulatory  
4 authority. But you know, that issue defining fully  
5 functional is definitely something that we've been  
6 talking about for quite a while. That would be -- that  
7 would go through the regulatory process. Thank you.

8 CHAIR TURNER: Um-hm. Thank you. Okay.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Well, we're at an impasse.  
11 How's that sound for this one specifically in terms of  
12 one, whether to move forward and define it. There seems  
13 to be it's almost like an equal amount -- number of  
14 commissioners that would prefer that future commission  
15 define it. And then there's also the other side of it  
16 that they're maybe leaning towards defining it to get rid  
17 of any ambiguity.

18 So at this point, we're kind of stuck in the middle.  
19 So there is --

20 CHAIR TURNER: It's not time sensitive, right? We  
21 have no --

22 COMMISSIONER FERNANDEZ: It's not time sensitive.  
23 I'm thinking we could do a couple of things. We could  
24 maybe look into the process for -- to obtain regulatory  
25 authority and see what the staff needs would be and what

1 the process would be and whatever else is needed. We  
2 could do that. When I say we, it's probably not our  
3 subcommittee. That's something -- that's a different  
4 process. But again, we're probably going to have to put  
5 this one maybe on the shelf and then continue to move on  
6 so we can get through the other ones to see where they  
7 land.

8 CHAIR TURNER: Okay. And we're probably going to  
9 have to get to the other stuff, too, after lunch, after  
10 closed session, into the afternoon. So we are right  
11 now -- yeah. Before we start another one, we're at 12:43  
12 now. We're going to go ahead and go to lunch. And once  
13 we come back from lunch, we're going to come back from  
14 lunch into closed session. That should be for about an  
15 hour before we come back again.

16 Commissioners Sadhwani and Fernandez?

17 COMMISSIONER SADHWANI: Thank you. And I know I'm  
18 holding us up before lunch, but I just wanted to say  
19 apologies I'm not to be able to stay on this afternoon.  
20 I don't have childcare this summer, so I have to take  
21 kids to the dentist. But I did want to just note before  
22 getting off that I am very concerned about the Supreme  
23 Court taking up this case around the Legislatures and  
24 their potential like extreme authority to oversee  
25 elections and what that would mean for the California

1 Citizens Redistricting Commission and whether or not we  
2 could continue to exist. So I just wanted to make sure  
3 that that's -- I just wanted to note that in case we are  
4 able to discuss it later and just to register my concern.  
5 Thank you.

6 CHAIR TURNER: Commissioner Fernandez?

7 COMMISSIONER FERNANDEZ: Yes, I just wanted to --  
8 there is no urgency for us to go through the entire list  
9 today. I just want to make sure --

10 CHAIR TURNER: Okay.

11 COMMISSIONER FERNANDEZ: -- I put that up because we  
12 won't be able to draft up the language and have it to  
13 bill until early next 2023. So I just want to make sure  
14 that you.

15 CHAIR TURNER: Okay, so when we come back and we're  
16 going into closed session for pending litigation and for  
17 personnel -- possible personnel exemption. So when we  
18 come back, then perhaps we'll move on to the next  
19 subcommittee. Okay. All right. So we're back from  
20 lunch into closed session at 1:45.

21 (Whereupon, a recess was held from 12:43 p.m.  
22 until 1:45 p.m.)

23 CHAIR TURNER: Thank you and welcome back from  
24 lunch. And we are coming back from a closed session  
25 under pending litigation. And for that, we have nothing

1 to report at this time. And then also for a personnel  
2 exemption, and we'd like to report that we have received  
3 a motion to hire an SSM-1 pending reference checks. So  
4 excited about that.

5 We're going to go and finish out our subcommittee  
6 readout from the Legislative and Long-Term Planning and  
7 go for the third attempt back to the support letter. And  
8 when we finish this part, we will be moving to public  
9 comment. So for the support letter of approval, Anthony,  
10 let's see where we are in our language. And please,  
11 Commissioner Fernandez and Akutagawa.

12 MR. PANE: Okay. Thank you, Chair. So the  
13 highlights are the edits and additions I have made based  
14 on the recommendations that commissioners have made. The  
15 first one here, fair representation, is at the heart of  
16 fair elections, and appropriate district lines was an  
17 addition from what Commissioner Sadhwani had requested.

18 The second highlight, Commissioner Taylor, we had  
19 already touched base with him on that. So that sounded  
20 like that captured his sentiment. And the third  
21 highlight here is Commissioner Kennedy's edits to the  
22 first phrase of that sentence. And the fourth  
23 highlighted area was a comment that Commissioner Kennedy  
24 requested be inserted regarding an additional benefit of  
25 the passage of the bill that's specifically as it applies

1 to the Statewide Database and a local redistricting.

2 And then so I wanted to see in light of this, I  
3 note, Commissioner Andersen, you had some suggestions as  
4 well. I wasn't sure if Commissioner Kennedy's point here  
5 fourth one down is capturing at least some of the  
6 recommendations you had made. But with that, I wanted to  
7 also -- I know we need to also look at Commissioner  
8 Andersen's points as well.

9 CHAIR TURNER: She's here. Let me -- Anthony, can  
10 you put the full on the screen again?

11 MR. PANE: I'm sorry.

12 CHAIR TURNER: I wanted to see the full --

13 MR. PANE: All the changes?

14 CHAIR TURNER: Yep. Okay. Because I want to read  
15 all of it out loud so I can hear it -- so we can hear it.  
16 So it's fair representation is at the heart of fair  
17 elections and appropriate district lines. Counting each  
18 incarcerated person at the last known address makes far  
19 more sense than the place of incarceration. Doing the  
20 latter artificially drives up numbers in a country -- in  
21 a county and a city with a correctional facility.  
22 Inflating the apparent size and the political influence  
23 of areas with incarceration facilities violates our  
24 Constitutional right to equal political power based on  
25 population size. This needed change will provide equal

1 and fair representation for all districts in California.

2       Additionally, incarcerated persons do not intend to  
3 remain in a correctional facility. An important  
4 consideration when determining resident status. Because  
5 the incarcerated persons last address is known, it is a  
6 far fairer determination to count incarcerated persons at  
7 their last known address rather than at the correctional  
8 facility.

9       The harmonization of requirements between state and  
10 local redistricting will also ensure that there would  
11 only be a single version of the official redistricting  
12 database. This would reduce both the possibility of  
13 confusion among the public and the workload of the  
14 Statewide Database, which would already have a  
15 significant workload without having to produce two  
16 versions of the redistricting database.

17       For these reasons, we support this legislation and  
18 urged speedy passage and enactment. Thank you for your  
19 consideration. Okay.

20       Commissioner Andersen (Audio interference) oh,  
21 Fernandez?

22       COMMISSIONER FERNANDEZ: I think I just received  
23 something. Is that online feed is the volume on?

24       MR. MANOFF: Yes, it is.

25       COMMISSIONER FERNANDEZ: Okay. Thank you.

1 CHAIR TURNER: Commissioner Andersen?

2 COMMISSIONER ANDERSEN: Yeah. Thank you. My  
3 comment is, if I could pull up my screen, it just affects  
4 the first -- I actually did incorporate Commissioner  
5 Kennedy's, which is essentially, I guess, this -- well, I  
6 guess, well, the last paragraph. I did incorporate that  
7 into my moving. I could just share my screen to show  
8 you.

9 The point I was trying to put in here is right the  
10 beginning to say right now, and the bill does not  
11 actually mention this, right now local redistricting is  
12 being required to do this. We're being requested and so  
13 as to make it consistent. And we kind of get to that of  
14 eventually, but not right to beginning. You know, at the  
15 end here we say, you know, let's make it the same. So if  
16 I could just go in and share my screen, I think we can  
17 see that and see if we like that or not.

18 CHAIR TURNER: Sure.

19 COMMISSIONER ANDERSEN: Okay. So here's the first  
20 part. I just delete the -- it's -- it would say on  
21 behalf of the 2020 California Citizens Redistricting  
22 Commission, we write this letter and support a bill that  
23 would make permanent, necessary changes. Just delete  
24 that part. Then it says current law requires local  
25 redistricting agencies, but only requests California

1 Citizens Redistricting Commission count these  
2 individual's last known address rather than where the  
3 individuals or rather than at the institution where they  
4 reside.

5       The 2020 Commission counted them the last known  
6 address and believes the commission should also be  
7 required to do to do this to not only address what's  
8 known as the prison gerrymandering issue -- oh, I missed  
9 that, but make state and local redistricting census  
10 databases consistent and reduce the workload of the  
11 Statewide Database. And that I didn't -- and then I  
12 didn't -- so I took the last part out. I didn't change  
13 anything from there down.

14       So this last sentence essentially is a short version  
15 of Commissioner Kennedy's idea. And essentially, this  
16 part here, the switching, as you may know, but just for  
17 that and that current redistricting requires this, but  
18 only requests us. And I changed the sentence, we should  
19 also be required to do so. And then this is a -- my  
20 first was that was my first reasoning prison  
21 gerrymandering and then I added in these other two.

22       CHAIR TURNER: Okay. Comments? Questions?  
23 Feedback? What are we thinking? Does the addition being  
24 offered make it clearer? Does it clarify? Or do we like  
25 it the way it is? What's the desire or thought of the

1 commissioners?

2 Commissioner Kennedy?

3 COMMISSIONER KENNEDY: Thank you, Chair. Yeah, I  
4 think it improves the letter. I would still add in the  
5 bit about having a single redistricting database reducing  
6 potential confusion among the public.

7 CHAIR TURNER: Um-hum.

8 COMMISSIONER KENNEDY: I'm fine with this. On the  
9 items in yellow on the other version, I think that we can  
10 still look at reordering some of those because it almost  
11 to me, it's not reading as a logical sequence --

12 CHAIR TURNER: Um-hum.

13 COMMISSIONER KENNEDY: -- the way the sentences are  
14 ordered. But I think as far as the elements that we  
15 want. You know, I think we're there.

16 CHAIR TURNER: Okay. Great.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yeah. It's definitely more  
19 than I wanted a simple letter of support to have  
20 contained. And it's fine we can make the changes to it.  
21 We're down to the wire now, and I'm hoping, you know,  
22 we'll take the information and probably put it in a  
23 different -- there are sections that I thought weren't in  
24 the right order, as Commissioner Kennedy said. So I'm  
25 hoping we can just have the authority to make the changes

1 and send it on behalf of the commission at this point.

2 CHAIR TURNER: I'm definitely comfortable with that.  
3 Commissioner Andersen?

4 COMMISSIONER ANDERSEN: I think I'm still on -- you  
5 can hear me. I'm totally on board with that. And I've  
6 forwarded this to Anthony. So I believe, you know, he  
7 has this. And I also like what Commissioner Kennedy said  
8 about if they want to use this version and punch up this  
9 last part here in the green to make that consistent with  
10 what he was intending. I think that would flow -- it  
11 might help us with the flow of that letter.

12 CHAIR TURNER: Okay, great.

13 COMMISSIONER ANDERSEN: I'll stop sharing my screen.

14 CHAIR TURNER: Okay. So with that, what I'm hearing  
15 is that we will then give the subcommittee authority to  
16 make the last little bit of wordsmithing tweaks in the  
17 order and be able to send this forward. Beautiful.  
18 Okay. Anything else from the subcommittee at this time?  
19 And can we retire?

20 COMMISSIONER FERNANDEZ: I think that's all we had.

21 CHAIR TURNER: Anthony?

22 COMMISSIONER FERNANDEZ: Do we need to vote on this,  
23 Anthony?

24 MR. PANE: Yeah.

25 CHAIR TURNER: Where's Anthony?



1 MR. PANE: I'm right here. Hi. If we could,  
2 because this is going to be sent in by the commission,  
3 even though you've delegated it, it would be helpful to  
4 have a vote by the commission to essentially send a  
5 letter of support with the changes to be made by the  
6 subcommittee, you know, that went on record as a  
7 commission supporting this letter.

8 CHAIR TURNER: Okay.

9 Commissioner Andersen?

10 COMMISSIONER ANDERSEN: I so move and I want to say  
11 thank you. Thank you to the subcommittee who has done a  
12 huge amount of work on all of these items and move them  
13 forward and stayed with us and been very tolerant of all  
14 our changes and things like that. So but I'm -- I make  
15 the make the motion.

16 CHAIR TURNER: Is there a second?

17 COMMISSIONER FERNANDEZ: I think Commissioner  
18 Kennedy seconded.

19 CHAIR TURNER: Okay. Didn't see it. Okay, great.  
20 Didn't' see it.

21 COMMISSIONER FERNANDEZ: Put words in your mouth.

22 COMMISSIONER KENNEDY: Seconded.

23 CHAIR TURNER: Beautiful. So it will be the motion  
24 in a second. We will go to public comment for this  
25 section. And prior to the vote for the Legislative Long-

1 Term Planning. And for the incarcerated populations,  
2 Commissioner Fernandez included that in the readout for  
3 the Legislative Long-Term Planning. So at this point  
4 we'll go then to public comment --

5 MR. MANOFF: Sure thing chair.

6 CHAIR TURNER: -- for these items.

7 MR. MANOFF: And please remind me what are the items  
8 again?

9 CHAIR TURNER: P, Legislative Long-Term Planning and  
10 incarcerated populations, federal facilities.

11 MR. MANOFF: All right. So Item P?

12 CHAIR TURNER: Yes, P and F.

13 MR. MANOFF: P and F. And are we taking a public  
14 comment on the motion?

15 CHAIR TURNER: Yes. Thank you.

16 PUBLIC COMMENT MODERATOR: Sounds good. The  
17 Commission will now take public comment on sub item P and  
18 item F and the motion on the floor. To give comment,  
19 please call 877-853-5247 and enter meeting ID number  
20 81170012495. Once you've dialed in, please press star 9  
21 to enter the comment queue. The full call instructions  
22 are read at the beginning of the meeting and are provided  
23 on the livestream landing page.

24 We do have a caller.

25 CHAIR TURNER: Yes, please.



1 PUBLIC COMMENT MODERATOR: Caller 6252, please  
2 follow the prompts to unmute. The floor is yours.

3 MS. HUTCHINSON: Thank you. Good afternoon,  
4 commissioners. This is Helen Hutchison with the League  
5 of Women Voters of California. I am speaking today on  
6 behalf of the league and also of California Common Cause  
7 and the LEO Education Fund and Asian Americans Advancing  
8 Justice Asian Law Caucus. We strongly oppose any  
9 reduction in the public notice period for your meetings.

10 Our rationale is outlined in a letter that was sent  
11 from the league and Common Cause in May. And we want to  
12 also let you know that if this language were to be  
13 introduced in the Legislature, we will be actively  
14 opposing it there also. Thank you very much.

15 CHAIR TURNER: Thank you.

16 PUBLIC COMMENT MODERATOR: That is all our callers  
17 at this time, Chair.

18 CHAIR TURNER: Okay. Thank you so much. Any other  
19 discussion before we go to vote? Okay. We are ready for  
20 a vote.

21 MR. MANOFF: Yes, Chair. I'll pull that up right  
22 now. Okay. The motion is to approve the Commission  
23 letter of support with edits for the Assembly Bill 1848.  
24 Is that accurate, Commissioner Andersen?

25 COMMISSIONER ANDERSEN: Sorry. Yes. Yes, it is.

1 MR. MANOFF: Thank you. So the motion was made by  
2 Commissioner Andersen, seconded by Commissioner Kennedy.  
3 We will begin the vote.

4 Commissioner Vazquez?

5 Commissioner Yee?

6 COMMISSIONER YEE: Yes.

7 MR. MANOFF: Commissioner Ahmad?

8 COMMISSIONER AHMAD: Yes.

9 MR. MANOFF: Commissioner Akutagawa?

10 VICE-CHAIR AKUTAGAWA: Yes.

11 MR. MANOFF: Commissioner Andersen?

12 COMMISSIONER ANDERSEN: Yes.

13 MR. MANOFF: Commissioner Fernandez?

14 COMMISSIONER FERNANDEZ: Yes.

15 MR. MANOFF: Commissioner Fornaciari?

16 COMMISSIONER FORNACIARI: Yes.

17 MR. MANOFF: Commissioner Kennedy?

18 COMMISSIONER KENNEDY: Yes.

19 MR. MANOFF: Commissioner Le Mons?

20 COMMISSIONER LE MONS: Yes.

21 MR. MANOFF: Commissioner Sadhwani?

22 Commissioner Sinay?

23 COMMISSIONER SINAY: Yes.

24 MR. MANOFF: Commissioner Taylor?

25 COMMISSIONER TAYLOR: Affirmative.

1 MR. MANOFF: Commissioner Toledo?

2 COMMISSIONER TOLEDO: Yes.

3 MR. MANOFF: And Commissioner Turner?

4 CHAIR TURNER: Yes.

5 MR. MANOFF: The motion passes.

6 CHAIR TURNER: Thank you. Okay. And also wanted to  
7 acknowledge the letter that was sent in from the  
8 California Black Census and Redistricting Hub that is  
9 posted on our website as well concerning the incarcerated  
10 populations federal facilities. I forgot to do that  
11 earlier.

12 At this time, we're going to move to the last of our  
13 subcommittee updates. And so we'll go to Lessons  
14 Learned, Commissioners Kennedy and Yee.

15 COMMISSIONER KENNEDY: Thank you, Chair. The main  
16 work that is ongoing at this point is coding of the data.  
17 I have my notes, I have Commissioner Yee's notes, I have  
18 the letter received from community groups. All of those  
19 are being converted into a database, eventually a single  
20 database where every single item will be coded as to  
21 where it falls in the outline of the Lessons Learned  
22 discussion.

23 Each item will be coded as to whether it's a  
24 strength, a weakness, an innovation, or a recommendation.  
25 Each item will be coded as to the source. I'm thinking I

1 may also code them as to frequency, because one of the  
2 things that I'll be doing is eliminating duplicates. But  
3 I think it's important to keep track of how often some of  
4 these inputs were received. So there will possibly be a  
5 field in the database for frequency and then that will be  
6 sorted by the outline sub sorted by the type of input.  
7 And Commissioner, he and I will be able to begin  
8 drafting.

9       We've also been working to ensure that we have the  
10 information that we need for the annexes. I reminded  
11 Director Hernandez that we will be wanting to include a  
12 complete listing of all contracting actions, including  
13 their start date, how long it took to award the contract  
14 so that we can provide a comprehensive picture of the  
15 contracting side to the 2030 Commission and anyone else  
16 who's interested in that aspect.

17       We will be including a very comprehensive version of  
18 the Gantt chart, which will include every single meeting  
19 that we had, as well as some other highlights that aren't  
20 yet in the current version of the Gantt chart. You know,  
21 all of this is going to take time. We recognize that the  
22 Legislative issues that we're currently dealing with  
23 don't need to wait for the Lessons Learned report.

24       There may be further Legislative issues that do  
25 arise from the Lessons Learned report. Those would

1 probably be destined to be brought up with the  
2 Legislature next year or further out. So that is where  
3 we are on the Lessons Learned report itself. I will also  
4 report that I have -- I had heard back from the chairman  
5 of the San Diego County Redistricting Commission. They  
6 were one of the commissioners that was initially invited  
7 to join us back in March during our Lessons Learned  
8 discussions, along with the other commissions.

9       The Chair, at that point in time when I sent my  
10 letter, did not have access to his commission email, so  
11 he did not get the invitation at that point. We have  
12 since then established contact. I have floated with him  
13 the possibility that if they do have any Lessons Learned  
14 from their experience that they would like to share with  
15 us that might inform our Lessons Learned report that I  
16 would endeavor to add that to an agenda for one of our  
17 future meetings. So he's checking with folks that he  
18 needs to check with before getting back to me on that.  
19 Thank you.

20       CHAIR TURNER: Nice. Nice. Thank you. Great  
21 website, Commissioners Taylor, and Andersen?

22       COMMISSIONER TAYLOR: Good afternoon. Plenty of  
23 stuff going on with the website. We've met a few times  
24 and we've corresponded back and forth with staff. I  
25 guess, I'll try to give you some of the high-level

1 highlights. My team is transferring our website over to  
2 a Department of Technology server so that the website  
3 will be sitting on a CA dot gov address.

4 The idea behind that is that the website can exist  
5 in perpetuity as opposed to it being dissected into a  
6 this is the 2010 website and this is a 2020 website and  
7 we can just hand this over to the 2030 Commission and  
8 everything can sit from this point on, as is on this  
9 website.

10 CHAIR TURNER: Nice.

11 COMMISSIONER TAYLOR: The problem that -- the larger  
12 problem with that as we've discussed with Commissioner  
13 Kennedy is that the 2010 website is not in compliance.  
14 So it doesn't fall under the Government code guidelines  
15 or the web content accessibility guidelines. So all of  
16 that material has -- is supposed to be sitting at the  
17 State archives. So they're going to be the caretaker for  
18 all of those materials to get that information.

19 To get that information -- to retrieve that  
20 information, you'll have to go to the State archives if  
21 you want to get information regarding the 2010 -- the  
22 2010 website or the 2010 Commission. That process is  
23 still -- it hasn't been totally vetted yet. So we will  
24 have to have a moment where we go through to ensure that  
25 all of the 2010 materials have reached that point.

1           So I think that is the largest issue that is hand,  
2 the migration to the CA dot gov -- the migration of  
3 ensuring that all of the 2010 material is on that State  
4 Archives website. So it's in hand to the State Archives  
5 so that it can be retrieved.

6           CHAIR TURNER: There's a question or comment.

7           Commissioner Kennedy?

8           COMMISSIONER KENNEDY: Thank you, Chair.

9 Commissioner Taylor, if you could remind us what those  
10 accessibility requirements are that are impeding the  
11 posting of materials from the 2010 website. And I'm  
12 wondering if there are key items from 2010 that if there  
13 is an expense involved, if we might want to go ahead and  
14 incur that expense for key items from the 2010 Commission  
15 to be made available in accessible formats that would  
16 meet the California Department of Technology  
17 requirements. Thank you.

18           COMMISSIONER TAYLOR: So Commissioner Kennedy, to  
19 answer your question specifically, the Government code  
20 section is 7405 and 1135. And the State follows the web  
21 content accessibility guidelines. Now, I don't know  
22 verbatim all of the standards that the 2010 website would  
23 fall short of. But those are the guidelines that that it  
24 falls on 7405 of the Government code, 1135 of the  
25 Government code and the web content accessibility

1 guidelines. So I relied on their expertise that the 2010  
2 Commission -- the 2010 website didn't fall to those  
3 standards.

4 CHAIR TURNER: Okay. All right. Anything else,  
5 Commissioner Taylor?

6 COMMISSIONER TAYLOR: No. Commissioner Andersen?

7 CHAIR TURNER: Oh, thank you.

8 COMMISSIONER ANDERSEN: Yeah. Yeah. Thank you,  
9 Commissioner Taylor. You did a great job. The other  
10 item that we are still talking about is, you know, should  
11 there be some sort of listing even just on our website  
12 and what is on the 2010? But so far, we -- as Mr. Taylor  
13 said, there's a vetting process that we sort of said,  
14 let's have a look and see what we can actually get with  
15 that ends up with.

16 And that's part of the -- what kind of listing could  
17 we even have? But Commissioner Kennedy, you mentioned,  
18 you know, key items and it often comes up like what key  
19 items would you think we would want? And because that is  
20 so easy to see if, oh, those items might actually be  
21 compliable, I don't know. But in terms of if you have  
22 any sort of ideas of what might be key items, that would  
23 really be helpful.

24 COMMISSIONER KENNEDY: I'll take a look.

25 CHAIR TURNER: Thank you.

1           COMMISSIONER TAYLOR: Yeah. The idea is not to  
2 eliminate -- to scratch all the history. We know that  
3 we'll be able to have tabs. There'll be some reference  
4 to the 2010 website that in -- for lack of a better  
5 example, video may not be compliant or the way the videos  
6 posted might not be compliant.

7           Because it's not compliant per the Government code.  
8 We'll have to you'll have to sit in the State archives.  
9 It can still be requested. We can have instructions on  
10 how to get here. But it would take the current website,  
11 the website that we use out of compliance. So just in an  
12 effort to follow the Government code, we might have to  
13 seat or embed those somewhere else and with a pointer.  
14 Thank you.

15           CHAIR TURNER: Okay. Thank you. We're going to --  
16 Redistricting Engagement. Commissioners Sinay and  
17 Fornaciari?

18           COMMISSIONER SINAY: Actually, it's Commissioner  
19 Sinay and Yee.

20           CHAIR TURNER: Okay. Thank you.

21           COMMISSIONER SINAY: Do you want to start  
22 Commissioner Yee?

23           COMMISSIONER YEE: Sure. So as Commissioner Sinay  
24 mentioned, we continue to meet with Common Cause on  
25 noncommissioned team, to stay engaged with their national

1 efforts to help encourage and support independent  
2 redistricting commission efforts. Most recently, we were  
3 on a panel with a group of Minnesota Common Cause folks  
4 as they try to do ground work there to pursue an  
5 independent redistricting commission proposal they wanted  
6 to build there. So that was a good experience. We got  
7 to share our experience.

8       And I have to say personally, wow, it's just so  
9 daunting thinking about being in their position. It  
10 would be like being in California in 2005 maybe, or  
11 something like that, you know, and just the long odds,  
12 the hard work, the seeming unlikelihood of getting  
13 anything done. And yet here we are. It can be done.  
14 And so I'm glad we can provide that inspiration to them.  
15 It can be done. And you can put a system in that really  
16 does work. So I'm very glad to provide that.

17       Commissioner Sinay?

18       COMMISSIONER SINAY: Yeah. Just to add to that, the  
19 one piece that's even more daunting on theirs is that  
20 they don't have the citizen's initiative process. And so  
21 just thinking through how they're going to do that. And  
22 we did. So anyway, and then the other piece we've been  
23 working with is a conference for all commissioners on  
24 independent redistricting commissions throughout the  
25 country and at the State level. And a professor at the

1 law school at Stanford has agreed to host it. We're  
2 looking at mid-December, but we're still looking to raise  
3 funds to cover the cost of transportation. And then we  
4 will create a, you know, transportation as well as hotel  
5 and such. And we will create, you know, so we're just at  
6 the beginning even though December's around the corner.

7 So the feedback has been positive from funders that  
8 we've shared it with. But no one has said, here's a  
9 check. But everybody thinks it's a great idea. And to  
10 have these, you know, to bring everyone together, to have  
11 a conversation. And we will -- once we know that we can  
12 do it because we have the funding, then we'll look at how  
13 do we set it up all legally to follow every state  
14 equivalent of Bagley-Keene and all that.

15 CHAIR TURNER: Um-hum. Beautiful. And Commissioner  
16 Sinay, as you know, that December for all the reasons we  
17 struggled when we were going through the process is an  
18 extremely crucial time. So even without the money, if  
19 you all ever land on a date or time period, I would think  
20 it would be important to notify that as soon as possible.

21 COMMISSIONER SINAY: Yup. We also need to figure  
22 out how to be equitable to all commissions on how many  
23 numbers of people they can invite from their commissions  
24 and what they have to cover all that stuff. So yeah,  
25 we're working on all four details.

1 CHAIR TURNER: Beautiful. Okay. Thank you, both.  
2 Where am I? Okay. Audit, Commissioners Le Mons and  
3 Taylor.

4 COMMISSIONER TAYLOR: Good afternoon, again. The  
5 Audit Subcommittee function as another set of eyes. We  
6 met with staff, corresponded back and forth a number of  
7 times. We hope that the work was evident in the more  
8 comprehensive financial report in the budget  
9 presentation.

10 If there are any concerns or questions that need to  
11 be addressed, please direct them to staff. We'll look it  
12 over again. Staff did the hard work. Commissioner Le  
13 Mons and I were just there to ask a whole bunch of  
14 questions and they when they got the answers for us and  
15 they presented it in what I thought was -- what we  
16 thought, we hoped that a much better form that the  
17 committee could digest and use and you know, sink our  
18 teeth into. So thank you. Thank you, staff.

19 CHAIR TURNER: Beautiful. Beautiful. Thank you.  
20 And for our Staff Services Manager Recruitment  
21 Subcommittee we've reported out already coming out of the  
22 closed session.

23 Commissioner Fernandez, did you have anything else  
24 to add? Okay, great. So what we'll do at this point, I  
25 think we've gone through our subcommittees. We are going

1 to go to closed session -- go to the public comment,  
2 because we've completed this particular section.

3       What I'd like for -- while we while we prepare for  
4 that Kristian, would like to also ask commissioners to  
5 kind of just run through your minds real quick. Our next  
6 meeting is scheduled for August 3rd and in checking I  
7 don't see a lot of pressing information for August 3rd.  
8 So give that some thought while we wait for public  
9 comment and general public comment and we may not have  
10 that meeting.

11       And if that's the case, I'd like to announce it now  
12 for public that's here and for your own schedules to have  
13 it back, which would mean our next meeting would be  
14 August 31st. Kristian, let's go to public comment for  
15 our agenda item number three and for general public  
16 comment.

17       Mr. Manoff: You got it chair.

18       PUBLIC COMMENT MODERATOR: The Commission will now  
19 take public comment on agenda item three and general  
20 public comment. To give comment, please call 877-853-  
21 5247 and enter meeting ID number 81170012495. Once  
22 you've dialed in, please press star 9 to enter the  
23 comment queue. The full call in instructions are read at  
24 the beginning of the meeting and are provided on the live  
25 stream landing page. And for those who are called in, if

1 you'd like to give a comment, please press star 9.

2 We have no raised hands at this time, Chair.

3 CHAIR TURNER: Okay. So let's see. So  
4 Commissioners, just kind of a quick discussion, August  
5 3rd, we may end up with a quick meeting on the third  
6 because of the needing to vote. If we are going to do  
7 something on that, an amicus brief. But anyway, so stay  
8 tuned. We won't make that determination now. We'll see  
9 where we are August 3rd. And the meeting following that  
10 is August 31st. So I would just watch our emails and see  
11 how we'll be able to move on that. Commissioners, I  
12 don't have anything else on the agenda. Anyone have  
13 general comment?

14 Commissioner Kennedy?

15 COMMISSIONER KENNEDY: Just a reminder of the note  
16 that I had staff circulate, The Future of California  
17 Elections Conference is coming up in Burbank on the 25th  
18 of this month. I am hoping to be there. I hope to see  
19 colleagues there. I've participated in these conferences  
20 in the past. It's a great opportunity to see folks and  
21 discuss topics of, I think, great interest in our state  
22 and how we can continue to improve elections.

23 And as far as redistricting, there is a panel  
24 specifically on local redistricting. So even though our  
25 work isn't going to be the focus of a specific panel, I

1 think the panel on local redistricting could certainly be  
2 useful. And if there are enough of us there and we can  
3 split up and attend all of the concurrent panels, then we  
4 could put our heads together afterwards and make sure we  
5 all have a good understanding of what was discussed.

6 Thank you.

7 CHAIR TURNER: Beautiful. Okay. We do need to get  
8 our additional meetings scheduled. I think the last  
9 scheduling meeting -- the scheduled meeting we have is  
10 August 31st. And I'm always a proponent for having it  
11 marked and saved on the calendar just to ensure that we  
12 have the best opportunity for all of us to attend,  
13 particularly now that we're remote.

14 So look for a Doodle Poll of sorts that'll be coming  
15 out to make a determination of when our next meetings  
16 will take place. And let's see, I guess we'll make one  
17 last call for public comment for Section 5, because it's  
18 listed as its own about the next meeting. And I don't  
19 see any new callers, but we'll still make a call for our  
20 last public comment and then we will let you go.

21 Kristian?

22 MR. MANOFF: There are no hands raised at this time.  
23 Did you want to read the instructions again?

24 CHAIR TURNER: No.

25 MR. MANOFF: Okay.



1 CHAIR TURNER: I don't think anyone new has joined.

2 So you've read it?

3 MR. MANOFF: Yes. The same folks are here and they  
4 have not raised their hands and they gave comment  
5 earlier.

6 CHAIR TURNER: Okay, beautiful. Well, with that,  
7 we're going to adjourn for the day and we will see you  
8 all again either on August 3rd or August 31st. And we  
9 will, of course, give you plenty of notification time  
10 based on what we'll do. Thank you so much. This  
11 meeting's adjourned.

12 (Whereupon, the Citizen's Redistricting  
13 Commissions Public Meeting adjourned at 2:24  
14 p.m.)

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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.



JENNIFER BARTON, CDLT-247

July 28, 2022  
DATE



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 28th day of July, 2022.



JACQUELINE DENLINGER, CER-747  
Certified Court Reporter

